

IN THE SEVERAL COURTS

MANY DECISIONS RENDERED BY JUDGE CLELAND.

He Sold Divorces Are Becoming Too Common, and Dismissed Two Suits—Minor Matters.

Judge Cleland yesterday set aside the decree of the county court ordering the sale of the real property of the estate of James Abraham, deceased, by the administrator, W. E. Burke. M. L. Pipes, who has a claim against the estate for \$250, objected to the sale, as also did H. A. Smith and Mr. Peacock. These objections, on motion of the administrator, were stricken from the record by Judge Cleland without hearing. Judge Cleland held that the lower court erred in not hearing the objections, and remanded the case to the county court for further hearing and final determination. The principal claim against the estate is that of the Centenary M. E. church, for \$10,000 and several years' interest, and there are large tax claims due.

Amounts Due. The amounts for which the defendants in the case of D. R. Hawkins vs. A. Donnerberg et al. are held liable, are as follows: A. Donnerberg & Co., \$65; O. B. Stubbs and George Lawrence, Jr., \$53.50; A. P. Armstrong, \$75; Dr. E. G. Clark, \$80; H. T. Hudson, \$75; Dr. George H. Chance, \$50; J. N. Bristol, \$25; L. G. Clark, \$50; W. H. Fear, \$25; H. J. Harty, \$75; W. G. Gaine, \$75; Alex. Muir, \$25; New Zealand Insurance Company, \$25; Ed. Doolittle, \$25; Miss A. B. Grogan, \$50; Mrs. Lizzie Litt, \$25; M. B. Waceman, \$75. The total amount, with interest, is about \$1000. The suit was dismissed as to F. W. Scales, Robert Wadsworth, Kate A. Tuttle, A. S. Nichols and C. L. Nichols. The defendants were stockholders of the Citizens Real Estate & Investment Company, and were sued on notes executed by the company. It was contended that they are liable to the extent of unpaid stock subscriptions.

The principal point in this case which was different from the last, was the question of credits for dividends. In 1895 a 4 per cent dividend was declared "payable in stock of a new issue." The plaintiff contended that this dividend could only be credited by making new stock, and it could not be credited on old subscriptions, which had been done in several instances. The court sustained this view and refused to allow the dividend to be credited except where new stock was taken.

Mr. Caldwell was also presented as assignee of the German Savings & Loan Society, but the court decided against him because there was no proof of a legal assignment.

Divorce Suits Dismissed.

The divorce suit of Dorothea Wetmore against Ward C. Wetmore was dismissed. The court said there evidently never was a particle of affection between the parties, who were married 24 years ago. There was no sanctity of domestic relations. It was just a case of their being tired of living with each other, and Mrs. Wetmore wanted some of the property. There was no evidence that the defendant deserted her. She would have to have grounds for a divorce before it would be granted in this court. Wetmore owned considerable property, but now has not much left. Mrs. Wetmore previously attempted to obtain a divorce.

The divorce suit of Rudolf Kraft against Mary Kraft was also dismissed. The plaintiff came here from Merrill, Wis., where the defendant still is. He left her in 1895, and his testimony was that she falsely accused him of infidelity and was of a very jealous, fault-finding disposition and made his existence miserable. The evidence was corroborated by a brother and sister of the plaintiff. The court concluded that these accusations, if made, did not mean much, as Kraft continued to live with his wife afterward, and the young woman she complained of still visited them. The court remarked that this ground of divorce is becoming quite common, and that this seems to be becoming a popular subject of conversation of married couples.

Final Account Objected To.

Chester V. Dolph, representing the state of Oregon in escheat proceedings, yesterday, in behalf of the state, filed objections to the final account of Sylvester Farrell, administrator of the estate of Daniel Loyer, deceased. It is stated that the account does not set out nor does it purport to specify all moneys received and disbursed by the administrator, but that said alleged account is a mere statement of receipts and disbursements.

The objector objects to the commissions charged by the administrator in the sum of \$100, as excessive and not authorized by law. The objector objects to the expenditure by the administrator, to F. R. Strong, as attorney's fee, in the sum of \$125 in closing the estate and defending the escheat proceedings in the circuit court for the reason that the amount is excessive, and this court has no authority to allow any attorney's fee for defending the escheat proceeding.

The objector also objects to the item wherein the administrator asserts that he sold two acres of land in the Kern donation land claim for \$100, because the sale, if one was made, was made without any order of this court, and the administrator should be charged with \$100, the appraised value of the land. The estate is an old one, dating back to the '70s. Lower left and known heirs. Suit to have the estate escheated was recently filed.

Carlson Case Submitted.

The Andrew Carlson robbery case was submitted to the jury yesterday afternoon at 3 o'clock, by Judge George. The arguments for the defense were made by Mr. Clarke and his associate counsel, Charles J. Schabel, and Mr. Giltner made a strong plea for the prosecution. The defense made the point that the prosecution had not proved that the rifle used was loaded, which Carlson was alleged to have used in the hold-up, and, therefore, the case is only one of simple robbery and of a lesser degree of punishment than robbery, being armed with a deadly weapon. As a matter of fact, it was impossible for the state to show that the rifle was loaded when the hold-up occurred, and it was contended by Mr. Giltner that the presumption was that it was loaded. At 1:30 the jury was locked up for the night.

Verdict for Defendant.

In the \$100 damage suit of Dinah L. Dudley against Perry S. Baker, tried in Judge Reary's court, the jury returned a verdict in favor of the defendant, yesterday afternoon, after a few minutes' deliberation. She complained that she was compelled to vacate the premises at 121 1/2 cents street, corner of Washington, which she rented from Baker, and conducted a lodging-house therein. She testified that he annoyed her greatly and drove away her lodgers. Baker testified that all he did was to order the water turned off, according to agreement, after she had refused and neglected to pay her rent in advance. Mrs. Dudley claimed that there was any such agreement, and said Baker locked up the water faucets. He said she missed them. Several other witnesses testified.

Suit Over Doctor's Bill.

Attorney Palmer argued a motion before Judge George yesterday in the case of Dr. M. C. Strickland against Noble Heath and wife, asking that the costs be assessed to Strickland. It was stated that the defendants offered to pay the doctor \$100, and that is all the verdict of the jury calls for. Counsel therefore argued that the defendants were made to defend useless and unnecessary litigation, and the plaintiff having obtained a verdict for the precise amount tendered, should be

FORTIETH ANNUAL STATEMENT OF The Equitable Life Assurance Society Of the United States.

FOR THE YEAR ENDING DECEMBER 31, 1899

Table with columns for ASSETS and INCOME. ASSETS includes Bonds and Mortgages (\$36,994,231.92), Real Estate (\$24,914,870.61), United States, State, City and Railroad Bonds (\$159,969,062.00), Loans secured by Bonds and Stocks (\$17,124,800.00), Policy Loans (\$2,671,489.17), Real Estate outside the State of New York (\$13,717,356.50), Cash in Banks and Trust Companies (\$18,271,871.74), Balances due from agents (\$643,128.99), Interest and Rents due (\$994,121.65), Premiums due and in process (\$3,005,246.00), Deferred Premiums (\$2,274,334.00). Total Assets: \$280,191,286.80. INCOME includes Premium Receipts (\$42,366,814.35), Cash received for Interest and from other sources (\$11,511,386.51). Total Income: \$53,878,200.86. DISBURSEMENTS includes Death Claims (\$13,871,482.85), Matured and Discounted Endowments (\$1,466,192.91), Matured Deferred Dividend Policies (\$2,863,315.00), Annuities (\$586,358.00), Surrender Values (\$2,265,382.42), Dividends paid to Policyholders (\$3,054,809.68). Total Disbursements: \$34,882,925.99.

We hereby certify that, after a personal examination of the securities and accounts described in the foregoing statement for the year 1899, we find the same to be true and correct as stated. The stocks and bonds in the above statements are valued at the market price December 30, 1899.

Francis W. Jackson, Auditor. Alfred W. Maine, 2nd Auditor.

Table with columns for LIABILITIES and ASSURANCE. LIABILITIES includes Assurance Fund (or Reserve) on all existing policies (\$216,384,975.00), All other Liabilities (\$2,688,834.03). Total Liabilities: \$219,073,809.03. Surplus: \$61,117,477.77. ASSURANCE includes Outstanding Assurance (\$1,054,416,422.00), Assurance Applied for in 1899 (\$237,356,610.00), Examined and Declined (\$34,054,778.00), New Assurance Issued (\$203,301,832.00).

In the foregoing statement the rate of interest assumed for the future in computing the reserve on each class of policies corresponds with the rate which was employed in computing the premiums on the same, as stated in the superintendent's certificate below: If, in computing the reserve on all outstanding policies, it should be assumed that only 3 per cent will be realized in the future, the surplus assets, after deducting all liabilities, would be \$38,907.74. The society holds a larger amount of assets in excess of total liabilities than any other life assurance company in the United States or Europe on similar computation. All interest actually realized in excess of the rates assumed, will be added to surplus for the benefit of the policyholders. An appropriation of profits will be made as usual to policyholders during the year 1900 in the manner specified in their respective policies. We hereby certify to the correctness of the above statement. J. G. VAN CISE, Actuary. R. G. HANN, Assistant Actuary.

STATE OF NEW YORK, INSURANCE DEPARTMENT, ALBANY, January 21, 1900. I hereby certify that in accordance with the provisions of section eighty-four of the Insurance Law of the State of New York, and in conformity with the rates assumed in the calculation of premiums on the policies so valued, I have caused the policy obligations of the Equitable Life Assurance Society of the United States, outstanding on the 30th day of December, 1899, to be valued as per the Combined Table of Mortality, at four per cent interest; and by the American Experience Table of Mortality, with interest at three per cent, and at three and a half per cent, as assumed in premium rates; and I find the same to be \$216,384,975.77. LOUIS F. PAXIN, Superintendent of Insurance.

- DIRECTORS: James W. Alexander, Charles S. Smith, Geo. T. Wilson, H. J. Fairchild, John J. McCook, John P. Fitzgerald, Thomas S. Young, Sir W. C. Van Horn, M. E. Ingalls, John E. Seare, Laurence M. Dewey, James H. Hyde, H. N. Alexander, H. M. Moffat, Samuel M. Imman, Wm. W. Whipple, P. Jefferson Coolidge, Geo. W. Carleton, Geo. W. Carleton, Jr., Robert T. Lincoln, Wm. A. Tower, John Jacob Astor, C. Leiyard Blair, A. Van Bergen, Lewis P. Morton, August Belmont, John Sloan, John Sloan, James H. Dunham, Sidney D. Ripley, Edward W. Lambert, Marvin Huggitt, Wm. Alexander, President, Gage E. Tarbell, Second Vice-President, Thomas D. Jordan, Comptroller, William Alexander, Secretary, Sidney D. Ripley, Treasurer, James B. Loring, Registrar, Edward W. Lambert, M. D., Edward Curtis, M. D., Medical Directors, L. Samuel, Manager, 306 Oregonian Building, Portland, Or.

compelled to pay the piper. Strickland argued for \$125. Lydell Baker argued the contrary side of the case, and disputed the liability of the lender. The court took the matter under advisement.

Motion for Rehearing Granted.

In the suit of C. L. Artell vs. G. R. Shaw, a motion for leave to file an amended complaint, and for a rehearing, was granted. The plaintiff demands that the defendant allow him to obtain water from a spring on defendant's land near Fairview. The case was tried on the 12th, and decided in favor of Shaw. The plaintiff was allowed to amend his complaint after the evidence was all in, and although the answer sought to be filed changes the issues somewhat, the court decided to allow it to be filed. The parties both desire their pleadings to be proper, as an appeal to the supreme court may possibly be taken.

Criminal Court.

A. P. Morse, indicted for perjury, it being charged that he testified falsely at the trial of Frank McDaniel, was arraigned in the criminal court yesterday, and was allowed until Wednesday to plead. He was released on his own recognizance. As he is engaged in business in this city it is safe to assume that he will be on hand when wanted. William Rowell, a negro, pleaded guilty to a charge of trespass in a place at the North End, and was fined \$20. The witnesses who appeared before the grand jury were Altha Rice, Kitty Donovan, Lena Wilson, E. Wilkinson and William Henry.

Mechanics' Lien Suit.

In the mechanic's lien suit of J. S. Turner vs. O. H. Calkins et al., for work done on a building formerly located on the Hawthorne property, and now on East Water street, the lien was held good only against the leasehold interest of J. H. Falk. Findings were rendered for the plaintiff with the exception of the claim of one Stiger, a paper-hanger, for whose work the court held the lien is not good.

Incorporation. Articles of Incorporation of the Young Bros. Company were filed in the county clerk's office yesterday. The objects of the

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FELLOWS. 25 Pounds Good, clean Rice for \$1.00. 10 Cents Pound soft-shell English Walnuts. 40 Cents Gallon fancy Table Syrup. 33 Cents 10-pound sack pure Buckwheat Flour. 15 Cents 10-pound sack Graham Flour. 19 Cents 10-pound sack Farina. 15 Cents Pound fresh roast Costa Rica Coffee. 30 Cents Pound Hoffman House Java and Mocha Coffee. 20 Cents Pound Japan Tea Dust. PORTLAND WIRE & IRON WORKS