

JUROR CAUGHT COLD, SUES FOR DAMAGES

COUNTY OF SPOKANE
MADE PARTY TO SUIT

First Case of Kind in History of U. S. Jurisprudence — Judge Dismisses Jury and Decides in Favor of Defense.

Spokane, Wash.—First of its kind in the history of legal jurisprudence in the United States was the action instituted by the state of Washington on the relation of E. G. Merchant of Spokane against the county of Spokane to recover \$1000 damages for a cold contracted while serving as a juror in the superior court in December, 1907. Judge J. Stanley Webster dismissed the jury, which heard the evidence and arguments, and decided for the defense. An appeal to the supreme court may follow.

There was no precedence to guide the arguments for the reason that neither the attorneys for the complainant nor counsel for the defense were able to find any record of a previous case where a juror had sued the county of any state, though an exhaustive search was made of the reports of practically every state.

Judge Webster decided that the plaintiff was not entitled to recover damages for these reasons: The statute of limitation had barred the action in court; that there was no evidence the cold was contracted in the court room and was the cause of the ensuing sickness, and that the complainant was not able to show there had been any negligence on the part of any one in the county's service.

Merchant filed a claim for \$1000 damages with the county commissioners in March, 1908, following his services in a jury case. The board rejected the claim. Suit was instituted in the Spokane county superior court the following fall, but Judge H. L. Kennan sustained a demurrer on the ground that the case was not filed within 90 days after the original claim was submitted to the county commissioners. The plaintiff again presented his claim to the commissioners, fixing the amount of damages at \$5,000, but the court held it was virtually the same claim.

A Wild Blizzard Ragging. brings danger, suffering—often death—to thousands, who take colds, coughs and a gripe—that terror of winter and spring. Its danger signals are "stuffed up" nostrils, lower part of nose sore, chills and fever, pain in back of head, and a throat-gripping cough. When grip attacks, as you value your life, don't delay getting Dr. King's New Discovery. "One bottle cured me," writes A. L. Dynn of Pine Valley, Miss., "after being 'laid up' three weeks with grip." For sore lungs, hemorrhages, coughs, colds, whooping cough, bronchitis, asthma, its supreme. 50c and \$1. Guaranteed by Tallman & Co.

DECLARES "BARBAROUS" IS PUTTING IT MILDLY

Spokane, Wash.—L. Guiterrez de Lara, a political refugee, who was held by the federal authorities at Los Angeles on complaint of the Mexican government, charged with promoting resistance to the rule of President Diaz, declared in a public address in Elks' temple here that slavery actually prevails on the plantations in Mexico and that the term, "Barbarous Mexico," is mild to one who fully understands the situation, adding: "Americans are not being persecuted in Mexico. It is the lower class of Mexicans that is being trampled under the iron and foot of the upper class, under the rule of that brute, Diaz." De Lara also said there will be no hope for the peons until there is government ownership of everything and an international organiza-

AWAY GOES ALL STOMACH MISERY

NO INDIGESTION, HEARTBURN
OR GAS IN FIVE MINUTES

A Little Diapensin Now Will Make Your Out of Order Stomach Feel Fine—Digests All Your Food, Leaving Nothing to Ferment and Sour.

If you had some Diapensin handy and would take a little now your stomach distress or indigestion would vanish in five minutes and you would feel fine.

This harmless preparation will digest anything you eat and overcome a sour, out of order stomach before you realize it.

If your meals don't tempt you, or what little you do eat seems to fill you, or lays like a lump of lead in your stomach, or if you have heartburn, that is a sign of indigestion.

Ask your pharmacist for a 50-cent case of Pape's Diapensin and take a little just as soon as you can. There will be no sour risings, no belching of undigested food, no sickish, fullness or heavy feeling in the stomach, nausea, debilitating headaches, dizziness or intestinal griping. This will all go, and besides, there will be no undigested food left over in the stomach to poison your breath with nauseous odors.

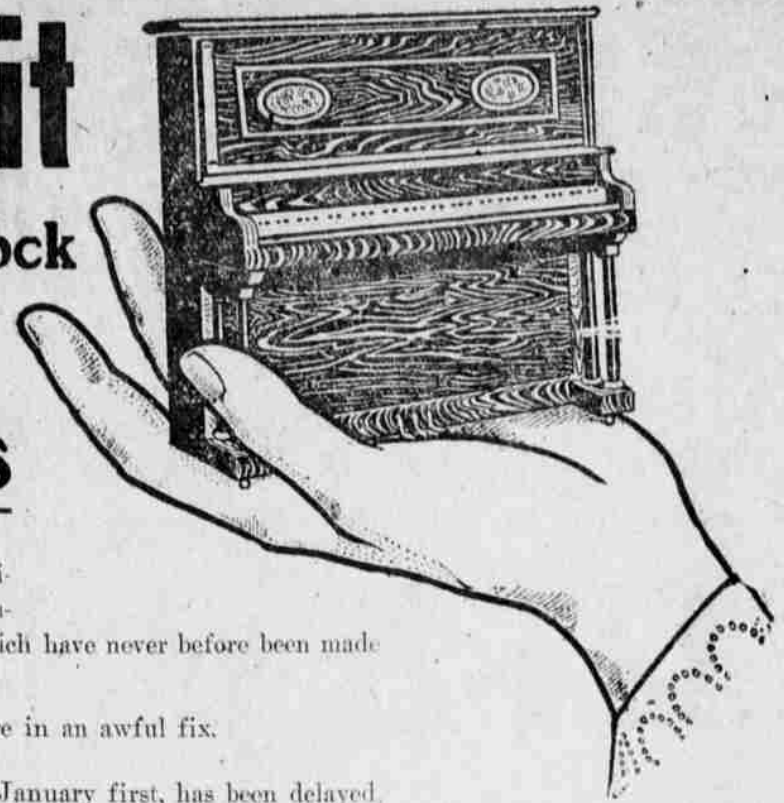
Pape's Diapensin is a certain cure for out of order stomachs, besides it prevents fermentation and takes hold of your food and digests it just the same as if your stomach wasn't there.

Relief in five minutes from all stomach misery is at any drug store waiting for you.

These large 50-cent cases contain more than sufficient to thoroughly cure almost any case of dyspepsia, indigestion or any other stomach disturbance.

We Are Going to Quit

Eilers Piano House to Close Out Entire Stock of High Grade Pianos and Organs at Terrific Reductions



Commencing tomorrow morning, promptly at 8:30 o'clock, the greatest sale of high-grade Pianos that has ever been witnessed in this country will start. We are going to close out our Pendleton store. The superb stock of high grade Pianos now on hand will be disposed of at prices which have never before been made anywhere.

Hereafter, we will confine ourselves strictly to wholesaling in this locality. Just now, we are in an awful fix.

Our new six-story Wholesale Warehouse, and Factory, which was to have been completed January first, has been delayed by the incessant rains. Our Heating Plant is still tied up in the railroad strikes. On top of that, our Christmas stock of Pianos also delayed in the strikes, now comes rolling into Portland. These Christmas Pianos together with the immense shipments which have also arrived for our new Warehouse, has placed us in a most uncomfortable position. We cannot unload the cars, and the railroads are clamoring to have this done at once. Rather than go to the expense of boxing and shipping the fine stock of Pianos now in our Pendleton store to Portland, then pay storage on them for an indefinite period, it has been decided to close them out here regardless of the sacrifice. If we get cost, or near it, we will be satisfied. Profit is out of the question now. If you have any earthly use for a Piano—if you intend buying an instrument, within the next year or two, we say, in all sincerity, here is your chance. Buying now, when prices are as low as they will be in this closing out sale tomorrow morning, is a positive duty. In the past we have presented many money saving opportunities to the public, but never before have circumstances over which we have had absolutely no control, necessitated such drastic reductions. The burning question is, to find homes for these Pianos at once.

Tomorrow morning you will find, in this Closing Out Sale, strictly brand new warranted Pianos—well known New York makes for as low as \$244, \$216, and as low as \$198. We ask you particularly to see the superb \$400, \$450 and \$500, values, which go now at \$274, \$295, and \$307. The fanciest \$500, and \$575 Pianos now go at \$348, \$397. Here you will find such old famous makes as the

Kimball, Lester, Starr, Hobart M. Cable, Whitney, Baus and even the glorious Chickering the most costly Piano made. (Bear in mind, that we guarantee quality, and we guarantee price.) "Money Back" if not exactly as represented in every particular, protects your purchase in every way.

While these terrifically reduced prices should be for spot cash, in order to dispose of these Pianos in the shortest possible time, terms can be arranged. In fact in our anxiety to do business quickly, we will accept a small amount down, and the balance at such easy monthly payments as \$12, \$10, \$8. Yes—even \$6, on some styles, monthly.

We Mean Business
There is not a moment to lose. Be on hand the first thing tomorrow morning and secure best choice
813 Main Street Pendleton, Oregon

tion of labor that will wipe out country boundaries, adding that the lower class in Mexico was driven down to slavery and that the people are now making a fight to break the bonds.

Making Life Safer. Everywhere life is being made more safe through the work of Dr. King's New Life Pills in constipation, liver trouble, kidney diseases and bowel disorders. They're easy, but sure, and perfectly build up the health. 25c at Tallman & Co's.

CZARINA FEARS DEATH PREDICTED BY A SEER

St. Petersburg.—The poor czarina is near mental death for fear of dying. That old charlatan, who calls himself St. John of Kronstadt, prophesied at the birth of the czarvitch that she would die when her boy reached the age of 7, and the czarina has been dying at the top ever since. As fate would have it, the same orthodox priest has made several prophecies that have come true.

He prophesied to the empress the birth of a male child after she had three daughters. Another prophecy was that after the birth of the crown prince she would have no more children.

Public opinion blames the czar for the sad state of his wife's health. Himself a religious fanatic and a believer in miracles and charlatans, he induced the empress to join him in his mystic cult and listen to the various prophecies and mental sleight-of-hand men that are always hanging around him.

These men, it is claimed, have terrorized the czarina in order to gain more influence over herself and the czar and fill her with fear for the life of herself and children.

PROMINENT ENDEAVOR MEN VISIT SPOKANE

Spokane Wash.—Dr. Francis E. Cook, world's president, and William Shaw, general secretary of the Christian Endeavor society, who are making a tour of the world in the interest of that association, will be entertained by the local societies on February 19 and 20, on the way home to Boston. They are returning from the world's convention of the society at Agra, Indiana. There are 23 local societies with a combined membership of 800 in Spokane, and these will be hosts to the distinguished visitors at a banquet in the Hall of the Dodges, where Charles F. Cowan, chairman of the reception committee, will preside, on February 19. There will be a mass meeting in the state armory the following day, when many of the prominent business and professional men and women in eastern Washington will be in attendance. Advances received in Spokane say the party will arrive on the Pacific coast early in February.

Calling cards, wedding stationery and commercial printing to order, at the East Oregonian.

Estray Notice. Strayed from Thompson's ranch on the reservation, one bay mare, about three years old, star in forehead, branded A. V. on left shoulder. Will pay liberal reward for return or information leading to the recovery of above described animal.
NATE RAINES, Pendleton, Ore.

Caught in the Rain then a cold and a cough—let it run on—get pneumonia or consumption, that's all. No matter how you get your cough, don't neglect it—take Ballard's Horehound Syrup and you'll be over it in no time. The sure cure for coughs, colds, bronchitis and all pulmonary diseases in young and old.
A. C. Koepfen & Bros.

Hay for Sale. Oat, mixed alfalfa, wild grass and timothy hay for sale at \$15 to \$20 per ton, f. o. b. cars Elgin branch.
ELGIN FORWARDING CO., Elgin, Ore.

PILES CURED IN 6 TO 14 DAYS PAZO OINTMENT is guaranteed to cure any case of Itching, Burning, Bleeding or Protruding Piles in 6 to 14 days or money refunded. 50c.

Girls. Why have your shoe soles nailed on when we sew them on at 55c a pair. No swell dressed man or woman wants their shoes full of nails.
A. EKLUND.

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Largest Realty Operators in the Pacific Northwest

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This will be your last opportunity to secure such choice Portland Property at these low figures. We put in all improvements without added cost.

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E. O. Block Main Street