

CHILD FATALLY BURNED

CHINESE GIRL GOT TOO CLOSE TO AN OPEN FIRE.

Her Dress Was Burned Completely Off, Leaving the Body Bare—Attempt at Rescue.

Esther Huie, the 4-year-old daughter of Sun Huie, a Chinese merchant residing on East Fourteenth and Ryan streets, was fatally burned yesterday afternoon during the absence of her mother. She died a few hours after the accident.

A small fire had been built on East Thirteenth street for the purpose of cooking crawfish. The child was attracted by the fire while her mother was away, and placed a can of the crawfish over the blaze. While leaning over the fire the front of her cotton skirt caught fire and she began to shriek, screaming loudly and running about in the wind. Lena Hoyt, living near by, rushed to her assistance, but when she reached Esther the child was enveloped in mass of flames. Lena tried her best to pull the dress off, but only succeeded in burning her own hands. She screamed for help, then the neighbors reached the child her clothes were completely burned off. The skin was dropping from her hands and her entire body was burned from the knees up. She was carried to her home by Dr. A. H. Johnson, summoned. Dr. T. C. Humphrey was also called in later. She probably inhaled the flames, as her mouth was burned on the inside. She was conscious and called constantly for water. She appeared to be free from pain. When the father saw her he was so overcome that he exclaimed: "I can't stand this, I'm going back to the store." He then mounted his wheel and rode away, unable to see the little child.

Esther was unusually bright little girl, and the accident excited the sympathy of the neighborhood.

KELLY TRIBE AT REUNION

Ninety Pioneers and Their Offspring Gather at a Banquet.

Ninety representatives, out of a total of nearly 175 in Oregon, Washington and California, of the Kelly tribe assembled in their third annual reunion yesterday at the home of Mr. and Mrs. T. J. Kelly, on Kelly avenue, south of Kenilworth. The greater portion are the immediate descendants of "Father" Clinton Kelly, a well-known Portland pioneer, who came to Oregon with his stalwart sons in 1848. Those who registered at this reunion were: Thomas Kelly, president, and surviving brother of Clinton Kelly; Plympton Kelly, president and head of the Kelly clan, Kelly Butte, oldest son; Penumbra Kelly, Mrs. S. M. Kern, Mrs. E. B. Shaver, John Shaver, S. G. Kelly, Mrs. G. W. Fawcett, M. T. Kelly, Mrs. R. L. Fawcett, Lila Swafford, Mrs. A. B. Fawcett, Eugene Kern, Maudie Kelly, Mrs. L. H. Kelly, Jennie New, Rosa Mills Plummer, Marion Plummer, Leavett Kelly, Martha E. Plummer, Rev. Charles E. Hume and wife, La Fay, Panay Shaver, George Fawcett, Katie New, Mrs. Frank New, Mrs. E. B. Kelly, Mrs. S. G. Kelly, Mrs. Jane New, Maudie Kelly, Almina Bitter, Nan Fitch, Agnes Kelly, Nellie Bell, Mrs. M. M. Leo, Harold Leo, Harold M. Shaver, J. G. Kelly, H. Plummer, Plympton J. Kelly, Mrs. A. B. Manley, A. B. Manley, T. B. Howitt, Nellie Fawcett, A. Kelly, Mary E. Kelly, L. H. Kelly, Glenn Kelly, Grace Plummer, Cora M. Shaver, Mrs. R. Richmond Kelly, Joyce R. Kelly, Laura Kelly, Rachel Jones, Rachel Jones, William Shaver, Mrs. M. J. Minar, Mary Kelly Howitt, Mrs. Laura F. Turner, California; Agnes Plummer, Edith Dundee, Anna Yerex, Marion Yerex, Rachel Yerex, William Shaver, Mrs. M. J. Minar, Mrs. P. J. Kelly, P. J. Kelly, Maudie Shaver, Ross Plummer, Ray Kelly, and about a dozen others who came late.

Judge John F. Caples presided over the reunion. Each member of the clan was labeled with his or her name.

A table 80 feet long was set under a row of wide-spreading cherry trees in the rear of the house, loaded with good things prepared by the women of the clan. President Plympton Kelly summoned the tribe to the inviting table, where an hour was spent partaking of the feast, intermingled with laughter and good cheer. Toward the close of the banquet the speechmaking was started by Mrs. Sarah M. Kern, who acted as chairman and toastmaster. She introduced Mr. Caples, who had always been a close friend of "Father" Kelly. He delivered a pleasing address, in which he spoke in eloquent terms of the character of the pioneer. He told of his sterling honor, Christian character, indomitable perseverance, his contention for the right, his high intelligence as a man and minister. Judge Caples declared that the history of the state would not be complete if the name of Clinton Kelly be left out. He also referred to his descendants as men and women of high character, and said that the name Kelly was synonymous with strict integrity. At the close of his talk he called for cheers for the dead patriot and for his descendants, which were given with vigor. The young boys and girls gave the Kelly yell, which was: "Rah! Rah! Rah! The Kelly Klan! The Kelly Klan! Whoop! La!"

Following came short remembrances from Thomas Kelly, of Yakima, Wash., surviving brother of Clinton Kelly; president of the clan, Plympton Kelly; Mrs. Margaret Kelly, of the Kelly clan, Penumbra Kelly, and others of the clan all full of incidents of pioneer days. After spending 2 1/2 hours at table with feast and speech, Mrs. S. M. Kern announced that a history of the Kelly tribe was being written and would soon be published for each member, which would be a full record. The election of officers for the ensuing year resulted as follows: President, Plympton Kelly; vice-president, Mrs. S. M. Kern; secretaries, Agnes Plummer and Agnes Kelly; treasurer, Harold M. Shaver; committee on next reunion, Mrs. A. B. Manley, Mrs. John Shaver, Mrs. O. P. S. Plummer.

The rest of the afternoon was spent by the tribe in a general reunion on the spacious grounds. The youngsters enjoyed the reunion with the same zest that the adults did, and at a late hour last evening the reunion of 1901 of the Kelly Klan came to an end, it being the best ever held.

ARE THEY PREFERRED CLAIMS

Decision Will Be Asked About Wolf & Zwicker Time Checks.

There are numerous time checks issued by the Wolf & Zwicker Iron Works in the hands of Portland business men, aggregating in amount several thousand dollars, which the trustee in bankruptcy declines to pay. The question is whether these are preferred labor claims under the Oregon mechanic lien law, or whether they are general claims. They have been outstanding for some time, and the trustee evidently desires a legal opinion concerning what class of claims to list them among.

The receiver, C. J. Reed, of F. Wolf acknowledged the outstanding time checks, and liquidated them so far as the money on hand over and above operating and necessary expenses would admit.

Recently the trustee, H. T. Platt, filed suit in the State Circuit Court against Bernard Eschebacher to recover \$323 rent for premises at 236 Hawthorne avenue, occupied as a saloon, which Eschebacher leased from The Wolf & Zwicker Company. The period covered is from November, 1900, to June, 1901. It is stated that Eschebacher holds a considerable number of time checks received from men

who worked in the iron works, more than sufficient to pay the rent sued for, and he will tender them as a few moments. This will raise the question whether these time checks are preferred claims under the Oregon lien law, and payable in full. Business hours generally cash and time checks for the men. They were made payable a month or more from date.

DEATH OF LEWIS GRIFFITH

He Meets With Fatal Accident in Anaconda, Mont.

Lewis Griffith, a brick mason, well known in Portland, was crushed to death in an accident on the new smelter works at Anaconda, Mont., Tuesday. He died a few minutes after being taken out of the stack, never having recovered consciousness.

Tuesday morning at 7:30 o'clock Griffith, with six other brick masons, resumed their work of lining the stack with brick. They were working from a stage suspended by chains and swung in the center of the stack. The platform was about 20 feet in diameter and circular in form. On it were piled the brick and mortar used in the work. As the brick lining is built the stage is pulled up to keep pace with the growing wall. At the time of the accident the stage was about 15 feet above the ground.

The men had just gone to work when suddenly one of the six chains holding the platform parted. Almost instantly two others parted under the added strain put upon them.

The men seized the brick wall, which was within easy reaching distance, with the exception of Griffith and P. J. Mahoney. Griffith, however, could not reach the top of the brick wall in front of him, and went down with the stage. Terrible bruises in his back, a broken arm and a fractured skull tell the story of his death. The life was crushed out of him. He was placed in an ambulance which left for Anaconda at 10 o'clock. As the start was made for town he died.

Griffith was 35 years old, unmarried, a native of Wales. He had been in the country 13 years. Six years ago he went to Anaconda from Spokane, and had resided there since. A strange fatality seems to have pursued his family. He was the last of three brothers to die in the year. March 10 last his brother, William Griffith, died at St. Ann's Hospital in Anaconda, of blood poisoning, and February 5 another brother died in Wales. A married sister lives in Portland, as does a sister of Mrs. William Griffith.

MORE ROOM WILL BE NEEDED

West Side Public Schools Certain to Be Crowded Next Term.

Wednesday of last week closed a most successful term of Portland public schools. The total registration reached 12,680 pupils which was 400 more than the year previous.

The Board of Education will take advantage of the vacation, which lasts until September 10, by having considerable repairs and painting done. The new central school on the East Side will be made ready for the beginning of the Fall term, and the old Multnomah School, in Albina, will be moved to Oakley Green, about a mile and a quarter north of its present site. This will place the school midway between Portsmouth, the Woodlawn and the Thompson schools, and tend to draw pupils from each of these as occasion requires.

With the exception of the Chapman School, all the buildings on the West Side were comfortably full of pupils the past term, and by next September rooms will have to be rented on the outside in several instances. The Failing School is one of the most crowded, and in order to carry the students, the South Portland School on Corbett street will probably have to be enlarged. At Sunnyside and Sellwood, additional rooms will be needed, and new school buildings will have to be built in 1902.

"My idea," said a director yesterday, "would be to erect one school building each year, and thus add to the accommodations, without being too hard on the taxpayers. The city is growing constantly in population, and is likely to continue doing so, and I believe in building school houses as fast as they are needed."

PREPARING FOR VACATION

CIRCUIT COURT JUDGES MAKE SEVERAL DECISIONS.

Ordinance Keeping Mud Wagons Off Paved Streets Declared Valid—Other Interesting Cases.

Preparatory to the summer vacation, the judges of the State Circuit Court rendered a large number of decisions yesterday, and then ordered an adjournment until Wednesday.

Rule Not Retroactive.

The defense of the A. O. U. W. that a divorced wife cannot recover on a beneficiary certificate issued to her former husband was knocked out by Judge Frazer in the suit of Emilie Watson against that society, a demurrer to the answer being sustained. This action is based on a certificate of insurance in the A. O. U. W. for \$3000, and the order set up three different defenses. First, that Mrs. Watson is the divorced wife of Bernard Klein, who took out the certificate in 1885, at which time a member could designate whom he pleased as beneficiary, but in the year 1888 the order amended its law so as to require the member to designate a member of his family or some one related to him by blood. The order contended that because of this amendment Mrs. Watson cannot recover, while it was argued by her counsel, William Reid, that the law having been adopted by the order subsequent to the date of this certificate, and the law having no retroactive effect, she was entitled to the money. Judge Frazer sustained this point. The other answers set up were pleas in abatement and a motion to strike the same for being scandalous and untrue. The court held that having pleaded to the merits, these other defenses were waived.

Ought to Have Kept Out of Court.

Florence Evans was granted a divorce from Dudley Evans, by Judge Sears, and Evans was ordered to pay \$100 attorney's fees and \$20 per month for the support of the three children. He gave notice of an appeal to the Supreme Court. In rendering his decision Judge Sears said that he was reluctant to grant a divorce, as he believed the matter ought never to have been brought into the courts, and that the fault lay at the feet of certain people who had been meddling in the domestic affairs of the young couple. The court also was of opinion that a young couple should go to a home of their own and not try to live with their relatives, as was the case in this instance. Mr. and Mrs. Evans having lived with her mother, Young Evans is to have the privilege of visiting his children frequently, and may take them out with him.

Judgment Against Her Son.

Judge Cleland decided in the suit of Louisa Bartlett against her son, W. L. Bartlett, and Minnie Palmer, that a decree be granted for the amount sued for, \$467. The court, in passing upon the case, said: "The evidence was conclusive that Mrs. Bartlett loaned the money to her son and his partner, Miss Minnie Palmer, for the purpose of purchasing a half interest in a rug business owned by S. J. Kafura, and Bartlett got the money under the pretense that it was for Mr. Kafura." The court seemed to deplore the fact of a mother having to go to court to collect a promissory note from her son, and remarked that enough had been shown at the trial to satisfy him that the defense of want of consideration had failed absolutely.

Will Enjoy Her Property.

In the case of Nannie N. Starr vs. William L. Starr, Judge Cleland disposed of the last opposition to the right of Mrs. Starr to occupy or rent and enjoy the income of the residence property of the Starrs in this city. The decision was the outcome of an application to have a receiver collect the income of the property while the case was on appeal to the Supreme Court. Some time ago Mrs. Starr obtained a decree for support, and on the judgment brought suit to have a decree which Mr. Starr had made conveying his property to Kate M. Kaiser

set aside for fraud. Mrs. Starr prevailed, and the present ruling confirms her absolute ownership in the property, so far as the trial court is concerned.

Did Not Recover.

In the suit of Mary O'Brien against her former husband, John O'Brien, Charles Bernard and Oliver Murray for \$270 damages, Judge Cleland found for the defendant. Mrs. O'Brien was divorced from her husband about two years ago, and secured a share of a number of tracts of land in Washington County. He appealed to the Supreme Court, and Bernard and Murray signed a surety bond. Pending the appeal, O'Brien used the land. Mrs. O'Brien alleged that there was waste upon it, and profits of which she had not received her share, so she sued O'Brien and his bondsmen. The court was of the opinion that the evidence did not justify her claim.

May Inspect the Books.

Judge Sears decided in the mandamus proceeding of Mrs. M. A. North against M. Billings and the Union Savings & Loan Association that the writ allowing her to inspect the books of the company, be made perpetual. The defense was that the demand was made on the wrong officer. Billings is the president of the concern, who took out the certificate in 1885, at which time a member could designate whom he pleased as beneficiary, but in the year 1888 the order amended its law so as to require the member to designate a member of his family or some one related to him by blood. The order contended that because of this amendment Mrs. Watson cannot recover, while it was argued by her counsel, William Reid, that the law having been adopted by the order subsequent to the date of this certificate, and the law having no retroactive effect, she was entitled to the money. Judge Frazer sustained this point. The other answers set up were pleas in abatement and a motion to strike the same for being scandalous and untrue. The court held that having pleaded to the merits, these other defenses were waived.

Mud Wagons Must Keep Off.

Judge Cleland decided in the case of Charles J. Cook against the City of Portland that the city has a right to regulate the use of its streets by dirt wagons, and that such an ordinance is not an unjust discrimination against a certain class of persons. The object of this law is to prevent dirt from being scattered along paved streets. Cook was tried and convicted in the Municipal Court, and took the matter up on a writ of review.

County Has Rights.

In the suits of the O. R. & N. Co. against Joseph Houston, Susie Gilbert et al., to condemn land for right of way purpose for the St. Johns line, Judge Frazer decided that because of a tax title held by Multnomah County the county is a proper party defendant and entitled to have its rights adjudicated.

Gaston Injunction Failed.

Judge George decided the suit of Mary W. Gaston against the City of Portland, O. R. & N. Co. and others, to enjoin the opening of West Main street, in favor of the defendants, and the work will now probably be proceeded with. It is possible for an appeal to be taken.

Other Decisions.

Cleveland Rockwell vs. Portland Savings Bank, application for attorneys' fees, allowed to the amount of \$250.

S. Baruth vs. J. J. Febrer, partnership accounting and dissolution of partnership.

A motion for a new trial in the damage suit of Barbara Stager vs. The Troy Laundry Company was denied by Judge Sears, and she was granted judgment on the verdict for \$250.

Judge George granted Maud Watts a divorce from M. A. Watts because of cruel treatment.

Asks for a Receiver.

D. D. Warner has filed suit in the State Circuit Court against the Oregon Irrigation Company, R. V. Pratt, A. A. Lindsey, C. C. Hutchinson and C. E. S. Wood, asking that certain shares of stock issued be canceled, and for the appointment of a receiver to take charge of the affairs of the company. Warner avers in his complaint that the Oregon Irrigation Company was organized November 16, 1899, by C. C. Hutchinson and H. N. Ross, with a capital stock of \$50,000, and that he subscribed for one share, which the defendants have refused to deliver to him. He gave, he says, to Hutchinson \$1500, and Hutchinson contracted to deliver to him stock for the money, but failed to do so. Warner alleges further that in which Mr. Starr had made conveying his property to Kate M. Kaiser

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J. F. Boothe, who appeared as her counsel, stated to the court that he had done all he could for his client. Tiny was asked by the court if she had anything to say, but remained silent.

Judgment for One-half.

In the suit of T. A. Grimes against A. D. McQueen, to recover \$619 on a note issued in Helena, Mont., in payment of a bar bill, which the defendant disputed, Judge Sears found for the plaintiff in one-half of the sum demanded.

Court Notes.

William Cox was appointed administrator of the estate of his wife, Cora Cox, deceased, valued at \$500.

The inventory and appraisement of the estate of Samuel P. Turner, insane, was filed. The property is valued at \$4231.

An old suit of H. W. Gullett vs. The Franklin Building & Loan Association for accounting, was dismissed yesterday on motion of counsel.

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The District Attorney yesterday filed an information against M. Seligman, charging him with obtaining money by false pretenses from C. Rivera by means of a forged check. He was arraigned before Judge Frazer and granted until Wednesday to plead.

CROP ESTIMATES LOWERED

Shortage of Fruit in the Southern Oregon District.

Horticultural Commissioner Carson, of Grant's Pass, writes to Secretary Lamberon, of the State Board of Horticulture, that his May estimates of crop conditions were far too high for Douglas, Jackson, Josephine, Klamath, Lake, Coos and Curry counties. Peaches, he says, will not be over 40 per cent of a crop. Pears are unusually light, but apples will be 70 per cent. Blackberries were damaged by June frosts in many places in the lower level. Carson continues: "While the San Jose scale is not so much in evidence as it was one and two years ago, it is still here, and I am satisfied that the disappearance of it, noted by Otwell Brown, of Central Point, was due more to spraying than to other causes. The scale has disappeared from places which it has long infested, but this, I think, is due to the fact that the orchards have been 'pastured out' and are no longer congenial homes for the pest. This year I have found the scale mostly on young and vigorous trees, and it is just as active as of old. It is a mistake for members of the Horticultural Board to let the impression get out that the scale is being kept under the climate or by insect enemies. I have not yet been able to find the Australian lady bug in this district."

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