NOT UNANIMOUS

Counts Relating to Place Where Senator Received Money Are Found Untrue - Judge Erred in Charge to Jury.

WASHINGTON, Jan. 16.-The cause of

The opinion was handed down by Justice Peckham, who took up the various counts and recited the conclusions, as well as the divisions of the court, as follows:

Where Lower Court Erred.

to the sixth, seventh, eighth and a counts of the indictment, the court finds that the averments as to where the different checks were received and paid were not true.

The checks were received in Washing-ton, indorsed by Senator Burton and de-

ton, indorsed by Senator Burton and de-posited in the Riggs National Bank, in this city. This constituted a payment in Washington, and not in St. Louis, where the checks were afterward paid by the Commonwealth Trust Company, and the decision states that "the court in Missiouri had no jurisdiction to try the offenses set forth in these counts of the indict-ment already referred to."

There was no question that such was the fact, and it was error to submit the

the fact, and it was error to submit the matter to the jury to find some other fact not supported by the evidence. Con-tinuing, the decision says:

Error in Charge to Jury.

court also found error in the re-

Balanced as the case was in the minds f some of the jurors, doubts existing as the defendant's guilt in the mind of at of some of the jurors, doubts existing as to the defendant's guilt in the mind of at least one, it was a case where the most exirence care and caution were necessary in order that the legal rights of the defendant should be preserved. Considering the attitude of the case as it existed when the jury returned into court for further instructions, we think the defendant was cuttiled, as matter of legal right, to the charge asked for in regard to the previous requests to charge, which had been granted by the court under the circumstances stated, and it was not a matter of discretion whether the jury should, or should not, be charged as to the character of those requests. A slight thing may have turned the balance against the accused under the circumstances shown by the record, and he ought not to have longer remained burdened with the characterization of his requests to charge, made by the court, and when he asked for the assertion by the court of the materiality and validity and those requests which had already been made, the court ought to have granted the request.

Justice Peckham also took occasion to

Justice Peckham also took occasion to comment upon the fact that when the jury came in with a disagreement, the Judge asked how the jury stood, naying that the practice was one which should not be encouraged.

No Injustice to Burton.

Another Harian dissented from the opinion on both points on which the lower court was reversed. He held that the failure of the court to give the instructions required did not deprive Mr. Burton of any substantial justice, and on the other count contended that in the matter of the checks the Washington bank was merely Burton's agent in collecting money on it. "It seems to me," he added. "that in reversing the judgment upon the grounds stated in the opinion the court has sacrificed substance to mere form."

New Trial at St. Louis.

The trial under the indictment charging Senator Burton with receiving a cash payment at St. Louis will proceed immediately at that place. The Department of Justice has not yet considered the question of the trial place of the indictment alleging payments in this city. It is pos-sible the statute of limitation may oper-

The Timber Resources of America W. Frank McClure in the December Book-

lovers Magazine.

Across the Great Lakes in Canada there is one of the world's largest reserves of mber. In gpite of the tariff imposed, much of this timber is today coming to the United States. The forests of the Do-minion are beginning to yield abundantly. More than 1,000,000,000 feet of pine sawings and squate timber, during a recent season, were cut upon territory held under tim-ber license from the crown. Much of Canadia.

NEW TRIAL GIVEN

Icas than half a century. The annual cut of shingles and lumber in these regions in some 4,500,000,000 feet. The standing timber of Washington, Oregon and Northern California at present is twice that of the original timber lands of the Northern woods. Washington produces about as many feet of shingles and other lumber as Oregon and California together. This state is noted for its shingles, there being more than 1000 shingle mills within its borders. At Tacoma are located the largest sawmills in the United States.

MORAL SURGERY.

Recent Case in Indianapolis Attracts Wide Attention.

Boston Transcript. When surgery can be depended upon in any considerable number of instances to correct not merely physical troubles, but mental defects and moral abnormalities as well the achievement may be regarded as the coronation of the many triumphs it has wen during the last half century. As science develops this may not much to hope for, especially as it seems to have been already accomplished in the capital city of Indians. The story is told WASHINGTON, Jan. 16.—The cause of Senator J. R. Burton was decided by the United States Supreme Court today, dismissing the writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit Court, and reversing the verdict of the District Court for the Eastern District of Missouri on the ground that the payments to Burton were made in Washington. The District Court was therefore reversed and the case remanded for a new trial.

well as the divisions of the court as follows:

First—The question of the court as an incorrigible. The chief probation officer was a formed is the first to arise. Upon that question a majority of the court as the first to arise as the first to arise. Upon that question a majority of the court as the first to arise as a lieged in the indictment.

Second—Assuming that the statute apies to the facts stated in the indictment.

Second—Assuming that the statute apies to the facts stated in the indictment, a further question arises upon the general merits of the case, whether there was sufficient evidence of gulf to be submitted to the jury, and a majority of the court (the same Justices concurring) is of the opinion that there was, orise not prepared to say there was not, and the same minority dissent from that view and is of the opinion that there was no evidence whatever upon which to found a verdict of conviction.

Where Lower Court Erred. tunities he had previously thrown away.

A couple of years ago Dr. Lorenz cre-ated an agreeable sensation in this coun-try by his skill in straightening out de-formed limbs among children: but how much greater would be the social benefit if deformed brains could be set right. We do not look for the time when science are made as the man out of a convential can make a wise man out of a congenital lis price of common rough lumber from idiot, but there may be many cases in \$7.50 to \$8 a thousand. The market which accident has had a share for which science opens up a way of salvation. In wholesome condition than at any time fact, the doctor who operated upon the science opens up a way of salvation. In fact, the doctor who operated upon the Indianapolis boy claims that deformity of the skull should be corrected by artificial means soon after the child is born. "The

skull can be shaped with safety any time within ten days after birth." There may be a belated and unintentional recognition here of the claims upon which phrenology is based. There are cases of crime in which it might be more just and more humane to turn the offendin the case at but the proof was not disputed. The checks were passed to the credit of defendant unconditionally and without any special understanding. The custom of the hank to forward such checks for collection for itself. The only liability of defendant was on his indersement. All this made a payment at Washington, and as a result there was a total lack of evidece to sustain the sixth, seventh, eighth and sinth have, therefore, directed a verdict of not guilty on those counts.

This is not a case of a commencement of a crime in some district and its completion for more sixth, so that under the statute he court in either district has jurisdiction. There was no beginning of the offense in Missouri. The payment of the money was in Washington, ad there was no commencement of that offense when the offense in Missouri. The payment of the money was in Washington, as there was no commencement of that offense when the offense in Missouri. The payment of the money was linked to the court of the succession of crime in some district and its completion in anothers, so that under the statute for the court in either district has jurisdiction. There was no beginning of the offense in Missouri. The payment of the money was in Washington, as there was no commencement of that offense when the offense in Missouri. The latter did not thereby begin an offense in Missouri.

Error in Charge to Jury.

The Moon's Craters.

Waldemar B. Kaempffert in Decamber Booklovers. acid gas. Water cannot possibly exist as a liquid; for the 'emperature of the moon's surface during the long lunar night is probably no. far from 460 descrees below the zere mark of a Fahrenhelt thermometer. Ice and snow are the forms, then, which lunar water must assume. Is there any evidence of it? Hundreds of 'crater.ets' are lined with a giver coating that gleans dexit? Hundreds of "crater-eis" are lined with a sliver coating that gleams dazmingly when the sun shines full upon them. Capping the loftier peaks the same silver glow may be seen. On the slopes of the greater mountain chains, on the rampurts of huge craters the silvery sheen casts its halo, fading away strangely as the sun rises higher and higher, and reappearing at sunset their statement. same silver glow suc, slopes of the greater mountain chains on the ramparts of huge craters the silvery sheen casts its halo, fading away strangely as the sun rises higher and higher, and reappearing at sunset just before the long, cold funar night sets in. From many of the craters, notably from Tycho long white cays spread out for hundreds of miles—enigness and deadest burns in the state exist, they say, and one in particular extends across the big divide between the northward. Aside from these there are several mother than the lumar heavens. What they have lost they amount specific control of the ramparts of the greater mountain chair and caps the silvery sheen casts its halo, fading away strangely as the sun rises higher to forcest free as any portion to forcest free as any portion to the state and give a few facts to bear out their statement. In Tillamook County some of the exist, they say and one in particular extends aroths the big divide between the wilson at Trask rivers, and another controls the wilson at the wilson at the big divide between the state and give a few facts to bear out their statement.

In Tillamook County some of the larges and Harry A. Duffy, defendants. A. L. Brown, James Piectwood, J. W. A. H. In the state and give a few facts to bear out their statement.

In Tillamook County some of the exist. The beauty and one in particular at the state and give a few facts to bear out their statement.

In Tillamook County some of the larges and Harry A. Duffy, defendants. A. L. Brown, James County, Piecerod and Faker County, Piecerod and Aside from these there are several dead and barren burns which were as a collector of Baker County. Duffy and the slopes and radiates from the craters? According to the new school it is simply toe and anow, collecting at the poles, on summits, and in the very places where it ought to collect. Moreover, it partly explains the curious changes that occur at different times of the curious companies.

Aside from these there are several be the additional offsist bond of Hunthagton as tax collector of Baker County. Duffy and the suppliants were sureties. The bond did secure Jainful performance of duty which the county of the curious changes that occur at different times of the companies.

Last year two companies. changes that occur at different times of the lunar day in the size of the crater Linue, the "very small, round, brilliant spot," previously mentioned; It explains the lilumination of deep.

snow-bottomed pits and abysses that are inky black at sunrise and sunset, and brilliantly white when the sun shines directly into them; and it explains the fading away and reappear ance of white stains at different per-iods in the lunar day. The melting and and falling of anow, the disappearance and reappearance of hoar frost, alone can account for these changes. In old descriptions they are said to be due to to be free from fire. variations in illumination; in the philosophy of the new moon they are attributed with beautiful simplicity to the alternate evaporation and freezing of water expelled from craters in erup-

> Courts'ip and Its Cost. Atchison Globe

A young man sued a girl in another town recently for breach of promise, estimating in the bill for damages that his time spent in courting her for three months was worth 1500. Statistics will show that the young man exaggerates his value. Pernans his employer down't give him Perhaps his employer doesn't give him ary 14:

The amonth and if he worked all day and all night he couldn't earn \$15. If he were not in the gir's parior he would be on the streets loading, and getting into victories, and two native employee were wounded in action at Dolores River January 14. Private Austin. Hospital louis company. The time spent in courtwere cut upon territory held under timber Bosnas from the crown. Much of Canada's timber land has not yet even been explored. In the newly developed districts of Algoma, which are close to the Great Lakes, it is estimated that there are more than 100,000,000 cords of spruce and pulp wood, while in the districts of Thunder Bay and Rainy River there are nearly 200,000,000 cords more. A belt at least 200,0

Yellow Fir Goes Up to \$7.25 a Thousand.

LOGGERS PREDICT SCARCITY

Campa Will Not Open Until February 1, and Mills Are Rapidly Sawing Up the Available Supply.

The price of No. 1 yellow fir logs us gone, up a notch and all grades below that quality have received a cor responding increase. As yet the rise is not great. From a shifting price of \$6.50 to \$7 a thousand it has now gone up to \$7.25 and loggers believe that it will soon be \$7.50 and remain there for six months.

Logs are becoming scarce and there is reason for the rise in price. There are said to be no camps logging at the present time and the rafts now in the water are scarce. Moreover, they are becoming scarcer evrey day and the owners are holding off for a good figure before seiling. The camps not open again until the first of Februnry and will not be in full swing until April or May. Meanwhile the

mills are eating up the available sup-ply day and night. Last Fall the mills could get logs at their own figure and plenty of them at that. But the conditions have since changed. The loggers shut down their campe two and, in some cases, three months ago. Since that time the avail-able rafts have become gradually scarcer, and though no famine is threatened, the supply is limited and has no immediate prospect of being materially increased.

The first indication that the mills

were bidding for rafts came recently when the Deep River Logging Com-pany and the Yeon, Pelton Company both sold rafts at \$7.25 a thousand, a rise of 25 cents above the highest price which has been raid since last Series Almost describes with Spring Almost simultaneously with this purchase the Pertland Retail Lum ber Company, which practically con trols the local lumber market, raise

The changes in price of both logs and lumber show that the loggers have received what will amount to half the increase. They believe they will receive it all, however, before many weeks. The officers of the Portland Lumber Company have expressed the spinion that No. 1 yellow fir logs would soon be selling for \$7.50 a thou-sand and would sell for that as late

as June. The loggers are not so sanguine as that, but they expect the added increase until May.

Neither loggers or lumbermen expect that prices will receive any material increase until the war in the terial increase until the war in the Orient ends. They expect, however, that after the cessation of hostilities, there will be great sections of country opened and a big demand for lumber will follow. The war now on has materially affected the shipments of lumber from this port and is in great part responsible for the present reigning low prices.

OPPOSE FOREST POLICE.

Tillamook and Clatsop Representa-

tives Against Fire Protection. Timbermen who introduced a bill is the Legislature providing for a more efficient policing of the Oregon forests during the Sumer months to prevent fires have met with unexpected opposi-The court also found error in the refusal of the District Court to charge as
required when the jury came into court
and amounced its inability to agree. The
failure to charge as required was because
the presiding Judge considered the points
were obstructions of law, but it afterwards appeared that the points had a
bearing upon the jury's consideration of
the case. On this point the decision says:

Baisneed as the case was in the minds

Waldemar B. Kaempffert in Decamber
Booklovers.

If there be craters on the moon that
are anything but extinct they must exple something. Judging by the disfrom Wasington. Oregon. Utah and
during the Oregon forests
during the Sumer months to prevent
from Wasington. Oregon. Utah and
during the Oregon forests
from Waldemar B. Kaempffert in Decamber
Booklovers.

If there be craters on the moon that
are anything but extinct they must exple something. Judging by the disfrom Tillamook and Claisop counties.
They have learned that these legislators have been taking the stillude
as a liquid; for the 'emperature of the
as a liquid; for the oregon forests
are anything but extinct they must exple something. Judging by the disthe part of representatives
from Tillamook and Claisop counties.
They have learned that these legislators have been taking the stillude
of Lincoln C. Burton Against
who made a brief address. The committee on legislation made a previound for the Oregon forests
during the Sumer months to prevent
from Vasidation The oregon for the oregon forests
from Tillamook and Claisop counties. extending it to their counties, as they have heavy dews and wet sea fogs which come upon the land overnight and put out the fires. So, ask they, why should their constituents be put to the trouble of securing a license ever

township in Tiliamook County, and a whole section in Classop County. These two companies spent \$5,000 fighting fires during the Summer.

These facts are to be brought before

the House to show that the timber in-terests of Tiliamook and Clatsop coun-ties need as much protection as anyties need as much protection as any-where. Of the timber in the state, estimated to be worth at the present time \$10,000,000, about \$2,000,000 worth is in the two countles which are suppose

BATTLE IN PHILIPPINES.

Constabulary in Samar Have Bloody Encounter With Natives.

WASHINGTON Jan 16.—Lieutenant-General Chaffee, chief of staff, today re-ceived a cablegram from General Corbin, commanding the Philippine division at Manila, saying that he has received the following dispatch from Brigadler-Gen-eral Carter, commanding the Department of the Vissyas, dated Tacloban, Janu-ary 36.

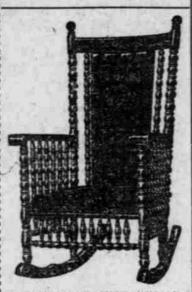
lary were killed in action near Massiog.
Samar, January 8. Lieutenant Avery and
Private Austin arrived here today."
The officer referred to in the above dispatch is First Lieutenant Morton L.
Avery, of the Phillippine Scouts.

Sent Back to Asylum.

KALAMA, WASH., Jan. 16 .- Spe-



CHIPFONIER, with golden oak, white maple and mabogany finish, swell top drawers, hat box, oval French mirrors; special... \$12.60



GOLDEN OAK ROCKER, full spring seat, uphoistered seat and back in best leather; special.... \$13.75



Third Week of Our Annual Discount Tag S During which you will find the discount tags of 10, 15, 20, 25 and 33 Per Cent attached to odds and ends throughout our store. You will find more Furniture Bargains in this store this week than ever before in any furniture house in the city. Don't overlook our Carpet and Curtain Department.

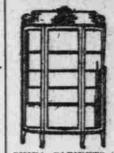


We Sell These Ranges at \$1.00 a Week

Give You a Free Trial of Thirty Days. Ranges Delivered and Set Up in Your Home the Same Day Ordered.

"The Store That Saves You Money"

Cor. First and Taylor



BAKER LOSES SUIT

Bondsmen Involved.

Clara Anthony and Others is Upheld.

> SALEM, Or., Jan. 16—(Special.)—The Supreme Court handed down two deci-sions today. In one of these Baker County loses its case on appeal involving the

Baker County, respondent, vs. A. H. Hunt-ington and Harry A. Duffy, defendants, and A. L. Brown, James Picciwood, J. W. Insen-hofer, J. T. Fyfer, D. Cartwright, appellants, from Baker County. Robert Dakin, Judge, Reversed and remanded. Opinion by Chief Justice, Walvertee.

Last year two companies, the Du-bolse and the Riten and Wentworth companies, lost 25 40-acre tracts in one township and half a section in another township in Tiliamook County and \$7000. Brown and Fleetwood did not justify. This suit having been brought to recover an account of Huntington's defalcation, the sureties demurred to the complaint on the ground that it did not state a cause of action, since it does not appear from the instrument that it was an additional bond given by the Sheriff as tax collector.

The demurrer was overruled and the case.

The demurrer was overraided and the care-tried, resulting in a judgment for the county. An appeal was taken. The Supreme Couri-holder that the complaint states a cause of action, for it may be shown by proof that this was the additional bond provided for by law. At the trial the defendants undertook to show that they did not authorize Hunting-ton to deliver this instrument to the County Court but the trial court rejected the test-Court, but the trial court rejected the testi-

The Supreme Court holds that this was er-rer, for the defects in the bond mentioned above were sufficient to put the County Court on inquity and overcome the presumption that when the bond was given to Euntington be when the sond was given to juntificto be was given authority to deliver it to the County Court. Since the sureties are not estopped from showing that the authority was not given, the evidence offered should have been admitted. The case is reversed and remanded to the lower court for such further proceedings as may be proper.

Burton ve Anthony, et al. Harton vs Anthony, et al.

Lincoln C. Burton, appellant, vs. Clars Anthony, Wajter Anthony and H. H. Burton, guardian of Waiter Anthony, respondents, from Yambill County, R. P. Bolse, Judge, affirmed. Opinion by Justice Moore.

Held, that where a minor and his mother borrowed money with which to redeem the former's property from sale on forecloure of mortgage, the lender cannot escure a decree deciring a lien upon the land in his favor, but otherwise, if an agreement had been entered into to the effect that the lender abould be substituted in the place of the former creditor.

Superior Judge is Impeached. SACRAMENTO, Cal., Jan. 16.-Articles cial.)—Marion Colvin was adjudged insame and committed to the asylum this
morning. He was sent up from this
county about six years ago to the
asylum but was released as cured
after a short time.

Los Angeles at the request
of the Los Angeles Bar Association.
Judge Torrance is accused of having gone

Liability of Defaulting Sheriff's Southwest Association Called to Order

Castorn of Hood River, said Oregon was badly in need of legislation, among others a law prohibiting the selling of fruit under the names of other sections than those where it was raised.

Governor Gooding could not attend

the session. His address of welcome was read at the afternoon session by Secretary Sinsel, of the association. Through President Smith a handsome gavel was presented the association by the secretary of the Oregon Historical Society. It was made from wood of a Royal Anne cherry tree taken to Ore-gon in 1847 by Henderson Lueiling, from lows, and from an apple tree grown from seed planted at Vancouver by James Bruce, gardener for Dr. Mc

Papers were read by A. McPherson Idaho State Horticultural Inspector and Professor Aldrich, of the State

GIRLHOOD WOMANHOOD MOTHERHOOD

The first lesson that the young girl has of womanhood is usually a painful one. She learns to know what headache means, and backache, and sometimes is sadly borne down by this new experience of life. All the pain and misery which young girls commonly experience at such a time may, in almost every instance, be entirely prevented or cured by the use of Doctor Pierce's Favorite Prescription. It estabprevented or cured by the use of bottom Pierce's Favorite Prescription. It estab-liabes regularity. It tones up the general health, and cures headsche, backache, nervousness and other consequences of womanly weakness or disease.

The anxious mother of the family often-times carries the whole burden of responsi-bility so far as the home medication of common silments of the girls or boys are

bility so far as the home medication common silments of the girls or boys are concerned. The cost of the doctor's visits is very often much too great. At such times the mother is invited to write to Dr. R. V. Pierce, of Buffalo, N. Y., for medical advice, which is given free. Correspondence is held strictly confidential.

Bested up by over a third of a century

Backed up by over a third of a century of remarkable and uniform cures, a record such as no other remedy for the diseases and weaknesses peculiar to women ever attained, the proprietors and makers of Dr. Pierce's Favorite Prescription now feel Pierce's Favorite Prescription now feel fully warranted in offering to pay \$500 in legal money of the United States for any case of Leucorrbea, Femals Weakness, Prolapsus, or Falling of Womb, which they cannot cure. All the World's Dispensary, Medical Association, Proprietors, of Brifalo, N. Y., ask is a fair and reasonable trial of their means of cure.

trial of their means of cure.

"Your wonderful medicine, 'Pavorite Prescription,' has helped me greatly in time of suffering," writes lirs. Mints Wright, of Edwards, Ind. "Last winter I was unable to do my work, was to be confined in February, and a lady in Illinois wrote and told me about your medicine. I used three hottles of "Pavorite Prescription," and will say I had the ensient and quicklest confinement I ever had. Had three children before, and would suffer from twenty-hor to thirty-six hours before birth, but this time only two hours. Have a fine baby girl and she is the most healthy one of all. I am still using the "worthe Prescription' as a tousin."

to the home of one of the parties to a divorce suit and there questioned witnesses to the prejudice of the adverse litigant.

Idaho association. Among those present is Professor Carliele, of Spokane, who capital of \$6,000,000 Am. Hellman says the conditionant.

by President Smith.

BOISE, Idaho, Jan. 16.—(Special.)—
The Northwest Fruitgrowers' Association met here today for a three days' session, with representatives present from Washington, Oregon, Utah and Idaho. The sessions are held in the Y. M. C. A. suditorium. An elaborate display of apples and pears had been prepared by local growers and it has interested the visitors very much.

The meeting was called to order by who made a brief and mittee on last.

will merge their capital and interests
under the corporate name of the Weils,

Fargo-Nevada National Bank with a capital of \$6,000,000 and a surplus of \$5,000,000. Mr. Hellman says the combined assets of the two banks after consolidation will approximate \$20,-100,000. The purpose is to conduct all the business in one hullding. The cler ical forces of both institutions will be

Light Docket at Kalama.

KALAMA, Wash, Jan. 16.—(Special.)—Judge McCreedy, the new Superior Court Judge, will hold his first session of court in Cowlitz County Tuesday. The Judge will find the County Jail empty and only one criminal case on the docket.

To cure scrofuls, sait rheum, dyspepsia, catarrh and rheumatism, take Hood's Sarsaparille.

