

SUPREME COURT DECISIONS.

We give below a number of decisions of the State Supreme Court, among which will be found the case of Munford vs. Sewall, in which the validity of the late mortgage tax law was the question in dispute.

Henrietta S. Munford vs. W. R. Sewall, Clerk of Multnomah county—mortgage tax law case; judgment affirmed and the law sustained.

H. Watkins vs. O. H. Mason and Mary Maher—judgment reversed and a new trial ordered.

J. K. Sears vs. L. Abrams—judgment modified.

State of Oregon vs. Tom Gilbert—judgment of Circuit Court reversed and a new trial ordered.

George Woodward vs. Henry G. Baker—judgment reversed and a new trial ordered.

State vs. John Stewart—judgment of Circuit Court affirmed. Opinion by Lord, J., Waldo J. concurring.

George Woodward appellant, vs. Perry G. Baker, respondent—judgment of the Circuit Court reversed and a new trial ordered. Opinion by Lord, J.

First—From the time of the service of a summons in a civil action the court is deemed to have acquired jurisdiction and to have control of all the subsequent proceedings.

Second—In legal contemplation the court acquires jurisdiction by the proper service of the process, and the defendant is in court and charged with notice of whatever action the court has taken during the pendency of the action.

Third—The fact that the defendant has not been given all the time allowed by law to plead, after proper service of the summons, will not so vitiate the judgment as to make it a nullity and subject collateral attack.

The State of Oregon, respondent, vs. Tom Gilbert, appellant, convicted of murder in the first degree. Judgment of the Circuit Court reversed and a new trial ordered. Opinion by Watson, C. J.

First—The judgment roll in a criminal action is conclusive as to the facts transpiring at the trial. The power of the court where the trial is had to correct such roll, on proper application, and cause it to conform to the truth, is undoubted, but until so corrected it is the record of the court, importing absolute verity, and its accuracy cannot be called in question.

Second—The transcript of the judgment roll on appeal, disclosing two separate indictments against the appellant for distinct crimes, although of the same grade, and only one verdict and judgment, and containing nothing to indicate that the trial and conviction were had on only one of the indictments, the judgment is held erroneous and reversed, because: (1) It appeared that appellant had been tried on both indictments at the same time; (2) the record was entirely uncertain as to which crime the conviction was had.

H. Watkins, appellant, vs. O. P. Mason and Mary Mason, respondents—judgment of the Circuit Court reversed and a new trial ordered. Opinion by Waldo, J.

First—Where there are several defendants on appeal, an appeal lies only where the action as to all the parties has been finally determined.

Second—By section ten of the act of October 21, 1878, entitled "An act defining the rights and fixing the liabilities of married women, and the relation between husband and wife," a wife is liable for goods for family use, used in the family, although sold to the husband on his individual credit, (41 Iowa, 588.)

Coquelle Dick, appellant, vs. B. W. Wilson, respondent—judgment of the Circuit Court affirmed. Opinion by Lord, J.

It is a rule in pleading that so much of the proceedings of all inferior tribunals must be stated as will show jurisdiction. Whoever, therefore, sets up the judgment of the inferior court must show affirmatively the jurisdiction of such court to render the judgment.

J. K. Sears, respondent, vs. L. Abrams, appellant. Appeal from Polk county. Decree modified. Respondent

ent to recover \$68 60, the value of the oats converted. Appellant to recover costs in the Circuit Court. Opinion of Watson, C. J.

SYLLABUS. A warehouseman receiving grain on storage, and mixing it with other grain of the same nature and quality, also stored in his warehouse, in the usual course of business, is not chargeable with a conversion by reason of such act alone.

Second—In a suit in equity, brought by a mortgagee in a chattel mortgage to enforce his lien on the mortgaged property, in the hands of several parties who have acquired possession since the mortgage lien attached to the property, a personal decree against one of such parties, for the full value of the property, based wholly on a mere technical conversion, not occasioning any loss of security, nor in any manner interfering with the plaintiff's recourse upon it, in the hands of another of said parties, also a defendant in the suit, cannot be sustained. It is not technical injury, but real loss in respect of the security afforded by the mortgage lien, caused by the wrongful act of a defendant, that determines the question of his personal liability in a suit of this character.

State of Oregon, respondent, vs. John Stewart, appellant; convicted of the crime of kidnapping. Appeal from Clatsop county. Judgment of the Circuit Court affirmed. Opinion by Lord, J.; Waldo, J., concurring.

First—The plea of a former conviction must be before a prosecution for the same identical offense. The test is not whether the defendant has already been tried for the same act, but whether he has been put in jeopardy for the same offense.

Second—The same principle which assures to a witness the privilege of an explanation when contradictory declarations are offered applies to assure him the right of explanation when declarations of hostility are sought to be introduced.

A. P. Ankeny, appellant, vs. The Fairview Milling Company, respondent—judgment of the Circuit Court affirmed. Opinion by Lord, J., Waldo J. concurring.

George Woodward appellant, vs. Perry G. Baker, respondent—judgment of the Circuit Court reversed and a new trial ordered. Opinion by Lord, J.

First—Affidavits or other documents properly filed and considered by the court below, on the hearing of a motion for an order allowing a warrant to issue to the Sheriff for the attachment of a private nuisance, under section 330 of the civil code, constitute part of the record of such proceeding, without being made such by a bill of exceptions. There is no technical record or "judgment roll" in such cases, the statute not having prescribed what it shall consist; therefore it includes all papers properly filed in the court below.

Second—Unless it appears on the hearing of such motion that the nuisance has ceased, or that the remedy by abatement would be inadequate, it becomes the imperative duty of the court to order the issuance of the warrant. The court has no authority to direct the defendant to abate the nuisance established on the trial, or prescribe the mode in which it shall be done. Its jurisdiction extends, in a proper case, to making the order allowing the warrant to issue only, leaving to the officer the responsibility of executing it properly.

Third—It is the duty of the Sheriff, under such warrant to abate the nuisance with as little injury to the defendant as possible. For any unnecessary damage, he would be liable to the injured party.

Fourth—In an action for damages for a private nuisance where a plaintiff recovers a verdict and judgment is entered thereon in his favor, and the record does not show on its face the particular nuisance established by the verdict, it is competent for the court in which the trial was had, in making the order allowing the warrant to issue for its statement, to identify such nuisance by means of its own knowledge of the evidence introduced on the trial, and applicable to the issues made in the pleadings.

Second—The transcript of the judgment roll on appeal, disclosing two separate indictments against the appellant for distinct crimes, although of the same grade, and only one verdict and judgment, and containing nothing to indicate that the trial and conviction were had on only one of the indictments, the judgment is held erroneous and reversed, because: (1) It appeared that appellant had been tried on both indictments at the same time; (2) the record was entirely uncertain as to which crime the conviction was had.

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J. K. Sears, respondent, vs. L. Abrams, appellant. Appeal from Polk county. Decree modified. Respondent

JONES' MINERAL WATER!

Testimonials From Prominent Citizens of Roseburg!

For the benefit of those suffering with catarrh I will state that I have been afflicted with that disease for the last three years and after using various remedies without any benefit, was finally induced to try the Eldorado Mineral Water, from the spring of Geo. W. Jones, which I will state has effected a cure, and I have no hesitation in recommending it to those suffering with a like complaint.

J. S. FRITZBACH, County Judge of Douglas county, April 13, 1883.

C. W. JONES, Sir: During last Summer I was suffering with constipated bowels and general ill health. I procured two bottles of mineral water and used it and am entirely cured. I have no hesitation in recommending the water to all who are suffering with like derangement of the bowels and general debility.

HENRY BOWEN, City Marshal of Roseburg, April 13, 1883.

GEORGE W. JONES, Sir: Having used the Eldorado Mineral Water for some time, for dyspepsia and catarrh, I feel safe in recommending it to the public as a sure and reliable remedy in those afflictions.

W. S. HEMPHRY, City Recorder, Roseburg, April 16, 1883.

The Eldorado Mineral Water can be purchased at any time at the Drug Store of Dr. S. Hamilton, Roseburg, at 50 cents per quart.

TESTIMONIALS.—G. W. JONES, dear sir: Having been troubled with dyspepsia for many years I was advised by W. F. Johnson to use your mineral water. I did so and do unhesitatingly say it did me more good than anything I had ever used. It had an immediate effect. Yours,

JOHN HOWARD, Roseburg, April 1, 1883.

This is to certify that I have used successfully the Umpqua mineral water for six months, for nervous dyspepsia and debility of the whole system and I have found great relief and I might say am entirely cured. I have no hesitation in believing this mineral water to be of great curative value. Respectfully,

W. F. JOHNSON, Roseburg, April 2, 1883.

EXECUTOR'S NOTICE. NOTICE IS HEREBY GIVEN THAT P. P. HOGAN was appointed Executor of the last will and testament of G. F. FROST, deceased, late of Douglas county, Oregon, on the 15th day of March, 1883, by the County Court of said county, and has duly qualified as such Executor. All persons having claims against said estate are hereby notified to present the same, with proper vouchers to use as my store in the Umpqua building, Roseburg, Douglas county, Oregon, within six months from the date hereof, and all persons owing said estate are required to make immediate payment to the undersigned.

P. P. HOGAN, Executor. A. F. CAMPBELL, attorney for Executor. 100-71

DRY'S SALOON, Jackson Street, Roseburg

The proprietor of this well known and popular resort would thank his friends for their liberal patronage. In the past and would ask for a continuance of the same in the future. The public is informed that I keep none but the best brands of wines, liquors and cigars and that I sell over the bar the celebrated Jesse Moore & Co's Kentucky Whiskies.

A good billiard table will be found in the saloon; also the latest papers of the world.

E. R. THOMPSON, E. J. DE HART, H. H. THOMPSON, W. M. HONEYMAK

Thompson, De Hart & Co, Importers and dealers in Hardware, Coal, Iron, Steel, Hardwood Lumber and wagon material. 184 First st., and 173 and 175 Front st Portland, Oregon. Jan 7

LOUIS BELFELS, WATCHMAKER & JEWELER, Roseburg, Oregon.

WHOLESALE AND RETAIL DEALER IN WATCHES, CLOCKS, JEWELRY

A FINE ASSORTMENT OF SPEC-TACLES, OF ALL KINDS. Call and examine our stock before purchasing elsewhere. Don't forget the old stand of

L. BELFELS, R. S. & J. C.

SHERIDAN, Successors to F. P. Sheridan, DEALERS IN HARDWARE, TINWARE, STOVE

Guns, Cutlery and Tinware Furnishing Goods. TIN STORE ROSEBURG, OGN.

Having secured the above business, we are prepared to keep up its former good name for work and prices. We have the best of material and always a full stock of goods on hand and it is our aim to furnish customers with first-class articles at low prices. A full stock of iron and steel for sale. Dealers from abroad will receive prompt attention. R. S. & J. C. SHERIDAN

FARMERS ATTENTION

FOR THE BEST WEARING

BOOTS,

FOR MEN AND BOYS AND THE MOST DURABLE SHOES FOR MENS AND CHILDREN

Try the Celebrated IRON-CLAD GOODS.

Manufactured by PORTER, SLESSINGER, & CO.

San Francisco. They are guaranteed to give satisfaction. Will not break in the back or rip in the side. All goods of this manufacture made by white men. No Chinamen employed. For sale by

FLOED & CO., ROSEBURG, FROST BROS., YONCALLA, E. G. YOUNG, OAKLAND

The Famous Upright KNABE PIANO. The Hardman Piano.

A strictly first-class instrument at moderate price; Also The Popular Pease Piano!

A. L. DAN ROFT & CO., 721 Market St., San Francisco, Sole agents for Pacific Coast

JAMES DEARLING, Blacksmith and Farrier, OAKLAND, OR.

And well-known to the people of Douglas county, would respectfully announce that he is prepared to do all kinds of work in his line, and guarantees satisfaction.

HORSE-SHOING A SPECIALTY. Any farmer having a plow to sharpen or machinery to repair will do well to give me a call at my old stand.

I have a full stock of iron and steel, and having purchased the same at a low price, can do work so far as prices are concerned, cheaper than any who will at tempt competition. JAS. DEARLING, 7-17 1/2

New Millinery Shop. SPRING OPENING!

The Misses Smith will open their shop on Jackson street, south of Mrs. Compton's, and display their new stock of millinery goods, on Thursday, April 5th. Ladies are invited to call and see our Hats, Bonnets, Ribbons, Flowers, etc.

All new and of the latest styles just received from San Francisco.

SMOKE W. LEWIS & CO'S CELEBRATED CLEAN SWEEP CIGAR, THE BEST BIT CIGAR IN ROSEBURG.

Manufactured expressly for, and for sale only at A. C. MARK'S CIGAR STORE.

NOTICE. THE UNDERSIGNED HAVING BEEN APPOINTED Inspector of Sheep for Douglas county, by the Hon. County Court of said county, and having filed the necessary bond, is now ready to perform the duties pertaining to said office, whenever called upon.

THOMAS SMITH, Sheep Inspector for Douglas county, Oregon. Witham, Oregon, December 2, 1882.

NOTICE. I am designated as administrator of the estate of C. T. Kullman deceased. All persons having claims against said estate will present the same to me properly verified, at the office of J. W. Hamilton, in Roseburg, and any persons themselves indebted to said estate will call and pay the same. B. BROCKWAY, J. W. Hamilton attorney.

Administrator's Notice. NOTICE IS HEREBY GIVEN THAT THE UNDERSIGNED has been duly appointed by the County Court of Douglas county, Oregon, and has qualified as administrator of the estate of Robert McClanahan, deceased, late of said county. All persons having claims against said estate are hereby notified to present the same, with proper vouchers, to use as my store in the Umpqua building, Roseburg, Douglas county, Oregon, within six months from the date hereof, and all persons owing said estate are required to make immediate payment to the undersigned.

MARY McCLANAHAN, Administrator. March 10, 1883.

Administrator's Notice. NOTICE IS HEREBY GIVEN THAT PURSUANT to an order of the County Court of Douglas county, Oregon, entered therein on the 22nd day of April, 1883, the undersigned, administrator of the estate of Woodson Patterson, deceased, will, on Saturday, the 15th day of June, 1883, at 1 o'clock P. M. of said day sell on the premises to the highest bidder for cash, the following described real estate of said deceased, to-wit: The south half of the north half of the donation land claim of Abraham Patterson and wife, being claim No. 40, in township No. 29, south of range 8 west of the Willamette meridian, situated in Douglas county, Oregon, containing 100.66 acres, excepting therefrom one acre of the northeast corner said land. A full single title guaranteed and possession given after the sale.

J. A. HERRINGDALL, Administrator. Herndon & Ball, Attorneys for said estate. April 21, 1883.

F. P. HOGAN'S

Cash Store.

UNTIL FURTHER NOTICE!

CARO BROS. Will sell goods AT FOLLOWING QUOTATIONS:

Best brands of prints, 18 yds. \$1 00. White Rock and Lonsdale Muslin 10 yds. \$1 00. Canton Flannel from 9 to 16 cents per yard.

Ladies Brocaded Dress Goods, 11 cts. per yard. Cotton Batting 20 cents per yard. Brooks, Couts and Clark's spool cotton, 60 cents per doz.

Ladies' Calf Shoes, \$1 75 per pair. Ladies' Cloth Balmorals, \$1 50 each. Table linen from 35 to 60 cts. pr. yard. Costa Rica Coffee No. 1 guaranteed, seven pounds for \$1 00.

Tea, our own Brands, 37 1/2 cts. per lb. Sugars from 11 1/2 to 13 cents per lb. Tomatoes \$1 75 per dozen. Rice No. 1 Carolina, 8 cents per lb.

And all other goods in our line in proportion. We have given you these quotations and hope that one and all will take advantage of our price list. My motto is cash sales & small profits. F. P. HOGAN.

HITCH UP

But Before You do That COME ROUND TO

W. G. WOODWARD'S HARNES SHOP

AND BUY A NEW SET OF Harness or a Saddle

One of the biggest and best stock of goods ever brought to town. I use nothing but the best leather and have got

EVERYTHING IN THIS LINE. Dont Fail to See Me!

W. G. Woodward, Roseburg, Or.

Gen'l Mer. handise, INCLUDING EVERY VARIETY OF

LADIES' DRESS GOODS, OF THE LATEST STYLE.

Styles of all Variety and Shades AT THE

NEW YORK STORE, OF

M. JOSEPHSON, Roseburg, Ogn.

Gentlemen & Boys' READY-MADE CLOTHING

COME and See MINE BEFORE PURCHASING ELSEWHERE,

SO DOING GOOD BARGAINS CAN BE SECURED

Sheridan Bros., Roseburg, Or Largest Stock of Hardware

Ever brought to Douglas, and when added to their STOVES OF ALL PATTERNS and READY MADE TINWARE, they are prepared to declare they have the best supply in their line of any house in Southern Oregon, which they propose

SELLING CHEAPER THAN ANY ONE can purchase elsewhere. In the shape of building materials—in the way of locks, butts, etc. we can offer superior inducements to purchasers. Try us.

We also have also bargains to offer in guns, such as Winchester, Sharp and other BEEs, as well as in Shot-guns and Pistols. We are also Agents for the White Pepples and New Home Sewing Machines, which we sell at lowest rates and warrant as usual to in every respect. We can also supply

Averill and Rubber Paints, The best in the market, at lowest rates. Give us a call, inspect our stock, inquire as to our prices, and we promise to suit all any one can. SHERIDAN BROS.

Sherman, Clay & Co.

Pacific Coast Agents for the Celebrated

STERLING ORGANS

The above cut represents style 60, which we will sell for \$100. \$25 cash, \$10 per month with interest upon deferred payments, one year contract. Good stool and book included. Address SHERMAN, CLAY & CO., Cor. Kearny and Sutter Sts., San Francisco, Cal.

Sherman, Clay & Co. Agents for the Celebrated

WEBER PIANOS

UPRIGHT, SQUARE & GRAND

Acknowledged by all Musical Authorities to be the BEST PIANO now manufactured. Prices as low and terms as easy as could be had through workmanship. Address SHERMAN, CLAY & CO., Cor. Kearny and Sutter Sts., San Francisco, Cal.

MONTMANY ORGANETTES

The only instruments that children can play as well as grand persons. Only five minutes time required to learn how to manage them. Any kind of tune can be played. Finest accompaniment for the voice in studies. They are sold so low that any family can easily procure one. Having no one locally could get along without. Prices of different styles \$25, \$30, \$35 and \$45, including twenty-five feet of music. Send for catalogue and price list. Address SHERMAN, CLAY & CO., Cor. Kearny and Sutter Sts., San Francisco, Cal.

For prices and terms, address SHERMAN, CLAY & CO., General Agents for Pacific Coast, Cor. Kearny and Sutter Sts., San Francisco, Cal.

W. W. PRENTICE & CO., PORTLAND, OR., GENERAL AGENTS FOR THE NORTH-PACIFIC COAST.

T. W. MORGAN, AT THE OLD ESTABLISHMENT OF MOSES' PLACE, NEXT DOOR TO MARK'S & CO., OFFERS FOR

SALE THE FINEST VARIETY OF TOBACCO, CIGARS AND CONFECTIONERY EVER OFFERED IN ROSEBURG, AT

PRICES LOWER THAN THE LOWEST. CIGARETTES A SPECIALTY. A FINE SUPPLY OF HOLIDAY GOODS.

CONCRETE PIPE.

HENRY GUTERMAN and LOUIS BELFELS have obtained the right for Douglas county for laying

Continuous Concrete Pipe, for conveying water, and Louis Belfels and George Frohman have obtained the right for Josephine and Curry counties, and will sell form or individual pieces and lay pipe at the cheapest figures. Any size from 12 to 22 inches finished. This pipe is much

Cheaper than Wood, Iron or Lead!

It is also well suited for irrigation or Mining purposes and can be laid in situations without joints.

FRAZER Axle Grease!

Best in the world. Get the genuine. Every package has our trade-mark and is stamped "Frazer's". SOLD EVERYWHERE.

BUY ONLY CANYONVILLE MILLS FLOUR

THIS FLOUR IS MANUFACTURED FROM ONLY the best of wheat. I have for sale also Iron, Stone, and Millstone, Bacon, Hams, Lard, etc. cured in the most scientific manner. Purchasers will do us a favor to inspect my stock at the Canyonville Mills. W. BRAMER.