

SUIT FOR DAMAGES THROWN OUT COURT

Plaintiffs' Attorneys Grant-
ed Non-Suit.

DAMAGE CASE AGAINST DOCTORS

Did not get to jury. Prosecution Failed
to Prove Negligence.

The case of W. H. Hacker, of Keas-
ey, The Nehalem, was Tuesday
thrown out of circuit court in re-
sponse to a motion for non-suit.
Hacker broke one of his arms, the
left one, October 21, 1900, and had
the bones set by Doctors C. L. Large
and W. P. Via. The arm did not
heal and is of no use to Hacker.
He brought suit for \$5,000 dam-
ages against the physicians. Upon
the order of the court X-Ray pho-
tos of the injured arm were intro-
duced, showing that the bones had
been properly joined, but that nature
had not done its work as it should.
One of the photos was life-size. This
kind of evidence is of the best, in such
cases, and is conclusive evidence of
the action used. After the prosecu-
tion had rested the defense argued
for a non-suit, which was granted.
Attorney Huffman, of Forest
Grove, and Attorney Graber, of St.
Helens, were attorneys for the
plaintiff and S. B. Huston and T.
H. Tongue appeared for the defend-
ants.

Hacker is a hardworking rancher,
and is entitled to sympathy in his
misfortune, but he evidently can
blame nature only for failure of
the bones to unite.

TO BE TRIED IN JULY.

Bub Malin, who was jointly in-
dicted with Aiken, yesterday plead-
ed not guilty to the charge of mur-
der. Judge McBride set Malin's
trial for the second day of the
July term of court, when a special
venue will be called to set on the
case. According to Woodard's tes-
timony, Malin called for the gun
left at Woodard's saloon, suppos-
ably by Aiken. Dan McLarkey, a
Portland attorney, is counsel for
the prisoner.

Portland officers are looking for
Henry Bacon, who the State be-
lieves fired the shot which killed
Guie Sue, and if he is caught, con-
viction is almost certain. Bacon
left Portland a day or two after the
"Chink," as they call a Chinaman
in ruffian borderland, was killed.

MUCH ADO ABOUT CHICKENS.

There recently has been much ado
about a half dozen chickens. Wm.
Dilley claimed them; and Chas.
Anderson claimed them. Both
parties are near Forest Grove.
They are in Dilley's possession
and Anderson had the matter and
the chickens before Justice Wirtz,
who decided that they belonged to
Anderson. Dilley then replevined
them and had the question up for
a judgment before Justice Ran-
dall, of this place. Attorney W.
M. Langley, of Forest Grove, re-
presented Anderson in the case, and
Attorney John M. Wall acted as
attorney for Dilley. Justice Ran-
dall decided that the feathered
bipeds belonged to Anderson, sus-
taining Justice Wirtz.

An amusing feature was the fact that
the chickens were before the judge
when Langley was arguing the
case. They were nicely cooped in a
box, and when Mr. Langley was in
the heat of his argument, he said to
have said: "If the court please, if these
chickens could talk, every one but one
would say she was Anderson's; in fact,
if I know myself, I would not be sur-
prised if a wise and sensible Pro-
vidence would direct one of these mu-
tineer witnesses to do some good in
boisterous cackle, that would, during
the progress of this trial, lay an egg with
the initials, 'C. A. W.' on the shell thereof.
Could such a thing happen, it would
prove that Providence moves in a mys-
terious way for wondrous to perform."
But it did not occur such a termination.
The court will be guided by cold, hard
facts in this case—not by any cackle—
Just then a hen, to the consternation of
the audience, commenced to loudly
cackle. Counsel for Dilley looked un-
easy. Mr. Langley beamed with great
satisfaction. He went to the coop, and
the egg was there. He seized the newly
laid fruit and looked it over carefully to
find the initials. There were not there—
but his case was won. Said he to his
Honor: "You can't expect the initials,
because the hen has been confined so
long that her ownership is confusing,
and you know that nothing is confused
more easily than a common, ordinary
hen. I will argue no more; the case is
in your hands, and I confidently expect
a verdict for Mr. Anderson. The hen
has done all that the court can ask of
any well regulated hen."

The court Monday morning held that
the chickens were the property of Mr.
Anderson.

If you want to look dressy and
neat, go to Ang. Tews, the Second
street Hillsboro tailor, and give
him your measure for a spring
and summer suit. His work gives
eminent satisfaction. Ask any of
his patrons.

E. P. Cadwell, of Forest Grove,
was in town the first of the week.

Get out your spade and hoe and
start your garden—then go and
buy your garden seeds, bulk or
package, at Dennis'.

W. E. McCourt is absent this
week on a visit with his sister,
Mrs. W. F. Nelson, of Seattle.

A. G. Lucas, who is well known
here as having been Southern Pacific
agent at this place and Corne-
lius, and who recently went to Cal-
ifornia for the benefit of his wife's
health, has located at Howard Sum-
mit, that state, where he has en-
gaged in the general mercantile
business. He is also postmaster
at that place, and is doing very
nicely. He writes to a friend here
that having commenced down
there, but that they could use a
little rain. Howard Summit is
located about seven miles south of
Los Angeles. He asks his old
Washington county friends to call
on him when they get down his
way.

Schulmerich Brothers have pur-
chased Dr. Bailey's interest in the
Union Block, Main street, and will
occupy the rooms with a new stock.
This will make a handsome double
store. Wehrung & Sons will soon
have the room formerly rented to
Archbold occupied by stock. The
pharmacy will occupy the quarters
now occupied by McCormick's bi-
cycle store. There are now but very
few buildings of business nature
unoccupied.

Fred Oakerman, of Burns, and
who is a brother of N. P. Oaker-
man, of Reedsville, had his public
sale of horses as advertised last
week, Tuesday, in front of the Red-
mond & Sappington barn, in this
city. He sold seventeen head, in-
cluding the span of likely looking
mules, and not a note was offered,
all taking advantage of the cash
discount. The mules sold for
\$217, and the horses averaged \$51
dollars each, minus the per cent off
for cash. A fairly good crowd was
in attendance.

If you are looking for bargains
call at McCormick store in Crandall
building on Main street. He carries
the entire stock of goods recently
purchased from Mr. E. L. Abbott
in connection with his stock of
sporting goods. His 1901 Imperial
bicycles are the best on the market
for the money. Repair shop in con-
nection with store.

The rooms occupied hitherto by
the Pharmacy, in the Union block,
is being thoroughly overhauled by
Schulmerich Bros. The stringers
are being newly repaired, and an
arch will be cut to connect the
floor with that now occupied by
the store. Wehrungs have com-
pleted their new salesroom; the
Delta has newly papered their
place of business and the Pharmacy
is in business condition. Taken
all in all, this has been a very
busy season for the mechanics.

Where would you be without
your feet? Have you ever thought
of that? Dress them with pur-
chases at H. Wehrung & Sons.
They handle shoes direct from the
factory and have the most com-
plete stock in Washington county.
You are bound to buy if quality
and prices go for anything.

The jurors are all happy as Judge
McBride discharged them yester-
day afternoon. The large majority
of them are farmers and they were
wanting to get to work. After their
nearly a month of court they will
go back to the farm, knowing that
their lot is not so bad a one, any-
way. Taken all in all they were a
fine lot of fellows—and they have
had an opportunity to learn a
whole lot of law and a whole lot of
human nature.

They give it away. Commenc-
ing Saturday, March 9, H. Wehr-
ung & Sons will give each cash pur-
chaser of a dollar's worth of mer-
chandise a chance on the follow-
ing: First prize, lady's or gent's
Hartford bicycle; second prize,
lady's or gent's Vidette bicycle.

A. O. Wold has sold his Reed-
ville grocery store to Chas. Wil-
loughby, who will conduct it in
the future. Mr. Wold takes this
occasion to thank his patrons of
the past, and extends to the new
proprietor his hope for the greatest
possible success, as well as a con-
tinuation of the patronage of the
past. Mr. Wold will remain at
Reedville for several weeks, after
which he will take his family to
California.

Schulmerich Bros. make the fol-
lowing prices on implements: 2
horse, all steel lever harrow \$12.50;
3 horse, all steel lever harrow
\$14. Disc harrow from \$25 up, ac-
cording to size and style.

John E. Kirkland, of Independ-
ence, was here the middle of the
week, to get Ben Bolt and Mark
Hanna, two of Tongue's young
horses. They will be taken to
Salem and trained to enter the
races this fall. Both are very like-
ly young horses, and if Mark Hanna
does not win a few ***** he will
very much belie the party after
whom he has been named.

If Hillsboro gets the railroad,
well and good. But whether it
comes or not, H. Wehrung & Sons
will do business with you. Their
new line of wash goods, ladies'
muslin underwear, wrappers and
spring dress goods, has arrived.

Mr. Hartman, who has been pas-
tor of the Evangelical church for
the past year, closes his present
engagement with that church next
Sunday evening. He will leave on
the following Wednesday for Cor-
vallis to attend the Annual Con-
ference, when he will be assigned
to work for another year.

J. J. Meacham, who has resided
above Mountaineer for some years
will soon go east of the mountains
and try that section for a while.

AIKEN CONVICTED OF MURDER

Jury Brought in the Verdict
Tuesday Morning.

MURDER IN THE SECOND DEGREE

The Penalty is Life Imprisonment in
the Penitentiary.

James Aiken has been declared
guilty of murder in the second de-
gree. So reads the verdict of
twelve freeholders of Washington
county. The evidence was all in
Friday evening and argument by
opposing counsel occupied Friday
evening and Saturday until after-
noon. The case went to the jury
at about 3 o'clock, and the jury
agreed by 10 o'clock Sunday morn-
ing. The argument of the attor-
neys on both sides of the case was
able, and the defendant certainly
had his rights amply protected by
his attorneys, H. T. Bagley and
W. D. Smith. They handled the
case skillfully, and with credit to
themselves and their client.

Monday morning, as soon as
court opened the verdict was read,
the defendant being in court:

"In the Circuit Court of the State
of Oregon, for Washington County.

"The State of Oregon vs. James Aiken,
informed against jointly with Henry
Bacon and Budd Malin.

"We, the jury in the above entitled
action, find the above named defendant
guilty of murder in the second degree."

"W. W. Truesdale, Foreman."

The verdict was evidently a com-
promise between first degree and
manslaughter. The penalty for
this crime is life imprisonment.

The Jury on the Case.

The following jurors were the
twelve citizens who brought in the
verdict:

John A. Chapman, Middleton
George Sussman, Corvallis
Frank Waters, Forest Grove
W. W. Truesdale, Scholls
Louis Joss, Cornelia
F. A. Haines, Hillsboro
John Joss, Glencoe
M. E. Dilley, Forest Grove
M. C. Collier, Scholls
Henry Challacombe, Cornelia
J. M. Bridges, Hillsboro
J. M. Greear, Hillsboro

History of the Crime.

For many years Wong Jim, a Chin-
aman, has been running a hop yard
near Raleigh. He has always made a
little money, and has employed two or three
Chinese to help him. Wong Jim, like
many another Chinaman, liked his
"nips." He frequently went to a saloon
run by one Woodard, in Portland, early
in December he was in the saloon, and
while there, exhibited some money.
James Aiken, well known here as a
tough character, was tending bar, and
knew Wong Jim quite well, as he had
frequently handled wood by the Chin-
aman's place. On the night of December
31 a party of three men visited the hop
yard. Wong Jim had stayed in Port-
land, but the robbers supposed he was
at the ranch and hoped to get a big pull
for their trouble. In the struggle that
followed, Guie Sue, one of Jim's men,
was killed, while Louie How, another
man, was badly beaten about the head.
Louie How was arrested, but then dis-
charged, and then followed Aiken's ar-
rest. This arrest was made at the in-
stigation of Woodard, the man for whom
Aiken worked, and who alleged that the
day after the murder Aiken had told
him that one Henry Bacon had killed a
Chink, and that when shot the deceased
had jumped four or five feet high. Bacon
skipped at once, and Aiken was
brought here and placed in jail to await
trial. Aiken's alibi was sworn to by a
woman of no character. Woodard's
wife came out and swore that she would
not believe her husband on oath. Wood-
ard was impeached, but it appears that
the jury believed his evidence as to what
Aiken had said after the murder was
committed.

Aiken has a bad reputation and
has been before the courts several
times. Heretofore he always man-
aged to get out of his predicament
by the evidence of witnesses that
were not worthy of belief. He has
been running with a bad gang, and
he is a cool calculating chap whom
nothing daunts. He is just the
sort of man to plot a murder on
an expedition of the kind that cul-
minated in the death of the Chin-
aman. Had the deceased been a
white man—but that is another
story.

Aiken is a young man, aged
about 25 years. He is well known
in this county, and a few years
ago married a daughter of James
Burgess, of Mountaineer. He is
perhaps five feet seven, not overly
heavy, and is a decided blonde.
He has a rather bad countenance,
and yet rather a good countenance.

He is the coolest hand on the wit-
ness stand that has been under the
fire of cross-examination here for
some time. His nerve, if put to
proper uses, would have given him
success in any plane of life. He
seems, though, to have preferred a
life on the broad highway of dis-
repute, and he is now up against
life imprisonment.

A Life Sentence.

Attorney Bagley moved for a
new trial Wednesday, which was
denied. Judge McBride stated that
he had paid close attention to the
evidence; that he thought he had
had a fair trial, and that it was his
opinion that the jury's verdict was
a just one, and that if there was
error in admitting evidence or in
the court's instructions, it was in

favor of, and not against, the de-
fendant. He then sentenced Aiken
to the penitentiary for life and
denied a request to sign a certifi-
cate of probable cause. Aiken
took the sentence without moving
a muscle, stating, before sentence,
that he had nothing to say. Aiken's
sister, who was in the court
room, broke down with a momen-
tary sob—and then the prisoner
was taken to jail by Sheriff Sewell.

Bicycles, new and old, cycle
sundries, baseballs, bats, mits and
gloves, fishing tackle, pocket
knives and razors, at McCormick's
store.

The Scholls section is soon to
have a new tile factory. Lincoln
Landess has completed the pur-
chase and delivery of his ma-
chinery and will soon have the
factory built and in operation. It
is said that he has very fine clay
for making tile, and as that is a
good field for drainage he will have
 plenty of custom. He will have a
25 horse power engine in his plant
and hopes to have tile sold by
June if everything works well.

Go to F. J. Barber, Second Street,
for a neat shave or haircut. Satis-
faction guaranteed.

John R. Bailey, of Buxton, was in
town the first of the week, and
says that the new Grange at that
place has 42 applicants for mem-
bership. He states that the fruit
prospects in his section are very
good and that unless frosts come
very severe this season's will be the
best crop for years.

Schulmerich Brothers can handle
three or four carloads of choice
Barbark potatoes. Portland prices.

The Reading Room Committee
will give an entertainment for the
benefit of the public at the Read-
ing Room, in the Finney building,
Saturday evening, April 13. A
special invitation is given to those
who signed to pledge when Col.
Holt was here.—Committee.

New and second-hand bicycles
for sale at McCormick's bicycle
store.

Miss Eva A. Millar, who is teach-
ing in District 81, sends the follow-
ing report of the first month, spring
term: Enrolled, 50; average at-
tendance, 44; roll of honor: Ar-
nold and Emma Berger, Richard,
Anna and John Donovan, Maud
and Eleanor Hamel, Harry Han-
sen, Viola Jackson, Nellie, Nelse
and Ellen Johnson, Eddie, Harry
and Ross Rasmussen, Bertha,
Mary, Rosa and Hulda Stucki, El-
len, Hermon and Andrew Zureher.

Read the change in A. G. Ander-
son's poultry ad. Never before
have eggs been sold for thorough-
bred bawls at such low figures.
Improve your poultry yards.

For to be a successful business
man you must be careful in your
dealings. That is the reason so
many successful people buy their
footwear at Dennis'. His stock is
selected with care; he can fit all
who come, and his line of ladies'
footwear is the most stylish in the
county.

Michael Boyd, one of Dilley's
old settlers, was in the city Tues-
day, the guest of his daughter, Mrs.
Riley Cave.

W. K. Newell has again been ap-
pointed as a member of the Oregon
State Horticultural Board. This is
one of the best appointments in
the Board Membership, and his
many friends are pleased to again
see him recognized. Mr. Newell
resides near Dilley.

"Widow Bidott" at Hillsboro
Opera House Wednesday evening,
April 17th. General admission,
25c; reserved seats, 50c. Seats
now on sale at Wehrung's.

There is again talk of a motor
line between this city and Portland
and it is said that a party of sur-
veyors will be in the field within a
few days to locate the line.
Whether or not this is the same
motor line that has been coming
for several years is not known.

Schulmerich Bros. have received
a car of Utah Land Plaster; \$13.50
per ton.

Hon. J. K. Weatherford, a prom-
inent attorney of Albany, and who
is president of the Corvallis and
Eastern Railroad, the Yaquina
road, was in town Monday, doing
business for Scio clients. He re-
turned Tuesday morning.

Bob Greer will sell you American
Wonder peas at 15 cents per lb.,
or 2 lbs. for a quarter; yellow Dan-
vers onion seed for \$1.00 per lb.
All other seeds in proportion. All
first class seeds.

F. S. Cutler was in town Tues-
day booking "Widow Bidott" at
the Hillsboro Opera House. Mr.
Cutler booked "Under Sealed Or-
ders" for this place some time ago.
Mr. Cutler books nothing but first-
class plays.

Schulmerich Brothers have blast-
ing powder on sale at their store.

Hon. H. V. Gates and wife have
returned after a six week's trip to
Eastern points. They visited Kan-
sas City and Louisville, Ky., and
many of the Eastern centres. Mr.
Gates leaves today for a trip to
Eastern Oregon.

New wall paper, at McCormick
store, latest designs.

Henry Roge and wife, of Farm-
ington, have returned to their
home after a five months' visit at
Toga, Illinois. They report an
enjoyable trip.

CIRCUIT COURT STANDS ADJOURNED

Equity Cases Disposed of
Since Last Week.

CRIMINAL CASE SET FOR JULY

New Trial Denied in Naylor vs. South-
ern Pacific.

Washington County vs. H. P. Ford,
suit for money alleged to be due
county; plaintiff allowed 20 days
from April 2 to file amended com-
plaint.

W. D. Bradford vs. Washington
County, suit for fees alleged due to
plaintiff, argued and taken under
advisement.

Investors' Mortgage Sec. Co. vs.
Stephen Richards, Lydell Baker
appointed guardian ad litem minor
defendants and decree of fore-
closure, \$5,421.10 given.

Thos. Cox vs. Isaac Meyer et als,
decree of foreclosure.

Theodore Vandehy, Ex. estate
Jno. Smith, deceased, vs. Christian
Schock, decree for deed correction.

President and Trustees T. A. &
P. U. vs. C. F. Miller. Stipulation
and case dismissed without costs.

A. Hinman vs. City of Forest
Grove, suit to stop operation of
water and light by E. W. Haines,
defendant allowed 10 days to
plead.

Assignee estate Anton Pfanner,
insolvent, directed to convey right
of way to J. C. Garrigus.

S. B. Huston vs. Jas. G. Lee et al;
decree as against Lee.

J. W. Shute vs. J. M. Pitman; de-
cree for plaintiff.

State vs. W. E. Milan, charged
with murder; set for trial July 17.
New trials denied in re Naylor
vs. S. P. R. Co., and Frank Lee
et al vs. T. W. Thompson, and
judgments on verdicts for defend-
ant in first case and plaintiff in
second.

Pacific University vs. M. E. Aus-
tin; plaintiff's motion to strike out
defendant's demurrer over-ruled.

A. B. Thomas vs. Lois MacMahon;
evidence submitted and taken un-
der advisement.

Court stands adjourned until
July term.

COMMISSIONER'S COURT.

Ordered that \$16 be drawn on bi-
cycle fund favor Verboort Bicycle
Club.

Reward of \$500, murderer of
Anders Dahlberg, offered by coun-
ty judge, approved by court.

Bond of J. W. Sewell, sheriff, as
tax collector, J. C. Hare et als,
approved and tax roll turned over
him for collection.

The following claims were al-
lowed:

G. H. Wilcox, assessing	\$ 79.00
R. I. Kuralt, " field work	30.00
A. A. Morril, " "	30.50
H. B. Tigard, " "	32.00
M. D. Cady, " "	10.00
J. Vanderwal, " "	35.00
Portland Hardware Co., nails Dist 11	7.30
A. Messenger, hardware Dist 3	9.50
Condon Bros., hardware Dist 2	20.40
Beaver Creek Mills, plank Dist 12	2.30
Redmond & Sappington, teams	2.00
C. C. Hancock, nails Henderson	4.01
R. Gave, repairs dist 12	3.50
N. J. Prickett, powder dist 17	16.15
G. A. Morgan, clerk, dep. sta.	203.45
L. A. Road, sal. sta. etc.	60.30
C. Randall, sal. sta. etc.	50.50
H. A. Ball, sal. sta. etc.	62.40
E. L. Weathered, typewriting	10.80
A. M. Collins, janitor board priv.	58.95
Light & Water Co., Mch service	17.95
C. R. Bradley, pump poor farm	139.75
F. Doughty, wood N Long	1.35
R. Wann, recorder, dep. sta.	128.90
Cast Agency Co., sta.	50
C. Potter, stamps, rubber goods	1.50
Glass & Pruthomme, blanks	50.00
J. W. Sewell, sheriff, dep. sta.	236.30
R. B. Seppington State vs. Bieland	17.00
Mays Bros., sup. Dan Boner	7.35
Hibore Pub Co., sta. etc.	96.15
A. B. Cady, sup. Mrs. Smith 5 mo.	20.00
Reeves Bros., sup. A Morgan 2 mo.	6.00
Argus, printing, sta.	8.50
M. Crandall, assessing, col.	10.00
D. Wenger, sharpen scraper	1.50
Wolf & Zwicker, car wheels	24.00
J. J. Wismer, moving scrapers	1.50
T. Wilkes, surveying	21.00
Pharmacy, press med. poor	11.40
Dr. P. A. Bailey, visiting poor	12.00
J. P. Tansie et als, indigent sol.	127.40
R. H. Greer, sup. poor	7.80
J. O. A. Young, com. sal.	11.00
R. J. Ward, " "	16.80

PROBATE.

Estate E. Davis, deceased.—Semi-
annual account filed; receipts, \$206.85
disbursements, \$164.49; balance on
hand, \$41.36. Report approved.

Estate John Gilhooly, deceased.
—No objections being offered at
time set for hearing, ordered that
realty of estate be sold at public or
private sale on best possible terms.

Estate John Smith, deceased.—
Estate closed of record and residue
paid over to widow.

Estate Laura M. Cadwell, de-
ceased.—E. P. Cadwell appointed
administrator with bonds at \$600.
Jos. Marsh, D. W. Ward and E. L.
Naylor appraisers. Administrator
authorized to transfer 60 shares of
Scio Bank in full satisfaction of a
note given in the sum of \$2,700.

Estate Nettie E. Campbell, de-
ceased.—Citation to heirs to appear
at court April 25 and show cause
why realty of estate shall not be
sold.

Forty acres land near Center-
ville; nearly all cleared; bottom and
new land; house, barn and granary,
for sale. Inquire of J. W. Vander-
velde, Centerville.

Cigars at F. J. Barber's, 2nd St.

The liberal premiums offered for
county exhibits at the Oregon State
Fair this year will afford every
county in the state an opportunity
to exhibit her resources. There is
no question about the great num-
ber of homeseekers coming to the
state this year, and the State Fair
will afford them an excellent op-
portunity to judge for themselves
of our resources. For this reason
alone every county that makes any
pretension to general agriculture
should make a good showing. The
premiums offered on county exhib-
its is \$1,000, divided into five parts,
as follows: First premium, \$300;
second premium, \$250; third pre-
mium, \$200; fourth premium, \$150;
fifth premium, \$100. The Southern