

CASE IS SENT BACK

Findings in Wilson Estate are Not Complete.

APPEAL IS FROM MULTNOMAH

Oregon Supreme Court Affirms Judgment of Lower Court in Case of Groves Estate Executrix From Lane County.

A judgment declaring property of an estate bequeathed to the State of Oregon could not be entered until the jurisdiction of the County Court for the purpose of paying debts and expenses of administration has terminated.

SALEM, Or., Feb. 12.—(Special.)—Decisions were handed down by the Supreme Court today as follows:

State vs. Simmons. State of Oregon, respondent, vs. E. W. Simmons, administrator of the Henry Wilson estate, appellant, from Multnomah County. A. F. Sears, Jr., M. C. George and John E. Cleland, Judges; reversed and remanded. Opinion by Chief Justice Wolverson.

Wilson died in Portland in 1899, leaving property, but no expenses of administration had been paid. Before the estate had been settled, this action was brought in the Circuit Court to compel the property to be returned to the plaintiff, directing the Sheriff to take the property, sell it, and deposit the net proceeds in the State Treasury, according to law. The findings of the Circuit Court were affirmed by the Supreme Court.

On appeal, the Supreme Court holds that the administration was completed, and that the administration was not a condition precedent to the payment of the debts of the estate or the costs of administration had been paid.

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Emma K. Groves, executrix of the estate of William Groves, appellant, vs. John M. Osburn, respondent, from Benton County. J. W. Hamilton, Judge; affirmed. Opinion by Chief Justice Wolverson.

The defendant was adjudged a bankrupt in November, 1900, and was discharged of his debts by order of the Federal Court in May, 1901. His home in Corvallis was set apart to him in the course of the bankruptcy proceedings, and the estate was fully settled and the trustee discharged in 1902.

This suit was instituted in March, 1903, to subject the homestead to the payment of four notes executed in 1891. These notes were provable, and were proved in the bankruptcy proceedings, and a small dividend paid thereon. The Circuit Court dismissed the suit and the plaintiff appealed.

The homestead exemption act was passed in 1883, after these notes were given, and the question presented in this case was, whether a court of equity has jurisdiction to entertain this suit, since the bankrupt has been discharged of the debts upon which the suit was founded.

The Supreme Court, on appeal from the Circuit Court, 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 sought to enforce her demands, her remedy is entirely away.

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

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

Held that the plaintiff has a right to bring action in his own name to collect the note, but that the defendant is not liable to the plaintiff for the amount of the note, since the note had been paid by defendants to the payee.

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KNIFE IS SUSPENDED

Many Washington Men May Lose Their Official Heads.

FLURRY AMONG THE VICTIMS

Appropriations Committee Given Until March 1 to Report—Bill Passes Senate to Establish Hatchery on the Chehalis River.

OLYMPIA, Wash., Feb. 12.—(Special.)—The Senate committee appointed to investigate the Senate employes has prepared a report urging the reduction of the force of employes to 25 persons. This cuts off 17, and the 17 persons whose jobs are in danger today got together in the committee's decision and started out to defeat the recommendation.

Several of the Senators were absent, and in view of the possibility of a strong protest being made against the report by members having friends among the employes, Senator Kinneer, chairman of the investigating committee, withheld his report until tomorrow.

Two important bills that were indefinitely postponed by the House last Friday, which was the last working day preceding today's session, were revived by the House this afternoon and placed on the calendar. One of the bills is for the purpose of boycotting and picketing by strikers, and the other declares invalid any brokerage contract for arranging a sale or purchase of lands unless the contract or agreement is in writing.

There was no opposition of consequence to the reconsideration of the vote on either bill. Both bills take their place on the calendar and will come up again for final action.

An attempt was made by Roth this afternoon to put through the House a resolution requiring the appropriations committee to report the general appropriation bill by noon on Friday. Roth frankly said that the motion was to stave off the trading votes and influence on appropriations for the passage of other bills at the close of the session and to give the members of the House an opportunity intelligently to consider the various items. He said it was the usual custom to turn back the clock at the usual time of the last day in order that the House might pass the general appropriation bill. A matter involving expenditures of \$1,000,000 and \$2,000,000 should be given more deliberate consideration.

McCoy, chairman of the appropriation committee, moved to amend by giving the committee until Friday noon, and Roth accepted the amendment. Daves objected and another amendment giving the committee until March 1 to present the bill was adopted.

A big list of new bills presented today contained one by Senator Hammer fixing a penalty on railroad companies of \$5 per car for discrimination in distributing mail, and another by Senator Smith, defining fellow-servants; by Roth, permitting the sale of the state's unproductive oyster-land reserves; by Booth, increasing the salaries of Supreme Justices to \$6000; a direct primary bill, which carries an appropriation bill carrying \$50,000 for the building of a state bridge across the Columbia at Wenatchee; and by Weber, exempting charitable bequests from the operation of the inheritance tax.

Two bills prepared by the independent packers and purse sealers of Puget Sound who are opposing the Earles bill, providing for a six weeks closed season on salmon fishing in 1906 and 1907, were presented in the House today by Lyons. One bill provides for a weekly closed season in all years on Puget Sound, beginning at 5 P. M. Friday, and ending at 5 A. M. Sunday, the other bill requires that a 15-foot gate be constructed in the lead of every fishtrap and that the gates shall be opened and the sides of the tunnel and the front of the pot raised during all times when salmon fishing is prohibited.

The Venice bill appropriating \$300 for a fish hatchery on the Chehalis River, in Lewis County, a tributary of the Columbia, passed the House today. It directs the Fish Commissioner to prospect 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 tomorrow with a majority report. The majority will recommend its passage and the minority its indefinite postponement.

Lindsay's bill giving first, second and third-class cities the right of eminent domain will be reported favorably, and the bill by the same author relieving cities from liability for damages for accidents occurring on unimproved public streets will also be reported favorably, recommending its indefinite postponement.

The Senate and-pass bill was taken up by the Senate judiciary committee tonight and a majority of the committee favor its passage. The bill provides for the Senate's passing of the bill.

International Arbitration Indorsed. OLYMPIA, Wash., Feb. 12.—Both houses of the Legislature have now adopted a memorial indorsing international arbitration, the House by a majority of 20 to 10, and the Senate by a majority of 15 to 5.

The Senate today passed the House bill regarding the regulation of tax law, the bill providing for the regulation of tax law, the bill providing for the regulation of tax law.

Crushed Under Falling Rocks. BUTTE, Mont., Feb. 12.—(Special.)—A minor special from Red Lodge says Nestor Puciala was killed in the Rocky Park Coal Mine this afternoon, and his partner, Henry Laurin, 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 men.

Ice Floating in the Columbia. VANCOUVER, Wash., Feb. 12.—(Special.)—Large quantities of ice are still floating in 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. 12.—(Special.)—Cold weather in the Grand Ronde is over and today it was thawing. It has not registered below zero since Sunday noon.

DEPOSITS OF CITY

Mills Bill Promised Support by Portland Delegation.

BANKERS TALK AGAINST IT

Provision Made for Security by City Bonds of Value Equal or Other Securities Worth One and One-Fourth the Amount.

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The delegation was addressed by Benjamin I. Coles, of the Portland Trust Company, J. Frank Watson, of the Merchants National Bank, W. A. McRae, of the London & San Francisco Bank, and J. L. Hartman and A. E. Manley, representing surety companies, of whom detailed the charter as it is, so as to secure city funds with bonds of surety companies.

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The other provisions of Speaker Mills' bill contain the amendments recommended by the charter board, as for lessening the cost of advertising street and sewer assessments, giving postal-card notice of such improvements to property-owners within the proposed districts, and providing a more facile method of granting franchises for street and sewer assessments, giving postal-card notice of such improvements to property-owners within the proposed districts.

Another Portland bill that is of Representative Coles' authorizes a tax levy of 2 mills for building bridges costing more than \$15,000 each. This bill has passed both houses and provides that electors of the city shall vote on the question whether they pay for future bridges and also for those which have been built under the district assessment plan. The coupling of these two questions into one on the ballot created much dissatisfaction in the delegation and the members had a lively row over it last week.

Colwell's bill provides for annexation of two areas to the city, one west of Mount Tabor, the other between University Park and St. John's. All the charter amendments, including 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 Portland to appropriate all the water of Bull Run Creek for water supply purposes in Portland. Senator Hodson explains that it is evident that the city will need all the water of Bull Run Creek, but efforts are being made to secure private water rights on the stream.

Appropriations of \$100,000 were granted to defectors, said Malarkey, and will not prevent the city from securing the control of all the water in the creek, if this bill is passed. The bill passed without opposition.

The bill passed the House tonight to increase the salary of the next County Clerk of Multnomah from \$2400 to \$3000 a year. The delegation refused to increase the salary of the present incumbent. Another bill passed granting the District Attorney of Multnomah a third deputy at \$2000 a year; another to raise the fee for naturalization papers from \$1 to \$5, and another to require the County Clerk of Multnomah to furnish the State Justices of the Peace with offices and stationery. The above bills originated in the House.

Measure Passes the Senate With Only One Vote to Spare. SALEM, Or., Feb. 12.—(Special.)—Whitson's bill to appropriate \$20,000 for the extension of the Portage Road will have a hard time in passing the House, if the showing made in the Senate is an indication of the view the lower branch of the Legislature will take.

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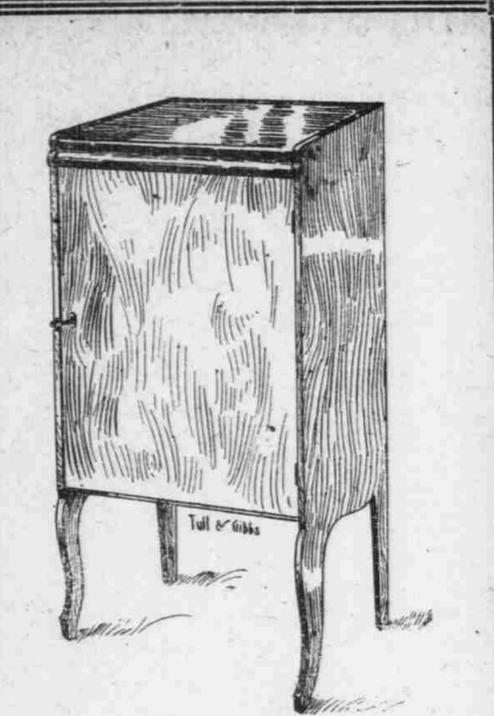
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Mid-Week Special TEN-DOLLAR Music Cabinets

Today, tomorrow and Thursday. Pretty Music Cabinets at 20 per cent less than regular price. Built of mahogany birch with fine grain and high polish on exact lines of cut above. Thirty-eight inches high, eighteen inches wide and fourteen inches deep. Has five adjustable shelves.

TUESDAY, WEDNESDAY, THURSDAY

SPECIAL TERMS \$8 \$100 DOWN AND 50 CTS. A WEEK \$8

TULL & GIBBS COMPLETE HOUSEFURNISHERS

Port of Portland graft stories tomorrow. It was quoted in yesterday's Oregonian as saying that the present Oregon Legislature should arrange for the election of a successor to Senator Mitchell. This statement, standing alone, is somewhat justified in alluring to a day certain, 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 as the carrier of this office.

Bliss to Go Back to Iowa. SALEM, Or., Feb. 12.—(Special.)—Governor Chamberlain this morning honored the resignation of Governor Cummings of Iowa for the arrest and return of Duane Bliss, wanted in that state to answer to the charge of embezzlement. Bliss was formerly agent for the Green Bay Lumber Company, and when he decided to come to Oregon, brought about \$50 of the company's money with him. He was arrested in Woodburn.

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