

The orthogant was acjuaged a bank-rupt in November, 1900, and was dis-charged of his debts by order of the Fed-eral Court in May, 1901. His home in Cor-vallis was set apart to him in the course of the bankrupicy proceedings, and the estate was fully settled and the trustee discharged in 199 attempted murder and was acquitted. Soon after this he left for the West, Maines was a broad-shouldered man, weighing 200 pounds. He had brown hair and blue eyes, with toeth slightly pro-truding. He was 5 feet 6 inches tail and harged in 1962.

discharged in 1962. This suit was instituted in March, 1963, to subject the home to the payment of four notes executed in 1891. These notes were proveable, and were proved in the bankruptcy proceedings, and a small divi-

ed the suit and the plaintiff appealed. The. homestead exemption act was passed in 1885, after these notes were given, and the question presented in this asa was, whether a court of equity has larisdiction to entertain this suit, since the bankrupt has been discharged of the debts upon which the suit was founded.

The Supreme Court, affirming the lower ourt, holds that the debt was not a lien upon this property, and that, since the debtor had been discharged by the bankruptcy proceedings before the plaintiff edy is entirely swept away.

Smith vs. Bayer and Hobkirk.

Milton W. Smith, respondeni, vs. J. C. Bayer and Peter Hobkirk, appellants, from Multnomah County./M. C. George, Judge; reversed and new trial ordered. on by Justice Bean.

Plaintiff brought action upon a note indorsed to him "for collection and return" to the payee. The defense was, that the note had been paid by defendants to the

Held that the plaintiff has a right to bring action in his own name to collect the note, but he will not be permitted to introduce parol evidence to contradict the indersement and show that he owns a two-sevenths interest. Held also that two-sevenths interest. Held also that payment by the defendants to the payee is a good defense to the action.

BROKE OPEN BOX-CAR AT GOBLE

Harry Millerman Says He Needed Shoes-State Will Furnish Them.

ST. HELENS, Or., Feb. 13.-(Special.)-Harry Millerman was brought before Judge McBride today charged with the erime of burglarizing a Northern Pacific freight car at Gobie on Friday last. Milerman was caught inside of the car by the station agent, and on attempting to escape, the door was closed and he was

fastened in until help was secured. The car was filled with merchandise for Astoria, and Millerman had broken open shoes and scattered them about n case of the car. He admitted his guilt, but stated that he had been drinking, and did not in tend to take anything except one pair of shoes. He was given the lowest sentence, one year in the penitentiary, and was taken to Salem by Sheriff White this

evening. BODY FOUND UNDER THE ICE

Harvey Dunn Broke Through While

Skating on Warner Lake.

HOOD BIVER, Or., Feb. 13 .- (Spe-cial.) -- The lifeless body of Harvey Duna was found this morning under the ice of Warner Lake, near Bingen Lending. The young man started skat-ing Sunday afternoon, and it was thought he had spent the night with friends. But fulling to return, search was made for him this morning, when his pony was found tied near the pond and a hole seen in the ice Dunn was the adopted son of Mr. and Mrs. A. H. Jewett, of White Salmon.

THREW HIMSELF ON TRACK

Jury Finds Portland Man Committed Deliberate Suicide at Warren.

ST. HELENS, Or., Feb. 11.-(Special)-The inquest held today at Warren over the body of Thomas O. Connell, of Portland who was killed by the Astoria & Columbia River southbound train Sunday, resulted in a verdict of suicide. When the train was approaching him, Connell over stepped of the track and then threw him-solf across the rail facing the train, un- noon

WALLA WALLA, Wash., Feb. 12.- the gates shall be opened and the sides (Special.)-The Midwinter fraternal carnival, under the charge of the raised during all times when salmon fish-Knights of the Maccabees and Foresters, was opened here tonight in the Armory with ceremony. At 7:50 o'clock a parade, composed of the Cavalry band was brilliantly decorated for the oc-

Winter Carnival at Walla Walla.

sually smooth shaven.

Clara Pickard was crowned queen and Mayor Hunt presented her the key of the city in a brief speech. The carnival will last the entire week. The was a student at Whitman Academy last Fall.

Dismissed From the Service.

VANCOUVER BARRACKS, Wash., Feb. 13.-(Special.)-Information was received from Washington today that Second Lieutenant Paul H. McDonnell, Tenth In-fantry, who was recently court-martialed at Fort Lawton for obtaining money on false pretenses and for conduct unbec ing an officer, has been sentenced to dis-missal from the service and two years at the military penitentiary at Fort Leavenworth, Kas

Fast living and dissipation are said to have been the cause of the Lieutenant's downfall.

Stands to Lose Millions.

BUTTE Mont. Feb. 12.-District Judge Bourquin this afternoon continued until February 27 The hearing of the order to F. Augustus Heinze to show cause why his answer in the case of the Boston & Montana against F. Augustus Heinze, et al. for \$5,750,000 damages for ore alleged to have been illegally extracted from veins of the plaintiff company. The hearing was to have been held today, but on account of the Sugreme Court's writ of prohibition, today's continuance was If Heinze's answer is stricken from the

court files, it amounts to a judgment against him for \$5,750,000 by default, according to Judge Bourquin.

Vancouver Man Disappears.

VANCOUVER, Wash., Feb. 11-(Special.) -Frank Allen, proprietor of the Gem Res-taurant, has disappeared and his friends are much concerned lest he has mer with misfortune. He was last seen yesterday at 2 P. M., when he crossed the ferry for

Mr. Allen is a man of exemplary habits and was conducting a successful busiess. No reason is known why he should drop suddenly out of sight.

Crushed Under Failing Rocks.

BUTTE, Mont., Feb. 12.-A Miner spe-cial from Red Lodge says Nestor Puumals was killed in the Rocky Fork Coal Mine this afternoon, and his partner. Henry Laurila, injured, perhaps fatally. The men were employed in a room on the fourth east entry. Without warning a huge mass of rock broke away from the roof and descended, crushing the two and descended, crushing the two

Ice Floating in the Columbia.

VANCOUVER, Wash., Feb. 11 -(Special.) Large quantities of ice are still floating n the Columbia River at Vancouver, but the ferry has not been hindered as yet. It is expected, however, that trouble may be experienced tomorrow, as the warm weather will loosen the ice above.

Cold Weather Is Passed.

LA GRANDE, Or., Feb. 13.-(Special.) -Cold weather in the Grand Ronde is over and today it was thawing. It has not registeren below zero since Sunday

in the lead of every fishtrap and that raised during all times when salmon fishing is prohibited.

Sound who are opposing the Earles bill, providing for a six weeks closed season on

imon fishing in 1906 and 1908, were pre-

sented in the House today by Lyons. One bill provides for a weekly closed season in all years on Puget Sound, be-ginning at 5 P. M. Friday and ending at 6 A. M. Sunday. The other bill re-quires that a 15-foot gate be constructed in the lead of every fabres and that

The Veness bill appropriating \$2500 for a fish hatchery on the Chehalis River, in Lewis County, a tributary of the Colum- to prevent special contracts in life inand hundreds of sostumed men, escort-ed the queen to Armory Hall, which bia, passed the Senate today. The bill surance, whereby special privileges are directs the Fish Commissioner to prospect granted to favored individuals. the river, and if he finds it suitable for hatchery purposes, to establish and maintain one thereon in Lewis County

Work of the Committees.

OLYMPIA, Wash, Feb. 12-(Special.)-The Reid Tax Commission bill, which passed the House last week, will come out of the Senate judiciary committee morrow with a divided report. The The majority will recommend its passage and the ninority its indefinite postponement. Lindsley's bill giving first, second and third-class cities the right of eminent domain will be reported favorably, but the bill by the same author relieving cities from liability for damages for ac cidents occurring on unimproved public streets will have a majority report recom-

mending its indefinite postponement. The Senate anti-pass bill was taken up by the Senate judiciary committee to-night and a majority of the committee favor its passage after striking out sec-tion four. The minority are also in mah. tion four. The minority are also in favor of the bill but submit a substitute for section four. The offending section permits public officers who own \$500 in

stock in a railway company to accept a pass thereon, and also permits city offi-cers to accept street-railway passes under The minority authority of ordinances. substitute cuts out the exemption in favor of stockholding public officers and permits only appointive city officers to accept street railway transportation when authorized to do so by charter or ordinance.

International Arbitration Indorsed.

OLYMPIA, Wash., Feb. 13.-Both houses of the Legislature have now adopted a memorial indorsing international arbitra-tion, the House having taken up the me-morial out of order this afternoon. The memorial will be forwarded to Congress at once

The Senate today passed the House bill requiring the registration of estrays. The Senate refused to allow the expense bill of the Irrigation Commission that was appointed by Governor McBride last year. at the request of the commercial organi-

zations of the state. 'The House has indefinitely postponed the bill prohibiting the sale of intoxi-cants within 1900 feet of public libraries. The vote by which the anti-boycotting bill was indefinitely postponed Friday was reconsidered and the bill will again come up for final action, and the same action was taken by the House in reference to the bill making real-catate brokerage con-tracte invalid unless in writing which

tracts invalid unless in writing, which had been indefinitely postponed. The Spokane Chamber of Commerce has

asked, through a memorial presented to the Legislature today, an appropriation of \$25,000 each year for topographical surveys of semi-arid lands. In order to as-

sist the Federal Government in its irrigation work A bill was introduced in the Senate by Baker making news associations mon carriers

OPPOSITION TO THE ROAD LAW

Committee Appointed From Inter-ested Counties to Prepare a Bill. against it. On the floor of the House to-night the purchase was advocated by Balley of Multhomah and Burns of Coos.

OLYMPIA. Wash. Feb. 18.-(Special.)-The opposition to the present road law, which is a product of the Legislature of and Edwards of Lane.

iness firms of that city, to prohibit com-

TWO INSURANCE BILLS FAIL

One Affected Combination of Fire In-

surance Companies in Portland.

SALEM, Or., Feb. 12.-(Special.)-Two

insurance bills of Representative Capron

failed to pass the House tonight, one of

consequently extortionate rates; the other

This morning, when the members of the House committee came from breakfast each was greeted by a telegram from the Portland Chamber of Commerce asking them to support the bill against extorasking

tionate fire-insurance rates. Representatives of the fire companies were busy all day, and tonight even on of the House they carried on their lobbying, according to Capron, who set up complaint and called the attention of the House to their presence.

The vote on passing of the bill was 23 noes and 21 ayes. Capron made a strong argument for

passage, saying that the Board of Fire Underwriters was an arbitrary and extortionate outfit, headed by a czar in San Francisco in the person of A. D. Stillman. The board he called a blood-sucking institution and said that policy-hold ers in Portland are groaning under its exactions. Capron was supported by Smith of Josephine and Muir of Multae-

NUMBER OF BILLS IS GREAT

One or Two Evening Sessions Will Be Held Before Adjournment.

SALEM, Or., Feb. 13.-(Special.)-Each house of the Oregon Legislature held night sessions tonight and concluded the consideration of bills in the House in which they originated. During the four days remaining each house will devote its exclusive attention to hills originating in

the other house.

While the number of bills on the calen dars is large, it is generally believed that the Legislature will be able to dispose of them all without doing the work in a careless manner. Probably one or two evening sessions will be held before the final adjournment. Many of the bills passed by one house

have already been in the hands of committees in the other house for several days, and the reports are ready. Bills passed today will be read the first time tomorrow, and perhaps a second time, so as to send them to committees. Enrolling committees have had their work well in hand and there is no likelihood of

delay from that source. There are now on the House calendar about 110 Senate bills and on the Senate calendar about 160 House bills.

NO MANSION FOR GOVERNOR

House Votes Down Appropriation at Night Session.

SALEM, Or., Feb. 12-(Special)-Death in the House was the fate of the execu-tive mansion bill which came up for passage tonight. The bill appropriated \$45.50 for purchase of the Patton house, near the Capitol. The vote on passage was 30 poes and 20 ayes. Two years ago an appropriation of \$15.00 passed both houses but was reported to the House by the committee of ways and means withthe committee of ways and means with-out recommendation, though at one time the committee had decided to recommend

that it is evident that Portland will need all the water of Bull Run Creek, but efforts are being made to secure binations of fire-insurance companies and private water rights on the stream. Appropriations of water already filed are defective, said Malarkey, and will not prevent the city from securing the control of all the water in the creek, if this hill be passed. The bill passed without opposition. The bill passed the House tonight to

Mount Tabor, the other between Univer

All the charter amendments, includ-

ing the bridge tax and the annexation projects, are to be voted on next June.

Senator Hodson today introduced a bill, which the Senate passed, for the

purpose of authorizing the City of Port-land to appropriate all the water of Bull

Run Creek for water supply purposes

sity Park and St. Johns.

increase the salary of the next County Clerk of Multnomah from \$2400 to \$3000 a The delegation refused to increase year. the salary of the present incum

D.

Railroad Measures Are Dead.

higher than a certain per cent above

measure failed to pass by a vote of 24

Bills Left With Committees.

SALEM. Or., Feb. 13 .- (Special.) -- A

masures whose features had been in-

Vawter's bill to amend the corporation laws

Burgens' Mill to create Jefferson County. Bill by Smith of Baker to provide for to-action of mining claims. Bill by Smith of Josephine to provide com-

partment for girls at the Reform School.

Jayne's bill to sholish private seals. Blakeley's bill to create Hot Lake County. Rill by Burns of Coos to provide for col

Hill by Emith of Josephine to require label-

Fund for Orphan Asylums.

tes were these:

stion of poll tax.

ing of convict-made clothing

was on orders from the rail-

went

the

Josephine" Smith's railroad bills

Another bill passed granting the District Attorney of Multnomah a third deputy at \$250 a year; another to raise the fee for naturalization papers from \$1 to \$5, and another to require the County Court the Peace with offices and sta-The above bills originated in s. of Multnomah to furnish the three Justices of the Peace with offices and stationery. the house

VOTE ON PORTAGE EXTENSION SALEM, Or., Feb. 13.-(Special.)-Two of

Measure Passes the Senate With Only One Vote to Spare.

the graveyard in the House today. SALEM, Or., Feb. 13.-(Special.)-Whealdon's bill to appropriate \$30,000 for the extension of the Portage Road will Smith said it roads, and the House amiled broadly. One of them provided for a railroad commis-sion and was indefinitely postponed; the other provided that railroad rates should never be any higher than those charged have a hard time in passing the House, if the showing made in the Senate is an indication of the view the lower branch on January 1, 1905. The latter bill was robbed of its fangs. of the Legislature will take.

The two Senate members of the by the committee on Federal relations, which threw out a section providing that freight rates within the state should not committee to investigate the Portage Commission, reported strongly in favor of the bill, notwithstanding which fact, there were only 17 affirmative votes. The three House members have the rates charged outside the state on the same class of freight, but still the reported against the bill, and it will be fought in the House. In the Senate there was no debate

noes to 23 ayes. against the bill, but Senator Whealdon spoke at length in behalt of the measure. Protest on King Hume's Monopoly. Members had discussed the bill among themselves and had made up their minds "SALEM, Or., Feb. 13,-(Special.)-A twin of the House bill which aimed to how they would vote. The vote was:

Ayes-Bowerman, Brownell, Carter, Coe, Joshow, Hodson, Holman, Laycock, Malarkey, abolish R. D. Hume's salmon monopoly on Rogue River and which was sent to the cemetery in the Senate last week. McDonald, Nottingham, Pierce, Rand, Sichel, passed the House tonight and

Smith, Tuttle, Whealdon-17. Noss-Avery, Booth, Coke, Croisan, Parrar, over to the Senate to worry Hume again. The first bill was introduced by Representative Burns of Coos and Haines, Haines, Hobson; Hows, Loughary, Wright, President Kuykendall-12, by Representative Burns of Hermann the second by Representative Hermann Absent-Mays, 1. of the same county. The bill is intended to repeal an act

SAILORS TO BE MUCH CHEAPER

of 1899 by which Hume, by means of riparian rights on Rogue River in Cur-House Passes Bill Putting Figure at County, possesses exclusive fishing Twenty Dollars. rights.

SALEM, Or., Feb. 11.-(Special.)-If the

bill of Cavender of Linn, which passed the House ionight, becomes a law, ship captains will not be required to pay \$30 a large number of bills were left in the hands of House committees tonight on adjournment, but most of them were head for each sallor secured through a sallor boarding-house, for this fee is re-duced to \$20 in the bill. Charitable ins..corporated in other bills. Among the bills that died in the hands of committutions which make no charges for ship

ping seamen are exempted from paying the state license. The bill came originally from Governor Chamberlain, but after passing through three committees was materially changed. The Governor had asked that the ap-pointment of the Sailor Boarding-House Commissioners be given to him exclu-sively, but as the bill passed, the Secretary of State and State Treasurer have a hand in the appointment, as at present. In the original bill the shipping fee was put at \$10, but Jack Grant, of Portland,

Port of Portland Graft Story Today. SALEM, Or. Feb. 13.-(Special.) - for orphan asylums from \$12,000 to \$4000, a preservation. Below II The House will give an airing to the bill from the committee on ways and stratum of quicksand.

TULL & GIBBS COMPLETE HOUSEFURNISHERS

\$1.00 DOWN AND

50 CTS. A WEEK

Port of Portland graft stories tomor- means passed the House tonight. Vawrow at 11 A. M., when consideration of the Governor's veto on the new com-mission bill will come up as a special made use of the appropriation, and that order. Balley is very confident of his its share had amounted to about \$4000 a ability to convince the House that G. year.

override the veto. Indications are that the vote on the veto will be close.

Owes Resignation to Oregon.

Speaking in reference to the case of Senator Mitchell, State Senator J. S. Coke, of Coos County, said:

"I was quoted in yesterday's Oregonian as saying that the present Oregon Legis-lature should arrange for the election of a successor to Senator Mitchell. This statement, standing alone, is somewhat absurd, since a vacancy in the office held by Senator Mitchell has not yet occurred It is my opinion, however, that in the light of present circumstances Senator Mitchell owes it to the people of the State of Oregon, who have so long and signally honored him, to tender his resignation, and that if he declines to do so, the members of the Oregon Legislature would be justified in adjourning to a day certain, so that, in the event of Senator Mitchell being unable to disprove the charges made against him and a vacancy occurring in the office now occupied by him, a successor who shall be in accord with the policies of the administration and the dominant party at Washington may be chosen; and the earlier this occurs the better it will be for the people of the state. These statements are not prompted by a desire or inclination to prejudice Senator Mitchell, but I believe we should not permit personal considerations to prevent us from frankly meeting a situation which so plainly confronts us. I have always had the utmost faith in the high honor and integrity of Senator Mitchell, and hope he may entirely disprove the charges preferred against him."

Bliss to Go Back to lowa.

SALEM, Or., Feb. 13.-(Special.)-Governor Chamberlain this morning honored the requisition of Governor Cummings of Iowa for the arrest and return of Duane F. Bliss, wanted in that state to answer to the charge of embezzlement. Bliss was formerly agent for the Green Bay Lum-ber Company, and when he decided to come to Oregon, brought about \$500 of the company's money with him. He was ar-rested in Woodburn.

Bills That Failed in House.

SALEM, Or., Feb. 13.-(Special.)-The following bills failed to pass in the House today:

tonny." H. H. 346, by Graham-To protect livery-stable keepers from deadbeats; failed to pass. H. B. 343, by Mayger-To give cities tha right to regulate pool-setting; failed to pass, Ayes, 13; nays, 13.

How Did the Log Get There?

LA GRANDE, Or. Feb. 13 -- (Special.) -While sinking an artesian well about 20 miles out of La Grande the drill struck a yellow pine log. 700 feet be-low the surface, which, from the pieces SALEM, Or. Feb. 13.-(Special.)-To re-duce the annual appropriations available brought up, were in a perfect state of Below the log came a

told the commerce committee that he could not conduct his business in a legitimate manner at such cut-rate prices.