

IN SUPREME COURT

DEFENDANTS FROM UNION AND HARNEY COUNTY.

Three Men Appeal From a Sentence of Life Imprisonment—Manslaughter Case From Union County—Columbia Southern Appeals a Damage Case Wherein the Plaintiff Got a Judgment for \$5,382.

The supreme court heard three cases again today, two of them being appeals in murder trials, and the other a case of damages against a railroad company.

Appeal From Harney County. The case of the State of Oregon, plaintiff and respondent vs. George S. Miller, James Colwell and Bert Hall, defendant and appellants, is an appeal from the court of Morton E. Clifford, of Harney county. The appellants are represented by Weatherford & Wyatt, while the respondents have retained A. M. Crawford, the attorney general. The district attorney for Harney county, which the case was tried, and Thorn or Davis.

It is alleged that the defendants are guilty of killing Joseph Warren Curtis, a ranchman of Harney county. The deceased had taken up a colt, the property of Miller, and the defendants went to the ranch of the man killed for the colt.

The men had trouble and in the melee Curtis was shot and after having taken several shots at the defendants, the defendants were sentenced to imprisonment for life, and from this decision an appeal was taken.

Appeal From Union County. The case of the State of Oregon, plaintiff and respondent vs. Woodson Gray, jointly indicted with Wade Gray for the murder of A. M. Hallgarth, is an appeal from the court of Robert E. Clark, of Union county. The appellants are represented by T. H. Crawford and R. J. Slater, while the interests of the state are looked after by Samuel White, district attorney. A. M. Crawford, the attorney general, F. S. Ivanhoe and John L. Rand.

It is alleged that the two defendants shot and stabbed A. M. Hallgarth to death on the morning of March 29, 1903. In the lower court the defendants were convicted of manslaughter and sentenced to the penitentiary and from this decision they appeal.

Railroad Damage Case. The case of D. M. Radey, respondent, vs. the Columbia Southern Railway, is an appeal on the part of the defendant from the decision of Judge W. L. Bradshaw, of Sherman county. W. H. Wilson is the attorney for the respondent, and Snow & McCaman are the appellants.

It is alleged that the defendant was injured by jumping from an engine just below Briggs Station, at which time he broke his left leg at the knee. The jury in the trial court returned a verdict for Radey in the sum of \$1,352, and from this decision the company has appealed.

The attention of the supreme court was occupied this morning by the case of Agnes Kalyton vs. Woodson Kalyton, her guardian ad litem, appellant, vs. Mary Kalyton et al, respondents. It is an appeal from the court of Judge W. L. Bradshaw, at which the respondent is represented by T. G. Halley.

The suit is an action in equity brought by the plaintiff to establish her right to a quarter section of land on the Umatilla reservation and allotted to Joe Kalyton, deceased. The plaintiff claims the land as the child and heir to the deceased, and the defendant sets up a like claim on the ground that she is the sister and heir of the deceased, who, she alleges, died intestate. The court below found that the child was illegitimate, and from this decision the plaintiff appeals.

The appeal of Sarah C. Miller, plaintiff and respondent, vs. The Head Camp, Pacific Jurisdiction, Woodmen of the World, defendant and appellant, was argued this afternoon before the court. It is an appeal from the circuit court of Harney county, M. D. Clifford, Judge, and was argued by the appellant by A. D. Stillman, and by the respondent by Biggs & Biggs.

The case is a suit brought to recover on a policy, worth about 900 dollars, of the World by F. T. Miller, deceased, made payable in favor of his mother, the plaintiff. The order claims that the plaintiff was not good standing at the time of his death, and therefore refused to pay. The lower court decided in favor of the plaintiff, and from this decision the defendants appeal.

Caution. This is not a gentle word—but when you think how liable you are not to purchase the only remedy universally known and a remedy that has had the largest sale of any medicine in the world since 1868 for the cure and treatment of Consumption and Throat and Lung troubles without losing its great popularity all these years you will be thankful we called your attention to Boschee's German Syrup. There are so many ordinary cough remedies made by druggists and others that are cheap and good for light colds but not for severe Coughs, Bronchitis, Croup—and especially for Consumption, where there is difficult expectation and coughs during the night and mornings, there is nothing like German Syrup. The 25 cent size has just been introduced this year. Regular size 75 cents. Tallman & Co.

FOR STUBBLEFIELD HOME. Walla Walla Citizens May Raise the Necessary Funds. While the county court of Walla Walla county has not yet donated \$10,000 necessary to secure the Stubblefield home for that county, it is possible that the citizens of Walla Walla may raise the amount by private subscription.

At its last session the county board laid the matter over until a meeting to be held this week. If no action is taken at this meeting, the citizens will take the matter in hand and raise the \$10,000 by subscription.

By the terms of the will the amount

COUNTERFEITING UMATILLA.

Ruse of Eastern Merchants to Sell Inferior Fruit at Prices Commanded by Highest Grade.

A letter from T. B. H. Green, now of Oklahoma, but who settled on Wild Horse creek, near Weston, in 1864, discloses one trick of the Eastern fruit dealers, which works an injustice to Umatilla county fruit.

Mr. Green recently visited Kansas City with a trailerload of fat cattle and on strolling through the business portion of the city, was attracted by a large sign, bearing the inscription: "Oregon fruit for sale."

Longing for a taste of a genuine Oregon apple, he went into the grocery store, displaying a sign, and asked to be shown the fruit from his old home. He was surprised to see a shipment of very small, inferior, rough, wormy apples, labeled "Million Oregon," and immediately saw that it was a rank fraud, as he raised apples in Oregon, himself, for 25 years, and never saw such stuff shipped out. He at once branded the fruit as a counterfeit, and refused to be comforted.

By a little investigation he found that it was a common practice among many of the second-class grocers to purchase the inferior Missouri and Kansas apples and take advantage of the reputation of Oregon apples, but magnificent fruit, to unload this unsalable stuff, at fair prices. He didn't buy any Oregon apples out of that store, and before leaving the place expressed himself very strongly upon such practices.

INDIANS MARRIED.

Henry The-Pipes, and Miss Nellie To-Mat. Were Wedded Yesterday.

Yesterday afternoon at 4 o'clock Henry The-Pipes and Miss Nellie To-Mat, two young people of the reservation, made application at the office of the county clerk for a marriage license and were married in the office by Judge G. A. Hartman, deputy clerk.

The bride was attended by Miss Della B. Crigler, the stenographer of the office being the guests of the occasion.

Mr. and Mrs. The-Pipes are both residents of the reservation and are full-blooded Umatilla Indians, and are the holders of a goodly number of the best acres of the reservation as their own. The bride is well educated young woman and wished to be married according to the laws of the American, hence she brought her spouse to the clerk for the necessary permit and ceremony.

Suit Brought by Thompson Company.

The Thompson Hardware company has filed suit against C. L. Hastings for the recovery of \$12,274, with interest at 6 per cent from April 30, 1903. The sum is alleged to be due as payment for material and labor furnished by the defendant by the plaintiff. Haller & McCourt are the attorneys for the plaintiff.

Petition in Probate.

A petition was filed in the probate court this morning in the matter of the probating of the will of John M. Young, deceased. The estate is valued at about \$1,000. The court appointed Mrs. Anna M. Young, the widow of the deceased, administratrix of the estate. Mr. Young was a resident of Echo.

Disolution Notice.

The firm of Temple & Wilcox has this day dissolved by mutual consent. S. M. Temple having purchased the interest of W. P. Temple. All notes and accounts due the firm of Temple & Wilcox are payable to W. P. Temple. All notes and accounts against the firm will be paid by Temple & Wilcox. Dated October 12, 1903.

State Teachers' Association Meeting.

Baker City, Or., November 23-25, 1903. For the above occasion a rate of one-third part on the certificate plan authorized by Baker City. Tickets are also on sale three days prior to opening day. For particulars, call on or address F. F. WAMSLEY, Agent.

Horse Taken Up.

Came to my place, nine miles northwest of Pendleton, April 17, 1903, one dark bay mare, had halter on, bridle and pot hook on left shoulder, hind feet white, two splits in the left ear, shed all round, weight 1,000 pounds, age about 10 years. Owner of above described animal can secure same by calling at my place and paying all charges. D. HOWDYSHHELL, Pendleton, Ore.

Stray Notice.

One sorrel mare, weight about 900 pounds. Branded on right shoulder, "A. H." Branded on face, two miles north of Havana, and paying expense of keeping animal and for this notice. A. LAING.

Stray Notice.

There is now at my place on Meadow creek, Union county, one large sorrel work horse, 10 or 12 years old. White stripe in face, with collar and saddle marks. Owners will please come and get him and pay the bill. A. H. SUNDERMAN, Pilot Rock, Ore.

A Runaway Tricycle.

Terminated with an ugly cut on the leg of J. B. Orner Franklin Grove, Ill. It developed a stubborn ulcer unyielding to doctors and remedies for four years. Then Bucklen's Arnica Salve cured. It's just as good for Burns, Scalds, Skin Eruptions and Piles. 25c at Tallman & Co.'s drug store.

Sick headache absolutely and permanently cured by using Moki Tea.

A pleasant herb drink. Cures Constipation and indigestion. Makes you eat, sleep, work and happy. Satisfaction guaranteed or money back. 25c and 50c. F. W. Schmidt & Co.

We are absolutely closing out the city goods stock, no reservations or

big buy. The Boston Store means business and our word for it is good. We will make it good. The butcher department is sold out, the better, as our future plans wait the termination of this sale.

Sawmill at Drain. A new 50,000 sawmill has been built at Drain, and the lumber company is waiting for the forest reserve policy to be changed to open up a large timber belt near that city.

PELLETON REAR MARKETS

Quotations on Stables Furnished by Local Merchants and Revised Daily.

In all the list of the markets there is but one certain change this week and one that is a change in some parts and not in others. The first is in the quotation on grapes. They have been selling for 5 cents a pound, but are now about out of the market, and the California variety is bringing 3-1/2 cents to the pound.

The other change is in the price of hogs. The local quotations are the same as have been given for some time, but in the big lot bought by the Fry-Bruh Company only \$5.10 a hundred was given. This does not hold in the general market, however, for the local dealers are offering the old prices. Otherwise, there has been no change in any of the list.

FRUITS. Apples, 75c @ \$1 box. Pears, \$1.00 box. Lemons, 40c doz. Oranges, 40-60c doz. Prunes, 3c lb, 60c box. Cranberries, 20c quart. Quinces, 5c per pound. Grapes, California, 3-1/2c pound.

LIVESTOCK AND POULTRY. The following prices are paid by dealers: The producer: Chickens—Hens, 7c; 1/2 @ 4 per doz; roosters, 4 to 6 cents. Geese, per dozen, \$3. Ducks, per dozen, \$3.50 @ 4. Butter, 20-45c, good. Eggs, 30c.

CHOICE DEEF CATTLE, ET C. Cows, per hundred, \$240-\$250. Steers, \$1.10-\$1.25. Hogs, live, \$9.50-10. Hogs, dressed, 7-1/2c. Sheep, 12c per lb. Sheep, \$2.00-2.50.

HAY AND FEED. Chop hay, \$22.50 per ton; 1 1/2c per lb. Chopped wheat, \$1.40 per 100. Bran, 60 cents per sack. Shorts, 10c per sack. Alfalfa, 10c per ton. Wheat, loose, per ton, \$12. Timothy, baled, per ton, \$20.

LOCAL HIDE MARKET. The following are the prevailing average prices for hides in this market: Cowhide, 40c per lb.; beef, 10c; 10c; 10c. Sheep, 10c per lb. with a possibility of 1 1/2c each if the size is good and the condition prime; Squash, 35c. Parsnip, 15c to 25c. Pumpkins, 15-25c. Celery, 10c bunch, 3 bunches 35c. Lettuce, 10c bunch, 5 bunch 35c. Kraut, 10c quart, 40c gallon.

RETAIL GROCERY PRICES. Coffee—Mocha and Java, best, 50c per lb.; next grade, 25c per lb.; lower grades, coffee, 25c to 15c per lb.; package coffee, 20c per lb., 3 packages for 50c.

Best—Best head rice, 12 1/2c per lb.; next grade, 10c per lb. Sugar—Cane granulated, best 50c per sack; 45c per sack; 40c per sack. Flour—B. B. \$4 per barrel; water, \$4 per barrel, \$1.10 per sack. Ham—17 @ 18c per lb. Coal oil—\$1.65 for 5 gallons; 43c per gallon.

VEGETABLES. Carrots, 2c per lb. Potatoes, 1c per lb. California sweet potatoes, 5c per pound. Garlic, 10c per lb. Cabbage, 2c per pound. Beets, 10 lbs, 25c. Tomatoes, 5c lb. Onions, 2c per pound. Squash, 35c. Parsnip, 15c to 25c. Pumpkins, 15-25c. Celery, 10c bunch, 3 bunches 35c. Lettuce, 10c bunch, 5 bunch 35c. Kraut, 10c quart, 40c gallon.

NEWS OF ATHENA

NO SCHOOL REMINDER OF THE WEEK AT ATHENA. Miss Glass of Goldendale Will Attend School Here—Visiting Friends at Tacoma—City Schools Close for Three Days—Enjoyable Halloween Party.

Milton, Nov. 5.—An election will be held November 9 for rebanding Milton City for the improvement on the water works and electric light system, and also the taking up of the old bonds which are due.

Rev. J. B. Lister, the state evangelist, is here, and on Sunday morning delivered an address in the Christian church.

Mr. and Mrs. A. Rimhart of Walla Walla were here Saturday and Sunday, the guests of Dr. and Mrs. Lister.

S. B. Grizzle of Klamath Falls, who has been here visiting his sister, Mrs. H. D. Morrison, departed yesterday.

G. A. Cowell left this morning for northern Washington and Idaho, where he goes to deliver some fruit trees for the Milton Nursery company.

J. E. McQuary and family took their departure yesterday morning for Tacoma, where they will spend the winter. J. H. McQuary, a son, will have charge of the hotel during his absence.

R. Foster Stone, who has been delivering a series of temperance lectures, left this morning for Waverly, Wash., where he will deliver a series of lectures on this week.

J. E. Smith, who has been visiting his father and brother here for the past two months, left for his home in Alameda, S. D., yesterday.

Charles Ballard of Waterville, Wash., has accepted a position with the Milton Eagle.

Prof. T. C. Salt and the corps of teachers in the public school will leave this evening for Weston to attend the teachers' institute.

Mrs. E. P. Greene took her departure yesterday morning for the winter. Her home is in Walla Walla. Mrs. Mary H. Merrifield is in Walla Walla a guest at the home of Mr. and Mrs. J. L. Egan.

Mr. and Mrs. Nichols entertained a number of their friends at their new home last Saturday evening. Halloween games were indulged in, and a very enjoyable time was spent.

Bealey Hunnison is lying seriously ill, but he is making human progress, and there is hope of recovery.

Disastrous Wrecks. Carelessness is responsible for many a railway wreck and the same carelessness, which is the cause of sufferers from Throat and Lung troubles. But since the advent of Dr. King's New Discovery for Consumption, Croup and Colds, the worst cases can be cured, and hopeless resignation is no longer necessary. Mrs. Lois Craig of Dorchester, Mass., is one of the many whose life was saved by Dr. King's New Discovery. This great remedy cures all Throat and Lung diseases. Sold by Tallman & Co., druggists, Price 50c and \$1.00. Trial bottles free.

Second Crop of Apples. J. D. Brown, of the Pendleton police force has an apple tree which is bearing its second crop for this year. It is an early variety of summer apple and the first crop ripened in due season. Before the first crop was picked blossoms appeared on the tree, and now it has a fair crop of apples, many of them being as large as hen's eggs. The name of the variety is not known.

Farms for Sale. We now have listed for sale some of the best wheat farms and stock ranches in the county. All the places are well improved and well supplied with water. Also some very desirable city property. Call and get prices.

BENTLEY & HARTMAN. Horses Strayed. Strayed from Platzoeder's old slaughter house grounds. One white horse, branded 8 on right hip, with harness marks; one grey mare, branded 19 on right shoulder, also saddle and harness marks; both shod all around.

BREVITIES.

Swell slippers at Teutsch's. For the best bread, get Rohrman's. Get your clothes cleaned at Joerer's. Left at Empire Meat Market, child's fur man. Refrigerated meats, Schwartz & Jreulich Co.

Get your winter suit or overcoat made by Joerer. O. C. Osburn, of Athens, is in the city on a brief visit.

Mrs. J. T. Huston, of Ukiah, is in town visiting friends. A gentle saddle pony for sale cheap at Oregon Feed Yard.

N. W. Wear, of Adams, was in the city today for a short visit. Children's school shoes "hat wear" and look well at Teutsch's.

J. F. Thraasher, of Walla Walla, was a Pendleton visitor yesterday. Miss Alice Guard, of Pilot Rock, is in town visiting for a few days.

Burnt wool and leather novelties from 10c to \$3.00. Latest. No limit on quantities on the closing out sale at the Boston Store.

N. B. Strong, of Baker City, was in the city today for a business visit. Miss Celea Moore, of Echo, was the guest of friends in the city yesterday.

N. W. Myrick, of Myrick Station, is in the city for a short visit on business. Schiffer's clothing is correct. Customers are satisfied and always well dressed.

Mr. and Mrs. John H. Young, of Echo, spent yesterday in the city on a business visit. Wilson & Carnine have just received a large shipment of paints, varnishes, oils, etc.

Mr. and Mrs. J. E. Montgomery, of Helix, were the guests of friends in the city yesterday. F. H. Boathe, of Weston, the road superintendent for the city, is in the city for a short visit.

William McBride, the druggist at Athena, was in the city for a short visit on business today. P. B. Brown, one of the prominent men of Milton, was in the city today for a short business visit.

Mrs. G. H. Clark left yesterday afternoon for Ukiah, where she will be the guest of relatives for a time. Mrs. Campbell will close all her winter millinery at a great reduction, commencing Saturday, November 7.

Will Peterson, the attorney of Athena, is in the city for a few days on business before the circuit court. James Kerns, one of the prominent wheat men of the Helix country, was in the city today for a short time on business.

Mr. C. Haver, of Athena, is in the city the guest of friends for a few days, having business here before the circuit court.

Strayed—Gray horse, weighs about 1,200 pounds, branded P. O. on left side, also on forehead. Reward for same, P. T. Hales, Adams, Or.

Clarence Adams, the operator for the O. R. & N. at Bingham Springs, is in the city for a short visit with his father, Walter Adams, of the W. & C. R.

Estimates given on all kinds of painting, tinting and decorating. We do good work. Carriage painting a specialty. Wilson & Carnine, 715 Cottonwood street.

Your old furniture can be made to look like new at a small expense by consulting Wilson & Carnine, the painters, 715 Cottonwood street. Phone—Main Black, 1043.

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GOVERNOR'S VISIT

NOT SATISFIED WITH HIS TRIP TO WASHINGTON.

Thinks the Government Should Permit Purchasers of Lieu Land to Locate Somewhere—Forest Reserve Policy is Detrimental, He Thinks.

Speaking of his trip to Washington, D. C., in the interest of Oregon lands, and regarding the purpose of securing for lieu land purchasers the right to locate and secure land in the city today for a short visit.

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ALWAYS TIRED NEVER RESTED

To be tired out from hard work or bodily exercise is natural and rest is the remedy, but there is an exhaustion without physical exertion and a tired, never-rested feeling—a weariness without work that is unnatural and shows some serious disorder is threatening the health. One of the chief causes of that "Always-tired, never-rested condition" is impure blood and bad circulation. Unless the body is nourished with rich, pure blood there is lack of nervous force, the muscles become weak, the digestion impaired, and general disorder occurs throughout the system. Debility, insomnia, nervousness, indigestion, dyspepsia, loss of appetite, and hundreds of little ailments we often have are due directly to a bad condition of the blood and circulation, and the quickest way to get rid of them is by purifying and building up the blood, and for this purpose no remedy equals S. S. S., which contains the best ingredients for cleansing the blood and toning up the system. It is a vegetable blood purifier and tonic combined, that enriches the blood, and through it the entire system is nourished and refreshing sleep comes to the tired, never-rested, body.

For over four years I suffered with general debility, causing a thorough breaking down of my system. My stomach, which had been troubled by S. S. S., told me about it. I tried it and it cured me. I heartily recommend S. S. S. to all who may feel the need of a thoroughly good blood tonic. Yours truly, Miss JESSIE A. BRITTON.

44 W. Ninth St., Columbia, S. C.

SSS

THE SWIFT SPECIFIC CO., ATLANTA, GA.

Our Great Big Saturday Night

Free Distribution Is Worth Investigation

\$30