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MONDAY, APR. 23.

First Appearance Here of The

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Fifteen First-Class Artists.

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Monday, April 23,

Great Sensational English Comedy Melo-Drama,

The Gipsy Queen.

Tuesday, April 24,

The Great American Comedy-Drama,

"Way Down South."

Wednesday, April 25,

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By Sir Walter Scott.

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GIFFORD NASH IS NOW PREPARED to receive a limited number of pupils. Terms and hours can be learned on application, either personally, or by letter in the Corvallis post office.

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J. FRED YATES,

Attorney at Law.

Deputy Prosecuting Attorney.

OFFICE—In Zirolli's Building, Corvallis, Or.

THAT ADULTERY CASE.

A Demurrer to the Indictment Sustained. The State Will Appeal.

The court room was well filled last Saturday morning with an audience of men who came to hear the argument on the demurrer to the indictment in the case of the state vs. J. M. Applewhite and Lucinda A. Kenyon. None of the racy facts which rumor says will come out during the trial, were alluded to by the attorneys, but the splendid arguments pro and con of the motion in hand held the attention of the crowd. District Attorney Condon's plea was masterly and has been the recipient of many compliments. He reviewed the decisions presented by Judge Bryson for the defense, and argued that in the Iowa cases the judge, apparently based their decisions upon the presence of the article "the" before the words "husband or wife" in the first sentence of the act in the criminal statute of that state relating to adultery which statute was identical in wording with a similar statute in Oregon, until 1891, when our legislature amended this law by, among other things, omitting the word "the" and Mr. C. claimed that under the present law, the husband or wife of either of the guilty parties could prosecute both. Judge Bryson maintained that this construction was not the proper one to place upon the statute and so favorably impressed the court with his able argument that the demurrer was sustained in the following words:

"These two sections have never been passed upon or disposed of by the supreme court of our state. There has been an abundance of Iowa reports cited, construing these sections to hold that this prosecution can only be made by the husband or wife of the defendant. There does not seem to be any question about the construction of the Iowa statutes. This statute has been construed by the supreme court of that state from which our statute is copied running down for forty years, and this court is not inclined to place a different construction from that placed upon the statute by the supreme court of Iowa. To overrule this demurrer and proceed to trial would certainly be assuming a grave responsibility knowing that the case would be carried to the supreme court, and would be incurring an unnecessary expense. It can now be tried with but very little expense upon an appeal and this court does not feel warranted in overruling the demurrer."

That ground for the demurrer was based upon section 1859, of Hill's code, which is as follows:

"A prosecution for the crime of adultery shall not be commenced, except upon the complaint of husband or wife, or (if the crime be committed with an unmarried female under the age of twenty years, upon the complaint of the wife, or of a parent or guardian of such unmarried female, and within one year of the time of committing the crime, or the time when the same shall come to the knowledge of such husband or wife or parent or guardian. When the crime of adultery is committed between a married woman and an unmarried man, the man shall be deemed guilty of adultery also, and be punished accordingly."

W. S. McFadden appeared for the defendant, Mrs. Kenyon, who was released upon the motion of the state's attorney to enable her to testify.

Corvallis Cycle Club.

A meeting of cyclists was held in the law chambers of Hon. Jno. Burnett on Wednesday evening last. There was quite a good attendance of cyclists, who, aside from the regular business of the club, have decided on a positive step for the betterment of Benton county's roads, and the definition of the privileges and prerogatives of bicyclists. The influence of this new organization will soon be apparent.

Ralston Cox, a former resident of Corvallis, has been appointed postmaster at Vancouver, Washington. This is a good office and a good appointment.

R. T. Rogers was one of the GAZETTE visitors last Monday. Mr. Rogers came here from Nebraska last fall with his family and located on a farm near Monroe. He served through the rebellion with distinction, and until recently was connected with Uncle Sam's Indian scouts. He is well acquainted with W. F. Cody (Buffalo Bill) having been associated with him on many scouting expeditions.

Go to the Delmonico for the best meal in the city.

Willamette Valley Attachments.

Since last December the steamship Willamette Valley has been lying at her dock in San Francisco covered with attachments and under the care of the sheriff. On the 12th inst. a decision was rendered dissolving the attachments of D. R. Vaughn, Crocker & Co. and others, amounting to about \$13,200. Suits for coal bills aggregating \$8,000 and an attachment run by William Laird Law for \$26,000 for receiver's certificates issued under the Hogg management in part payment of the ship, were also dissolved. Some time ago an order was granted by Judge Fullerton giving Mr. Law permission to interplead in these suits and institute foreclosure proceedings of the lien he held against the vessel by virtue of the receiver's certificates. Although the termination of these suits releases the steamer from the custody of the state officials she is yet in the hands of the U. S. marshal on account of libel proceedings brought by creditors for supplies furnished the ship aggregating \$11,000.

Chicago Lady Quartette.

Read what the St. Paul Daily Globe has to say about the entertainment to be given next Thursday evening at the chapel under the auspices of the O. A. C.:

"The Chicago Lady Quartette is composed of artists. They gave an exquisite concert last evening before a goodly audience. The selections were varied, including the simple melodies with the classical, and the execution was simply superb. Encore followed encore with certain sequence, for the charming young vocalists won the heart of every auditor in their very first effort. 'The Lady Bird,' and they refused to refuse a soul thus imprisoned until the last number was sung, and it was fitting and appropriate, 'Home, Sweet Home.' There were solos as well as quartettes, and the fact was exemplified that each member of the quartette is a finished solo artist."

Cornelia Neltson, queen of impersonators, will also assist with the program. The Chicago Inter-ocean speaks of her as follows:

"Miss Neltson did remarkably well and received a solid re-call and the hearty attention and applause of the audience. There was a perfect ease and grace of manner, free from strain and apparent mechanism, and a refreshing individuality characterizing their efforts."

Reserved seats 50 and 75 cents.

Of Interest to Horsemen.

The Democrat mentioned an accident to the mare belonging to Mr. J. A. Cumming by which a leg was broken. The animal was in foal, and it was found that the plaster cast on the leg was not sufficient to sustain the heavy weight of the horse. It was desired to save the colt if possible, and, as the fate of the mare was practically decided, chances were taken and an operation was performed, which, so far as known now, is the first on record for a like case. The Caesarian section was performed by Dr. E. L. Irvine. Dr. H. E. Beers and Mr. D. O. Woodworth of the life of the mare was sacrificed for the colt, which was saved, though respiration failed to appear for fully five minutes after being taken from her mother, and was only produced by artificial means. The colt, a fine looking animal with the marks of her sire, is alive and doing well, a triumph of skillful surgery. The little fellow is of peculiar interest as she comes from a fine strain of blood, being sired by Memo, a full brother to Frou Frou, having the yearling record, by Sidney, one of the best progenitors in the United States. If she lives, as she undoubtedly will, she deserves to become a Caesar among trotters.—Democrat.

Writing from Vacaville, Calif., under date of the 17th inst., to the GAZETTE, E. C. Crystal, a former Corvallisite, says he is pleased with the paper and that he will continue to take it. He also says: "You people up there are all missing a great thing by not taking in the midwinter fair. It is simply immense and I wish all my friends in Corvallis might see it, for it is well worth the trip. The electrical fountain is a thing of beauty and a joy forever." The letter closes by wishing the G. O. P. success in the coming election.

TREE PLANTING DAY.

Observed by Corvallis Schools With Appropriate Exercises.

Owing to the inclemency of the weather the usual out-door exercises which characterize the observance of Arbor day, was dispensed with, and, although the rain was pouring down in torrents, this did not deter the little ones from assembling in the public school building last Friday afternoon where two hours was pleasantly spent with recitations, songs and other ceremonies in keeping with the occasion. Recently State School Superintendent McElroy sent circular letters to teachers throughout the state calling their attention to the fact that Arbor day had proved an excellent educational agent in many particulars.

He notes that it has awakened among all classes—children, teachers, parents and people in general—a greater appreciation of the value of trees. Greater interest and co-operation on the part of parents has been secured, and in many instances special and valuable results have been obtained in the organization of local clubs for the preservation and extension of Oregon's famous forests. School children have been encouraged by their parents and teachers to improve and beautify the school grounds, and to care for school property in general. It has had a tendency to check the extensive and destructive fires which annually sweep large areas of the finest forests in the world, those of the Coast mountains, Cascade range and Blue mountains of eastern Oregon.

The act which requires the observance of Arbor day was approved by Governor Penney, February 15, 1889, and is as follows:

"SECTION 1—The second Friday, in the afternoon, in April of each year, shall hereafter be known throughout this state as Arbor day."

"SEC. 2—In order that the children in our public schools shall assist in the work of adorning the school grounds with trees and to stimulate the minds of children toward the benefits of the preservation and perpetuation of our forests and the growing of timber, it shall be the duty of the authorities in every public school district in this state to assemble the pupils in their charge on the above day in the school building, or elsewhere as they may deem proper, and to provide for and conduct under the general supervision of city superintendents, teachers and directors, or other school authorities having the general charge and oversight of the public schools in each city or district, to have and hold such exercises or shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results."

"SEC. 3—The superintendent of public instruction shall, from year to year, under and by direction of the state board of education, have power to prescribe from time to time a course of exercises and instruction in the subjects hereinbefore stated, which shall be adopted and observed by the said public school authorities on Arbor day."

"SEC. 4—As this is a matter of great importance to the public schools of the state, this act shall be in force from and after its approval by the governor."

The scholars, teachers and friends and patrons of the school gathered in the lower hallway of the public school building at 1:30 p. m. "Old Glory" was floating to the breeze overhead and the festoons of evergreens, profusion of wild flowers and potted plants, and the holiday attire of the children gave to the scene the appearance of a regular May day picnic in full blast. On no similar occasion in the past has the building presented so beautiful an appearance as on the day in question, and at no time has the public been better entertained than on the day in question. The exercises began with music by the seventh grade, "Song of Dedication" and was well received. Lillian Friendly followed with a recitation, "Planting the Apple Tree," which was excellent. Then the little midgets from the first grade recited in concert "The Little Runaways" in a manner that would have done credit to far older scholars. A recitation, "Lottie's Tree Talk," by Lucy Cline was also a creditable effort. Following this came a novel class exercise by the third grade in the way of an "Arbor Day Acrostic."

"Swinging 'neath the old apple tree," showing considerable training, was then rendered by members of the eighth grade. "Historical Trees" was the title of an instructive class exercise given by the fourth grade. The fifth grade followed with a union exercise entitled "Planting Trees." Miss Gertrude Cauthorn then gave a recitation "Arbor Day" that was thoroughly enjoyed by all. Miss Turney of the sixth grade had perhaps given the matter more time and consideration than the other teachers since she had written a very appropriate exercise that was nicely rendered by her class. Rev. Kantner was then introduced and for fifteen minutes spoke to the scholars regarding the teachings of Arbor day and the many object lessons to be learned from the trees. The program was completed by singing America in which five hundred voices joined making the old school building fairly shake from foundation to dome. An adjournment was taken to the campus where two trees were planted, one in commemoration of their former teacher, Miss Spencer, who was a great favorite among the pupils and the other in honor of Henry W. Longfellow, whose poems are read with so much delight both by the old and young.

DOWN AT ASTORIA.

No Contests for Nominations at the Democratic State Convention.

The following report of the democratic convention at Astoria is taken from the Oregonian of Wednesday:

"There is harmony in the democratic ranks of the state of Oregon. It is the sort of harmony that exists when the lamb and the lion lie down together with the lamb inside of the lion. The coocoo are victorious, and the kids are, figuratively speaking, wiped off the face of the earth. So complete was their rout that their crushed spirits never rose sufficiently for even a mild protest against the platform that eulogized their arch enemy, Cleveland, and gave a vicious swipe at the great and good Pounoyer. Killlether was there as a delegate from Umatilla county, he having secured a proxy that enabled him to air his eloquence, and while he met with disastrous defeat at the Portland primaries, he had more to say on the floor of the convention than any other man present, and soared away off into the rems of poetry time after time. The convention as a whole lacked many of the beergarden features that made the last democratic state convention famous, but at times there were interesting little diversions that furnished some excitement for the crowd. Captain Moffett furnished the first of these, when he opposed the nomination of Holman for chairman, on the grounds of his being wrong on the money question, accusing him of being associated with the banking interests, and in other ways being, for "political and non-political" reasons, unfit to preside over the deliberations of a democratic convention. He was promptly called down by Cox, of Multnomah, who vigorously demanded that he retract what he had said. The captain gracefully apologized, but the slight wrangle started continued until Ferguson, of Yamhill, delivered a philippic about the men wearing Jefferson Club badges acting in such an undemocratic manner. He concluded his remarks with a significant glance at the Multnomah delegation, and said that all of the row seemed to come from where the badges were thickest. This brought J. J. Kelly to his feet, and in his usual vigorous style he stated that any man who accused the wearers of those badges of coming to the convention as a clique or clan was guilty of falsehood. Kelly's threatening attitude seemed to restore peace, and as the seemingly objectionable candidate had withdrawn, the squabble ended.

For governor, Mr. Worthington, of Klamath county, nominated H. B. Compton, of Klamath.

Huston, of Washington county, nominated W. R. Galloway, of Yamhill county. The ballot resulted as follows: Galloway 130; Compton 88. Galloway's nomination was made unanimous. The delegates of the first and second congressional districts then organized and proceeded to nominate congressmen. J. K. Weatherford was nominated in the first district, and J. H. Raley, in the second, both by acclamation.

In the evening the state ticket was completed as follows: Secretary of state, Charles Nickell, of Jacksonville; treasurer, Thomas L. Davidson, of Marion county; supreme judge, A. S. Bennett, of The Dalles; attorney general, W. H. Holmes, of Salem; superintendent of public instruction, D. V. S. Reed, of Eugene; state printer, John O'Brien, of Portland."

Later—For prosecuting attorney second district, Geo. A. Dorris, of Eugene; joint senator, O. H. Lee; joint representative, W. H. Brunk.

The new residence of Charles Blakeslee is nearing completion. It is a handsome structure and will add much to the attractiveness of the district in which it is located. The plans were drawn by W. T. Huffman under whose efficient management the building has been brought to so early a completion.

District Attorney Condon completed his labors before the circuit court, and went home Monday. As his term of office expires the first of July this will probably be his last official trip to Benton county. Mr. Condon has proved an efficient officer and during his career has made many friends.

Services at the Presbyterian church next Sabbath as usual conducted by the pastor. A welcome to all.

Judge Bryson and wife leave tomorrow for the midwinter fair. They intend to stay away about three weeks.

F. M. Johnson has adjusted the loss on L. Y. Wilson's barn which burned several nights ago. \$110 was the amount allowed.

Corvallis is promised a spirited game of base ball tomorrow between the nines of the O. A. C. and the state university of Eugene.

Theatre Royal dramatic company at the opera house Monday, Tuesday and Wednesday nights. Box office now open. Popular prices.

Mrs. Fuller, of Independence, has been a guest at the residence of her sister Mrs. J. R. Bryson, during the week.

Mrs. L. Y. Wilson and children, of Chitwood, have been visiting relatives and friends in Corvallis during the past week. They expect to return tomorrow.

A game of base ball was played on the college grounds last Saturday between the teams of the Albany collegiate institute and the O. A. C., resulting in favor of the latter by a score of 41 to 16.

F. L. Passon and son, of Portland, have appointed Nels. H. Wheeler sole agent in Benton county for the sale of their fertilizers and bee fixtures. Passon's fertilizers are well known, having been tested at the experiment station here, and proved first class.

The hook and ladder company intend entertaining the entire fire department at an early date. At a meeting held last Monday a committee were appointed to make the necessary arrangements, consisting of Luther Smith, P. Nash and L. V. Eberheart.

In the democratic headquarters may be seen three or four transparencies and other paraphernalia which had been procured at enormous expense especially for the grand democratic ratification and torchlight procession last Thursday night, but it never came off.

John D. Daly, of Toledo, the republican nominee for joint representative, has been in Corvallis this week. John is a republican from way up at the head of the creek and is well liked by every one. The people of Lincoln made no mistake in choosing him for their representative. He will be elected and have lots of votes to spare.

For home cooking go to the Delmonico.