

Morning Daily Herald

SPECIAL 12:30 A. M.

Not to buy our stoves and ranges before buying is a mistake. Mistakes are always costly. In heating stoves we have the largest as well as the most carefully selected stock in the city.

Geo. W. Smith.

WEATHER INDICATIONS.

For Albany and vicinity—Following is the forecast for 24 hours, ending at 8 p. m. to-day: Fair weather, warmer.

JOTTINGS ABOUT TOWN.

Brownsville has 260 scholars enrolled in the public schools. The Industrial Exposition at Portland closed Saturday night after a successful month's exhibit.

The new planing mill and sash and door factory of Cox, Hoburg & Co., near the Oregon Pacific depot, will be started up to-day.

George Overton has sold his place near Brownsville, consisting of 1,780 acres, to N. J. Hill, late of Colorado, together with about two hundred head of stock.

The Capital D flouring mills at Salem were sold at auction to satisfy mortgages amounting to \$150,000. R. Livingston, of Portland, receiver of the mill company, bid in the property for \$150,000.

M. Sternberg has purchased of Jason Wheeler 44 feet front on Second street between Ellsworth and Lyon streets for \$5000. Mr. Sternberg will erect a handsome brick building upon the same next summer.

On Saturday evening as the south-bound Southern Pacific overland train was leaving Woodburn a tramp, who endeavored to steal a ride, fell under the wheels and had his right leg broken in two places. His name could not be learned.

Following is the grand jury drawn to serve at the present term of the circuit court: Jonathan Wasson, foreman, A. P. Blackburn, W. K. Temple, Thomas Allphin, D. C. Cooley, Peter Powell and C. T. Croft.

Sandy Olds, the Portland murderer, has been granted a stay of execution by Judge Thayer until the case can be heard by the supreme court, which will save him from hanging on Friday according to the terms of his sentence.

The little child of S. B. Hendee, of East Portland, which died of diphtheria on Saturday was taken to Harrisburg cemetery for interment on Sunday evening, that being the place where Mrs. Hendee's parents are buried. The interment was private, to prevent any danger from contagion.

PERSONAL MENTION.

E. B. Maple of Seattle is in the city. Jos. Pearl of Halsey is in the city yesterday.

G. M. Stroud and T. DeClark, of Portland, are in the city. William Kiser, editor of the Valley Record of Ashland, is in the city.

Mrs. May McCulloch and daughter are visiting at their old home in Harrisburg. Burr Powers of this city has been appointed inspector of timber and material on the Oregon Pacific railroad.

Dr. J. F. Hendrex and wife of Harrisburg are visiting their daughter, Mrs. Dr. W. H. Davis, in this city. Misses Flora and Lena Lewis left yesterday for Ellensburg, their future home. Their mother, and Mr. and Mrs. L. Fox went with them as far as Portland.

Mrs. Althouse and her daughter, Miss Sarah Althouse, mother and sister of Mrs. S. E. Young and John Althouse of this city, arrived Saturday evening from Wilmington, Ills., and will make their home in Albany.

A bonanza. A bright copper-colored bar about eight inches long was on exhibition at the real estate office of Wallace & Cusick yesterday, which Mr. Wallace said was pure gold, and was the product of a ton of ore sent to San Francisco from the Dry Gulch Mining Company of Salem from their claim up the Santiam. Mr. Wallace, who is known to be a second George Washington as to truthfulness, said the bar was worth about \$200, and that it came through the Linn County Bank.

Pleasant Farewell Party. A pleasant farewell party was tendered Mrs. Hicks last evening at the residence of her brother, Mr. C. J. Stuart, it being given by her friends of the Presbyterian church. She was presented with a handsome bible, the presentation speech being made by Rev. E. R. Frichard in his most happy manner. Mrs. Hicks will leave in a few days for her home in Minnesota, and the occasion of the assembling of her friends to bid her good-bye was a most enjoyable one.

Durno's Catarrh Snuff. Sure cure for sore eyes, deafness, headache, and the worst forms of catarrh in the head and throat. Price 25 cents. Sold by Fosley & Mason, Albany, Oregon.

CIRCUIT COURT.

Report of the Referee in the Washington Street Suit.

FINDING FOR THE CITY.

The Report Will Now Come Into Court for Confirmation or Rejection—Other Cases Disposed Of.

The regular October term of circuit court convened yesterday.

In the suit of A. H. Marshall vs. the city of Albany, enjoining the grading of Washington street, the referee, O. H. Irvine, filed his report. The findings were in favor of the city. From the evidence the referee finds: That the grade abutting the property of the plaintiff would be from four to seven feet deep; that such grade would endanger the safety of the building on the property of the plaintiff, and would necessitate the expenditure of about \$400 to put it down to grade; that if such grading was done the value of the property would be enhanced to fully that amount.

The referee also finds that the provisions of the city charter relative to the grading or improving of streets in so far as they relate to the assessing of costs of such grading and improvements upon the abutting property and making the same a lien upon the same, is unconstitutional and void. Further, that the city of Albany, acting through the city council, has the power and authority to establish, alter or grade any street, and that no irreparable injury has been shown by the evidence in this case as will warrant a court of equity in enjoining the exercise of this power of the city.

That the injunction should be dissolved and the plaintiff's complaint dismissed and the defendant awarded judgment for costs and disbursements of the suit.

A motion will probably be filed to-day to set aside the report of the referee, and another to confirm it. The following cases were disposed of:

P. J. Porter et al. vs. J. C. Elder, partition; continued. Geo. S. Fletcher vs. J. S. Cochrane, to recover money; continued. Thos. Jeffersons vs. G. S. Montgomery, to recover money; continued. J. C. Johnson vs. H. M. Dertnick, to set aside deed; settled.

W. W. Yantis vs. John Smallmon, to recover personal property; continued. T. Dittenhoffer vs. Perry Smith, to recover money; continued. State vs. James Bannon, indictment; continued.

Naomi Templeton vs. Arthur D. Templeton, partition; report of referee confirmed. Martha Pierce vs. Malinda Hodzkin, equity; continued. S. C. Bennett vs. J. H. Wigle, specific performance; continued.

L. E. Blain vs. Velego Cox, to recover money; judgment by default and attached property ordered sold. Hiram Smith vs. J. T. Martin, for order for deed; sheriff ordered to make deed. Sam May et al. vs. Smith & Briggs, petition for order; order allowed.

Mary Mendenhall vs. Hiram Smith, confirmation; confirmed. J. W. Cusick vs. A. O. Kees et al., confirmation; confirmed. R. H. Luller vs. R. H. Rutherford et al., confirmation; sale confirmed.

Pauline Schmeier vs. John Schmeier, divorce; injunction to prevent sale of property, granted; settled. Thos. Smith vs. Rebecca Smith, divorce; answer filed.

F. Crabtree vs. Fred Gooch, injunction; motion allowed. Patents Granted. The following patents have been granted to citizens of the Pacific States during the past week as reported by C. A. Snow & Co., patent lawyers, Washington, D. C.:

James H. Bard, Oakland, Oregon, fruit drier; J. D. Burkhardt, Dayton, W. T., side hill plow; R. M. Edwards, San Francisco, car fender guard; F. S. Fox, San Francisco, car coupling; J. B. Freeman, Los Angeles, ore separator; R. Hunt, San Francisco, fastening platforms to platforms, etc.; J. Kaiser, San Francisco, necktie frame; J. Knight, San Francisco, lathe cone center; R. H. Lowe, Sumner, W. T., spring bed covers; E. B. Mastick, Alameda, Cal., sewer flushing; M. Roderigue, San Francisco, pen holder socket; F. Schmidt, Marysville, Cal., weed cutter; J. P. Turney, Arlington, Oregon, obstetrical appliance; G. H. Wright, San Francisco, cable railway crossing signal.

A Missing Man. Last spring Daniel Gratehouse left Brownsville, says the Times, for a visit to his old home in Illinois to be gone only two months, since which time his friends there have not heard from him, and do not know where his address is. He left his trunk and some stock at Brownsville. His friends fear that he has been foully dealt with. Mr. Gratehouse was a man about 35 years old; dark hair and eyes; about 5 feet 5 or 6 inches high, and weighs about 165 or 170 pounds; is of German descent. Any person having information as to his whereabouts will confer a great favor upon his friends by informing Mr. O. P. Coshov, of Brownsville, Oregon.

Attempted Burglary. At Halsey the other evening an attempt was made to burglarize the residence of Mrs. Towne. The thief tried to effect an entrance through a window, but failed in his attempt by the timely arrival of Mrs. Towne, who put the burglar to flight.

Farmers! I must have your butter and eggs. G. E. Brownell.

FENCE THE TRACK.

Some Observations Concerning the Recent Railroad Wrecks in Oregon.

At the term of circuit court now in session in this city, will occur the trial of the three young villains who wrecked the Southern Pacific train near this city a few months ago, causing the death of Fireman Guthrie and Engineer Jack Miller. This wreck was one out of half a dozen that have occurred in Oregon during the past few months.

Unlike the accident above referred to the majority of these disasters, which have caused more or less loss of life and property, have resulted from stock being allowed to roam at will over and along the track. The question of preventing such accidents leads to the undoubted conclusion that the railroad should be fenced. The West Shore, referring to the alarming frequency of accidents on the railroads of the northwest, caused by cattle derailing the locomotives, says that it has become a question of deep public concern. Nearly every state in the union has a statute compelling railroads to fence their right of way and build cattle guards at all crossings, and it is time such a law found its place on our statute books. At common law the railroad company has just the same responsibilities as an individual in the use of its property, and is not only not required to fence its road but is not liable for damages by reason of accidents caused by cattle straying upon the track, unless gross carelessness is shown in the management of the train. It was early recognized, however, that a locomotive rushing at great speed along on iron track was a mighty engine of destruction which could not in any way be compared to anything ordinary individuals employed in using their property, and in most states, as in Oregon, statutes were enacted rendering a company liable for all damages resulting from a neglect to fence the track. But most states have gone a step beyond this, and the time has come when this step must also be taken here. Behind the rushing locomotive and completely at the mercy of him who controls the iron horse are millions of human beings annually, whose lives are too precious to be placed in jeopardy simply to save a railroad company the expense of building a fence along its track. It is not enough that the companies be compelled to pay for all damages inflicted; the chief thing is to render as secure as possible the lives of those who entrust their persons to their care, and so long as the track is open to the approach of cattle, whose lives are placed in needless jeopardy.

It is a question whether these accidents are not more expensive than would be the construction and maintenance of a fence, and realizing this, the companies may do as a measure of economy what ought to be required of them as a simple matter of public safety. At all events the duty of all legislatures is plain in the matter, and the most rigid laws should be passed and supported with adequate penalties to secure their enforcement.

A Base Imposter. The Masonic fraternity of Oregon and Washington have recently been treated to a visit of an imposter of the darkest dye. By name he is Prof. Wylie Willey, claiming to hail from South Carolina. He refers to lodges in that state which, it is found have no existence. He applies to the brothers for assistance to enable him to make his way to some far off destination. Failing to examine him closely, often sums were donated and from these donations the fraud grew fat. It is understood that he bilked Turner and Oregon City. But his game is understood now and the lodges of the state are warned against him.—Salem Statesman.

Swift Justice. Pearce Chamberlain, an Independence blacksmith, was arrested Wednesday on a charge of robbery. He took \$40 in greenbacks from Miss Stella Kay's pocket, at the Independence hotel. When arrested he said it was merely a joke, but as the money was found in his boot, it was indeed a practical joke. He was brought up before Justice Butler, and will now spend his time in the Dallas jail till circuit court meets.

A Little Boy's Pistol. Sunday morning there occurred at Castle Rock near Arlington one of those too numerous accidents which come of allowing children to play with fire arms. A young lady named Miss Price, was seriously injured by the discharge of a pistol in the hands of a boy about 10 years old. The ball passed through the fleshy part of her right leg, above the knee, and grazed along the abdomen. It is thought the young lady will recover.

Col. Hogg and Party. Col. T. E. Hogg and party returned Sunday morning from San Francisco. Col. Hogg and General Manager William Hoag went over on a special train to Corvallis and went from there to Yaquina. Messrs. Geo. S. Coe and H. B. Turner started on their return to New York city. Col. Hogg, it is announced, will spend a few days in this city before returning to New York.

Late Seeding. The wet weather has delayed seeding considerably, hardly any body having finished work yet, and unless the weather clears up the fall seeding will be shorter than usual.

Packet Cutters. The largest and finest display every brought to this valley just received at Stewart & Sox's. Call and examine.

STATE DISPATCHES.

Attempted Escape of a Prisoner from the Penitentiary.

NEWSY NOTES FROM SALEM.

A Man's Head Split Open With a Club—Resignation in the Board of Regents of the Agricultural College.

SPECIAL TO THE HERALD. SALEM, Oct. 28.—Thos. Fisher was left at the asylum for the insane to-day from Gardner, Douglas county. He is 54 years of age and is violent. His insanity is the result of injuries received, a bull having hooked him.

Commander McElroy is just in receipt of letter from the Chicago board of trade stating that the Oregon exhibit at Milwaukee has been placed on permanent exhibition in the board of trade rooms.

Curtis Baird was released from the penitentiary to-day, after serving out a four years' term. He was convicted of obtaining money under false pretenses. Baird was sentenced from Clackamas county, where he was county school commissioner. His crime consisted in the creation of a false district and drawing warrants on it, the warrants having been appropriated to his own use.

Frank Watson, a convict, attempted to make his escape Saturday in a novel way. The prisoners were turned out that morning and there were 219 to go to their coops in the evening, when but 218 could be counted. Watson was found in a hole under the work shop. Watson is a bad man from Wasco county on a seven years' sentence for larceny.

Dr. J. A. Bailey, of Hillsboro, has tendered to Gov. Penney his resignation as a member of the board of regents of the State Agricultural college.

On the Narrow Gauge train between St. Paul and Woodburn yesterday Samuel Burney split open the head of C. Deir with a club. They were in the baggage car and it is supposed they got into a drunken quarrel. Burney escaped but a warrant is out for his arrest, the charge being assault with intent to kill. Deir is badly wounded by Constable Bradlen, who was in the butcher shop at Independence was cracked last night. It was empty and the crackers recovered nothing.

REAL ESTATE TRANSFERS.

The following real estate sales were recorded yesterday: E. L. Knox to Peter Riley, 125 acres in Tp. 10, S. R. 3. W. L. Cowan to E. G. Carr, lot 5, block 3, Cowan's addition to Lebanon. \$2198

W. H. Metzger to U. G. Hayne and C. L. Buck, NE. Qr., block 1, Elkins addition. 325

Mary Fortmiller to Henriett Davis, lots 3 and 4, block 1, Maston & Chamberlain's addition. 300

Phil M. Smith to A. R. Cyrus, 200 acres in Tp. 11, S. R. 1. 2000

D. T. Wyman to D. V. S. Reid, lot 7, block 26, Hackleman's addition to Albany. 600

T. L. Wallace to D. V. S. Reid, lot 3, block 7, McIntosh's addition to Albany. 1020

Excitement in Real Estate. The way real estate changed hands yesterday caused a great deal of excitement, especially among the property speculators. The fine Gold Medal cream cheese, roast coffees and pure teas just received at the Willamette Packing Company's yesterday is enough to excite all persons who are fond of good eating.

Seasonable Specialties. Messrs. Thompson & Overman have added to their large stock of harness and saddlery a complete assortment of winter horse-blankets, rubber and oiled horse covers, lap robes, etc., which will be found just the thing for winter. Call and see them and get prices.

Another Addition. I have for sale about 20 acres of land situated just one mile from this city. It is offered for sale very cheap. Also farm property and city lots for sale. E. G. Beardsbury, real estate agent, Broadalbin street, Albany, Oregon.

At Kenton's. Sweet potatoes, celery, cabbage, lemons, figs, dates, choice comb honey, Log Cabin maple sugar, maple syrup, eastern corn meal, cranberries, and other good things too numerous to mention at F. L. Kenton's, near the postoffice.

Scissors, Shears. Immense stock at Stewart & Sox's. The best quality and any size or style. Call and examine our stock. Stewart & Sox.

Yaquina Lots. Burkhardt & Malin offer for sale this morning twenty-five city lots adjoining Yaquina City. These lots are situated in Halliday's addition and join Yaquina City. They will be sold cheap for cash.

Blackman's Addition to Albany. This addition, which has been recently platted embraces sixty five beautiful and slightly lots. The addition lies just south of Hackleman's grove, and is beautifully situated. These lots will now be placed on the market at \$50 per lot, by Burkhardt & Malin, who are the agents for this addition.

WANTED—MAN OF GOOD SELLING ability to represent us as sales agent in this town. (\$2000 to \$3000 per year can be made.) Address, Wainwright & Bowen, Philadelphia, Pa. The largest clothing and mercantile supplying house in America.

A POPULAR ESTABLISHMENT.

How Julius Gradwohl's Golden Rule Bazaar Meets the Public Want.

One of the most extensive and elegantly stocked establishments in the Willamette valley is to be found in the Golden Rule Bazaar store of Julius Gradwohl in this city. In order to accommodate his many customers he is in the field early this year, and has already commenced receiving his immense line of beautiful goods for the fall and winter and for the holidays, and has one of the most gorgeous and dazzling displays to be seen in any Golden Rule Bazaar in Oregon.

The line carried comprises a bewildering assortment of fine china, queensware and glassware of the latest styles and most delicate designs. The beautiful china and glassware, together with the decorated and fancy wares, novelties, elegant stand and hanging lamps, toys, boys' wagons and general bazaar goods, present a scene well worth one's time to visit.

Here may be found a complete line of table cutlery of the celebrated makes, Roger Bros.' silver and silver plated goods and Bohemian wares of every variety, while his stock of dolls, toys, toilet and fancy goods, in plush and silver, and novelties for the children will be larger than ever before. Mr. Gradwohl has enlarged his stock in such a replete manner that his Golden Rule Bazaar is not only a credit to the city of Albany but to the entire Willamette valley, being one of the most extensive establishments of the kind in Oregon. The most important feature to purchasers is in prices, and when we assert that his prices are as low as any house in the state and that his goods are sold at figures that cannot be equaled in the Northwest, it is but the recital of an absolute fact. It will be to the interests of the country merchants to purchase their holiday goods from this establishment, and orders should be sent in at once.

Mr. Gradwohl has long since proven his adaptability to this business, and it is taking no risk to say that this emporium of elegant fancy and decorative wares is the most complete in the Willamette valley. Those who deal at the Golden Rule Bazaar, will find a large assortment to choose from, and a square, reliable gentleman to deal with.

Newspapers and Magazines. The time is now approaching when people will want a good supply of reading matter for the winter evenings. F. L. Kenton continues to receive subscriptions for all the leading news papers and magazines. All papers except the Delinicator and renewals to the Youtins Companion are furnished at publishers regular prices, thus saving the subscriber the trouble, risk and expense of sending orders to the publishers. All orders are forwarded without delay. Price lists furnished free.

The Latest Novelty in Pantaloon. Zachas Bros., merchant tailors and drapers, opposite the postoffice, are prepared to place before the Albany people their own invention of cutting and making pantaloon without an outside seam. The novelty is not only without a seam, but in bright stripes and checks. The repairs are bound to coincide with the same of the backpats. We guarantee a perfect fit in every pair or money refunded.

Woodie's Riverside Addition. This addition recently platted embraces 115 lots 55x110 feet adjoining Hackleman's 4th addition on the east. It is a beautiful tract, desirably located and is high and dry, already cleared and planted out in choice fruit trees. These lots will sell rapidly, and parties desiring a choice location should call at once upon Wallace & Cusick, agents for the property. Lots will be sold on easy payments.

Kid Gloves! Kid Gloves! I have just received a full line of kid gloves brand "Our Own." This is a genuine kid glove. I buy direct from importers in New York and consider them the best value of any glove I ever sold for this price. Five buttons, three rows of stitching, \$1.50 per pair. S. E. Young.

Money to Loan. Money to loan at a low rate of interest, on improved farm and city property, in sums of \$200 to \$10,000. For particulars call on Burkhardt & Malin, Real Estate Agents.

Money to Loan. At a low rate of interest on good farm property in Linn county, or on best favored city property in Albany. Apply to Blackburn & Wright, Albany, Oregon.

Elegant Accessories. Crawford & Paxton have just received a set of elegant new backgrounds and accessories. Go and see them. They are doing the finest work in the valley.

IT WAS LONG ENOUGH. Colonel—Well, what's the matter now? Private—I've got liver trouble and dyspepsia, and ought to get leave for thirty days.

Colonel—I'll give you ten, and if you take Joy's Vegetable Sarsaparilla that will be long enough.

Fred H. Becker, of the Baldwin Hotel, San Francisco, writes: I have spent many a dollar for medicines, but the only thing that ever stopped my liver trouble and dyspepsia was Joy's Vegetable Sarsaparilla.

Gustav Solomon, of 223 Valencia street, San Francisco, writes that it has entirely freed him of his indigestion and sick headache.

A GLORIOUS FUTURE

In keeping with the ever brightening prospects of our fair city, we are daily adding to our already large stock such fancy and staple groceries as will fully supply the wants of the most fastidious. And while we call special attention to the quality and complete assortment of our goods, we will add that as a

Special Inducement.

TO OUR FRIENDS WE WILL

Give Away on January 1st

1 Dinner Set, 120 pieces. \$25 00  
1 Tea set, 44 pieces. 7 50  
Three Tea Sets, each 44 pieces. 15 00

This ware is not cheap baking powder prizes, but is elegant genuine English table ware. Let every lady avail herself of this opportunity of procuring not only the best groceries to be found, but have a chance at drawing free one or more of these elegant sets.

LA FORREST & THOMPSON.

F. L. KENTON

DEALER IN

Staple and Fancy GROCERIES

Also Choice Candies, Nuts, Cigars and Tobaccos, Fruits, Vegetables, Etc.

TERMS CASH AND PRICES LOW.

Subscription Agent for all Leading Newspapers and Magazines.

NEAR THE POSTOFFICE. ALBANY, OREGON

Wind! Rain! Snow.

"Oh! the cold and cruel winter, Ever thicker, thicker, thicker; Froze the ice on lake and river, Ever deeper, deeper, deeper; Fell the covering snow and drifted Through the forest round the village."

IT IS COMING.

"Old Prob." says winter is coming earlier and more severe this year than usual.

ERGO!

Take time by the topknot and examine my elegant stock of

OVERCOATS, CAPE ULSTERS, DRESS OVERCOATS.

KERSEYS, VALOIRS, BEAVERS, MELTONS, CHEVIOTS, WIDEAWAKE, CHINCHILLAS, CASSIMERES, MONTAGNACS.

L. E. BLAIN,

THE

Leading Clothier,

WILL & STARK.

ELGIN Diamond Watches Jewelry. Colonel—Well, what's the matter now? Private—I've got liver trouble and dyspepsia, and ought to get leave for thirty days. Colonel—I'll give you ten, and if you take Joy's Vegetable Sarsaparilla that will be long enough. Fred H. Becker, of the Baldwin Hotel, San Francisco, writes: I have spent many a dollar for medicines, but the only thing that ever stopped my liver trouble and dyspepsia was Joy's Vegetable Sarsaparilla. Gustav Solomon, of 223 Valencia street, San Francisco, writes that it has entirely freed him of his indigestion and sick headache.