

SAVE YOUR GOLD STAMPS  
AND GET A  
**DINNER SET FREE**

WE GIVE with each ten cent purchase one stamp. When you have 50 stamps or more, bring them to our store and we will give you very handsome Florentine Dinner Ware.

**Lee Teutsch**  
SUCCESSOR TO  
Cleaver Bros. Dry Goods Company.

**East Oregonian**  
THURSDAY, APRIL 24, 1902.

**BREVITIES.**

James A. Howard, farm loans.  
Nobby suits at Siebert & Shulz.  
Spring chickens at Hawley Bros.  
For rent; piano; inquire this office.  
Farm loans at lowest rates. E. D. Boyd.  
For Rent—Newly furnished rooms. Call at 309 West Court street.  
Mrs. Campbell has just received a line of beautiful chiffon dress shapes for ladies.  
If you want fine meats go to Schwarz & Greulich. They handle the best there is to be had.  
LOST—Bunch of keys on ring. Reward will be paid for the return of them to Dr. D. J. McFaul.  
Money to loan at lowest rates on town or country property. J. R. Dickson, East Oregonian building.  
Lost—4-ounce toe weight for horse on the streets of Pendleton. Finder please return to Will Davis, at Hotel Pendleton and receive reward.  
Dutton's for ice cream, of course. You are never disappointed when you get Dutton's cream. It's pure, wholesome and delicious. Drop in to Dutton's and be served with ice cream or ice cream soda.  
Our baking always pleases the most fastidious because we use only the very best of material and our bakery is kept as neat and clean as it is possible to imagine one to be. Martin's Family Grocery and Makery.

**Fobs Fobs Fobs**

I have just received some new designs in Leather and Metal Woven Fobs. They are beauties and very serviceable. The cost is modest—

**\$1.50 to \$3.75**

**L. HUNZIKER**  
Jeweler and Optician

**Colery Tablets...**

The Puritan Chemical Company have appointed us as their agents for Umatilla County

Colery Tablets, Small.....\$ .35 Box  
Colery Tablets, Large.....1.00 Box  
Sulpho Salve......25 Box  
Puritan Electric Plaster......25 Each

**KOEPPEN'S DRUG STORE**  
65 Steps from Main Street Toward the Court House

**IN SUPREME COURT**

**DECIDED IN FAVOR OF THOSE HAVING GRAIN IN WAREHOUSE**

When Stored Grain is Sold Without Authority of Depositors They May Recover From the Purchasers—All Must Be Parties to Suit.

A decision handed down from the Supreme court of the state of Oregon at Salem, a few days ago, may be read with interest by those who are interested in the recent suits, brought against the Athena Flouring Mill Company, to recover the price of grain which had been stored in their warehouses, by farmers of the Athena country. According to this decision, all who stored wheat will not have to look alone to the defunct flouring mill corporation for their pay, but can file suit against the man or corporation who purchased the grain, and recover their money.

Already one suit of this kind has been filed against the Western Warehouse Company by J. M. Walker, to recover \$511.75, which he alleges is due for wheat stored by him in the flouring mill company's warehouses and was purchased by the defendants. In speaking of this particular case yesterday, one of the prominent attorneys of Pendleton said:

"This decision is not a surprise to me. I knew that such a law existed, but this is the first time that it has come up in Oregon."

When asked if the decision would apply to the Athena case, this same attorney replied:

"Yes, it will apply to this particular case, just the same as in the one cited in the decision at Salem. All the men who had grain stored in the Athena Flouring Mill Company's warehouses can recover the worth of it from those who purchased it, if they can establish their claim."

Those who have brought suit against the defunct company to recover the price of grain, and the amounts are:

J. M. Walker vs. the Athena Flouring Mill Company, \$511.75.  
C. H. Brown and James Hodgson vs. the Athena Flouring Mill Company, \$47.98.  
David Ferris vs. the Athena Flouring Mill Company, \$1259.  
T. J. Kirk vs. the Athena Flouring Mill Company, \$—.

**Supreme Court Decision.**

Ida M. Tobin, Mary Black, H. C. Davis, W. H. Gulliford, B. F. Allen, James A. Smith, John M. Porter, Alexander Powers and Robert Andrews, respondents, vs. Portland Flouring Mills Company, Salem Flouring Mills Company, Balfour, Guthrie & Co., and James C. Black, administrator of estate of Thomas J. Black, appellants, from Linn county, R. P. Boise, judge, reversed upon condition; opinion by Justice Moore.

In 1897-98, Thomas C. Black operated grain warehouses in Halsey, Linn county, Cummings, Linn county, and Derry, Polk county. When Black died in November, 1899, it was found that he had in his warehouse at Halsey 29,306 47-60 bushels of wheat, while he had outstanding receipts for 40,881 bushels. The depositors, numbered 101, and suit was brought by a few of the depositors to recover on behalf of all. The Portland Flouring Mills Company had purchased from Black 9,296 26-60 bushels of wheat, advancing thereon \$5,711.83, and the Salem Flouring Mills Company had bought 3,977 46-60 bushels, advancing \$2,110.16. Of the wheat sold to the Salem Flouring Mills Company, all but 750 bushels had been destroyed by fire, but the company had collected from insurance companies the value of the wheat destroyed. The depositors in the Black warehouse sought to recover from the Portland and Salem companies the proportion of the shortage represented by the amounts of grain they had received. The case was dismissed as to Balfour, Guthrie & Co., for it was shown that the grain received did not come from the Halsey warehouse where the shortage existed.

The defense of the Portland and Salem companies was that all the parties interested as plaintiffs had not been joined; that there was a misjoinder of parties defendant; that they bought the wheat and made advances upon the belief that Black owned the wheat; that Black did, in fact, have authority to remove the wheat, and that they dealt with him, believing him to be the owner. They asked that plaintiff's claim be made secondary to their lien, for the amount of their advances. The case was tried and resulted in a decree for plaintiffs. The court found the facts regarding the shortage and held that the Portland and Salem companies should pay into the court the value of the wheat received by them, at 49 cents per bushel, the money to be distributed to those entitled to it. The Portland Flouring Mills Company and the Salem Flouring Mills Company appealed.

Section 385, of Hill's Annotated Laws, provides: "Of the parties to the suit, those who are united in interest must be joined as plaintiffs or defendants; but if the consent of any one who should have been joined as plaintiff can not be obtained, he may be made a defendant, the reason thereof being stated in the com-

plaint; and when the question is one of common or general interest of many persons, or when the parties are very numerous, and it may be impracticable to bring them all before the court, one or more may sue for the benefit of the whole." Under this statute the supreme court holds that all the depositors should have been made parties, either plaintiff or defendant.

In the trial of the case a large number of voluntary affidavits of depositors were introduced in evidence, to show the amount of grain each had placed in the warehouse, and that they had not authorized its removal or sale. These were objected to as hearsay evidence, but were admitted. Black's ledger, however, which was admitted in evidence, showed practically the same amounts, and it is held that though the affidavits were improperly admitted, no material injury resulted therefrom.

Upon the question of title to the wheat, and the liability of the appellants, the Portland and Salem Flouring Mills companies, the opinion says:

The testimony discloses that whenever the depositors chose to dispose of their wheat, Black purchased it and shipped it to market on his own account, and, while the agents of the appellants undoubtedly believed that he had authority to dispose of the wheat delivered to them, we are satisfied that he had no title thereto and that they should account for the wheat for which they were legally responsible.

"The testimony further shows that there should have been in store at Halsey, certain quantities of wheat that had been deposited in 1897, 1898 and 1899, while the deficiency for the latter year is only 3,869 36-100 bushels. If Black, during these years, shipped wheat to no other persons than the appellants they ought to account to the depositors for the entire deficiency, but only in proportion to that part of it which they severally caused. We think the testimony fails to show such an accounting, as legally to charge the appellants with the quantities of wheat, which the court finds they severally converted, but, believing that further proof upon this branch of the case can be adduced, we deem it proper, in consequence of the lack of interested parties, to send the case back with instructions to bring in all those who are materially interested in the suit to take additional testimony and enter a decree in accordance therewith.

The opinion also holds that there is no evidence showing that the depositors intended to part with the title to their wheat when it was deposited in the warehouse.

The decree of the supreme court is that upon the payment by plaintiffs of defendants' costs within 60 days, the case will be remanded for new trial, otherwise the complaint will be dismissed without prejudice.

**Reduced Rates East.**

The National Educational association will meet at Minneapolis, July 7th to 11th, this year. For this occasion the Washington & Columbia River Railway Co. announce a rate of one first class fare, plus \$2, for the round trip. The tickets will be on sale June 29th, July 2d, 3d and 4th. And will be good going until July 10th, with final return limit of Sept. 1st. Stopovers will be allowed in each direction within limits of ticket.

WALTER ADAMS,  
Agent.

**The Independent Warehouse.**

Will be open for business, with a competent man in charge, to see that all customers receive prompt and careful attention. Wool growers and wheat growers will find it to their interest to store with this house, where they can ship over either lines of road. References, First National Bank. William Caldwell in charge.

**..MORE..**

**DOUGLAS**  
and  
**GLORIA**  
\$3.<sup>50</sup>  
**SHOES**

**Better See Them Before You Buy**

**WORTH \$5.00**

**Boston Store**

It Pays to Trade at the Peoples Warehouse.

**SURPRISE SALE**  
NUMBER 197

**Friday, April 25, '02**

800 YARDS OUTING FLANNEL. Here is a chance to buy outing flannel at about half price. Just the right weight for summer wear. Not more than ten yards will be sold to any one person. **3c** YARD

Friday is Always Bargain Day at the Peoples' Warehouse

**10% OFF ON ALL TAILOR MADE SUITS.** If you are thinking about getting a new suit you will save lots of money by taking advantage of this cut. Alterations made in the store and fit guaranteed. **10%**

We are showing a complete line of Summer Wash Goods in all the latest weaves and colorings. If you don't look at our stock first you will be disappointed.

New Lace Curtains, per pair.....\$ .98	New Lace Collars, each.....\$ .10
New Wash Silks, per waist pattern 1.98	New Belts, each.....15c to 1.50
New Walking Skirt, each.....1.99	New Foulard Silk, per yard......60
New Tailor Suits, per yard.....1.35	New Tailor Made Suits.....\$9.85 to \$50.00

**The Peoples Warehouse**  
Dry Goods, Gents' Furnishings, Boots and Shoes.

Agents Butterick's Patterns  
Mail Orders Promptly Filled. Send for Samples.

**Select Canned Goods**

THERE is a difference in the quality of goods that enter cans, but when you buy canned goods of us you get the best quality that grows. We handle no "seconds" or inferior quality. Our stock of canned goods includes everything you may desire. Quality the highest, but prices the lowest, considering the goods.

**Martin's Family Grocery & Bakery**  
R. MARTIN, Proprietor

Nothing is more pleasing to the eye than a beautiful Lawn.

Now is the time to get your  
**LAWN MOWER**

We have the best values from \$4 up.  
GRADE GARDEN HOSE AT LOW PRICES.

**Thompson Hardware Company**

**JESSE FAILING**  
The Big Carpet Store

**FIT FOR A KING**

Our downy, handsome and luxurious carpets and rugs are. They are so rich in color, harmonious in combination and beautiful in pattern that they seem too good to tread on. The beauty of Spring time shines from the blossoms and freshness of our stock. We have many handsome new patterns in Chinese and Japanese, matting also for your summer rooms.

**310 PIECES OF CARPET**  
And 85 Pieces Matting to Select From.

**LEGAL BLANKS** Write the East Oregonian for a free catalogue of them. A full supply always kept in stock.