

FOREIGN.

Record of News from Over the Atlantic.

Manning's Condition.

LONDON, April 7.—Daniel Manning, ex-secretary of the treasury of the United States, who is visiting London, is unable to exercise out of doors, owing to the cutting winds. His condition is not satisfactory to friends.

News From Rome.

ROME, April 7.—The pope is about to issue a letter sanctioning the erection of a Catholic university at Baltimore. The pope also insists that Father McGlynn must come to Rome.

AFTER THE SOUTH POLE.

A German Baron Will Start There Next Year.

VIENNA, April 8.—Baron Nordenskyold expects to sail for the Antarctic regions about the middle of next year. The baron takes the course contrary to that traveled by the ordinary pole-hunter, because he believes that the greatest difficulty he will experience in getting to the south pole will be the difficulty of getting coal.

An Athletic Meeting.

LONDON, April 8.—Performances at Saturday's London athletic meeting gave particular satisfaction to the members of Oxford university. A half mile was run by the Oxonian walk team in 1:58. This performance equals the best English record.

A Royal Marriage.

LONDON, April 8.—Marriage has been arranged between Grand Duke Paul, the youngest brother of the czar, and Princess Alexandra, the eldest daughter of the King of Greece.

Denies the Report.

LONDON, April 8.—John Ruskin denies that he will become a Catholic. He says he is just as likely to become a Quaker or a Turk.

Against Coercion.

LONDON, April 8.—The News of this morning published the proceedings of 62 Anti-coercion meetings held last night.

PARIS, April 8.—The government has ordered a man of war now in the West India waters to proceed to Port Au Prince to protect the Europeans from annihilation by the enraged Haytiens.

A GREAT MEETING.

Gladstone Writes of the Proposed Meeting in Hyde Park on Monday.

LONDON, April 9.—The anti-coercion meeting to be held in Hyde Park on Monday promises to be the biggest outdoor political meeting ever held in London. Gladstone to-day issued to the miners of north Great Britain, a majority of whom are his enthusiastic followers, the following letter, which amounts to a manifesto:

"I cannot refrain from calling your attention to the meeting which is to be held at Hyde Park next Monday, to which I understand ten thousand workmen of London intend to generously devote their holiday. If ever there was a time when it is to the interests of the English workingman to be thinking for himself, this is the time. In 1876 a meeting of London workmen first gave effect to the force to the movement in Bulgaria which brought about the revolution in 1880 in which the rights of the people were recognized. May the meeting here Monday ring the death knell of the most insulting and senseless coercion bill ever submitted to parliament."

The Great Meeting in London.

LONDON, April 11.—The great workingmen's meeting being held in Hyde Park to-day elicits the utmost enthusiasm. There are displayed many banners and pictures of Gladstone, Davitt, and Father Keller, inscribed, "Justice for Ireland." This is the favorite inscription for the banners. The meeting is orderly, so far. A large force of police is in reserve, in case of an emergency.

Gave up the Job.

LONDON, April 11.—The gentleman in charge of writing the memoirs of Lord Beaconsfield has given up the task. Disraeli kept no diary, and left no personal notes, but left a great mass of letters; yet the interesting ones are of such a personal character that they cannot be used, while the others are devoid of interest.

Indignation at France.

PARIS, April 11.—The threatened bombardment of Hayti, coming on top of the Cannes incident, which is felt throughout France to be a gratuitous insult on the part of the Duke of Edinburgh towards the French nation, causes a strong anti-English feeling of indignation.

An Advantageous Connection.

ST. THOMAS, Ont., April 12.—It is understood that negotiations for the transfer by the Michigan Central of the entire Canadian Southern business to the Canadian Pacific, are in progress, and are likely to soon be completed.

Suspicious Movements.

LONDON, April 11.—It is reported that Russia is collecting a large commissary and other stores at Penderjeh and Kohja Silihi, on the northern boundary of Afghanistan.

Large Land Sale.

LONDON, April 12.—The International company in Mexico has purchased twenty million acres of land in Lower California, from the Mexican government, for the purpose of colonization.

Wholesale Conviction.

ST. PETERSBURG, April 12.—Four hundred and fifty Russian officers have been sent to the penal colony for life.

Heavy Emigration.

QUEENSTOWN, April 13.—The greatest rush of emigrants to the United States ever known is now taking place. Railroads are running extra trains. Thirteen hundred embarked yesterday for America.

A great number is waiting the next steamer. There are not houses enough in Queenstown to accommodate all who have joined the exodus. Many are camping in the streets.

A Magnificent Present.

LONDON, April 13.—On the occasion of the 90th birthday of Emperor William, of Germany, March 23d, the king of Portugal sent him a royal present, consisting of a sword of honor, with a blade specially made at the Gibson arsenal, with an exquisitely-chiseled hilt of solid gold, incrusting in every part with diamonds, sapphires, rubies, and emeralds.

Accepted the Invitation.

LONDON, April 13.—Dr. Parker has accepted the invitation to deliver an eulogy upon Beecher at Brooklyn.

TELEGRAPHIC SUMMARY.

April 10.

Senator Reagan, of Texas, indorses prohibition.

John T. Raymond, the actor, died at Evansville, Indiana.

Another attempt was made on the czar's life on Wednesday.

Two shocks of earthquake were felt at Burlington, Vt., on the 9th.

Eugene Semple has been appointed governor of Washington Territory.

Keely motor stock is on the rise. Keely claims to "have it" sure this time.

A great prairie fire near Sharon, Dakota, and several persons burned to death.

It is believed the life of Lord Landsdowne, governor-general of Canada, has been threatened.

The Jewish "Temple of Israel," of St. Louis, has presented \$300 to the Beecher monument fund.

The Southern Pacific will ask for a suspension of the "haul clause" in the interstate commerce law.

President Joseph Smith, of the church of Latter Day saints, spoke at Kirklind, Ohio, against polygamy.

Cardinal Tascheran, archbishop of Quebec, has withdrawn his mandament of 1884 against the Knights of Labor.

A large number of farmers between Billings and Park City, in Yellowstone valley, will be arrested for cutting timber on Crow reservation.

Talmage thinks that the Kissane-Rogers business should not have been revived, and says that years of an honest life should have been considered full atonement for the crimes of Kissane's youth.

April 11.

Smallpox is spreading in Chicago.

Sara Bernhardt is losing her mind.

The Haddock murder trial is drawing to a close.

Henry Villard is now interested in the B. & O. R. R.

Grant's tomb was handsomely decorated on Easter day.

E. J. Farlow has been appointed postmaster at Ashland, Oregon.

David Hoffman, a train wrecker, is sentenced to be hanged at Nebraska City.

One man was killed and several wounded in a Swede-Hungarian-Polish riot at Denver, over a girl.

Mrs. Logan has received a handsome memorial from the G. A. R. of San Francisco. It is hand painted on nice paper.

Two ladies, a student of Vassar and a friend, and two young men, went into a coal mine at Pottsville, Pa., and were killed in an explosion.

The S. F. Bridge company that built the bridge across the Willamette here, is charged with collusion with the city surveyor of San Francisco to get a bridge contract by Councilman Stearns, and the bridge company say that Stearns offered to "stand in" if he could get to furnish the lumber. An interesting time is expected.

April 12.

The Texas drought continues unbroken.

Gov. Hill vetoed the high license bill.

The recent Hyde Park meeting pleased Gladstone.

Pennsylvania lower house passed a high license bill.

The Maine ironclad liquor law goes into effect next Monday.

Discussion on the Irish crimes' bill will not be cut off until April 22.

In the city charter election at San Francisco, the new charter was defeated.

Chamberlain thinks he will be able to settle the Irish land question on his own basis next year.

Arrangements are being made for an international yacht race from Spithead to Shambles, near Portsmouth, England.

Prairie fire in Gilson and Norton counties, destroyed fifteen lives, and many thousands of dollars worth of property.

A war between the Stove Founders' Defense association and the Moulders' National union threatens to cause a strike that will close all the principal foundries in the United States.

The Illinois legislature will pass an alien land law, which provides that aliens will have to declare their intention of becoming U. S. citizens, before purchasing land in that state.

The Wingate vein in the Carbon Hill coal mines at Carbonado, W. T., caught fire on Saturday from an explosion of gas. This is the most valuable vein being worked there. Efforts are being made to subdue the fire.

Miss Breyman's Whist.—On Tuesday evening, Miss Anna Breyman gave a delightful whist party at the elegant residence of her father, Werner Breyman, corner State and Cottage street. Whist, dancing, games, music, etc., caused the evening to pass hastily and pleasantly. There were present Miss Anna Breyman, Mrs. W. Breyman, Mr. and Mrs. A. E. Strang, Miss Lena Breyman, Miss Maggie S. Cosper, Miss Alice Hatch, Miss Carpenter, and Messrs. Dearborn, Willis, Piper, Holzgate and Manning.

IMPORTANT DECISION.

The Rights of Farmers vs. Warehousemen.

CASE OF McBEE VS. CAESAR & CO.

An Opinion of the Supreme Court in Regard to the Sale of Wheat on Deposit in a Warehouse.

The following opinion, the most generally interesting which has emanated from the supreme court of Oregon for some time, was delivered on Monday. The opinion is by Lord, C.J., and contains a statement of the facts of the case. It will make interesting reading:

McBee, plaintiff and respondent, vs. Caesar & Co., defendants and apprs., Opinion of the Court by Lord, C.J.

This is an action for the conversion of about 633 bushels of wheat alleged to have been deposited in the warehouse of T. Blair, at Booneville, and subsequently, in the year 1885, shipped on the steamer McCully, and delivered to the defendants.

The action originated in this state of facts: During the years 1883 and 1884, the plaintiff and other persons who have assigned their claims to him, deposited their wheat in the said warehouse, taking what is known as "weighing checks" for each load as delivered, and, after the deposits for the season were completed, regular warehouse receipts for the whole amount of wheat deposited were given to respondents. The amount so deposited is the amount above alleged. None of said wheat deposited by the plaintiff and his assignors was ever drawn out by him or them; but, about the first of February, 1885, all the wheat remaining in the warehouse was shipped to the defendant at Portland. Besides these parties, others were depositing wheat in said warehouse, which was mingled with the wheat deposited as stated in common bins.

The defendants, after denying the allegations of the complaint, affirmatively set out that from time to time they received wheat from Blair, and advanced money to him, and that at the close of the transaction Blair owed them \$5,795.43, and that they had in their hands 66339 bushels of wheat upon which they claim a lien for said advances and also for charges and expenses. The trial resulted in a verdict for the plaintiff, and judgment having been entered in accordance therewith, the defendants appeal. All the objections reserved and assigned as error are presented in the bill of exceptions.

It is first objected that it was error to allow Blair to testify that the wheat in question was consigned to the defendants. The specification of error was that the only proper proof of this fact was a bill of lading. The second objection is that there was no evidence of any bill of lading or other writing showing the consignment to the defendants. The material fact for the plaintiffs to establish was that the defendants received the wheat. The plaintiff had nothing to do with any agreement which might have existed between Blair and the defendants, nor was bound to produce the evidence which may have existed between them to fix their liability to each other. As between them a bill of lading is not to be regarded as a contract in writing, but merely as an admission of the fact by the consignor as to his purpose at the time of making the shipment, and such admission is subject to be rebutted. The fact that the wheat was deposited with Blair is not contradicted and he testifies that it was shipped to the defendants. This was evidence tending to prove the fact at issue, and was competent for that purpose, and if the defendants had any evidence to rebut it, they could have submitted it. We do not think there was any error in the ruling excepted to, nor to the succeeding assignment of error for a like reason.

It is next objected to that there was a mistake in the written demand as to the name of the boat in which the wheat was carried. The demand was made by J. F. Watson and the conversation which took place at the time shows that the defendants knew and understood what wheat was demanded; in a word, that there was no mistake as to the property involved in the action, and therefore the mistake alleged would not prejudice the defendants.

The next assignment of error presents the question as to the effect of mingling wheat of several depositors in common bins of a public warehouse. It has been held by this court that such a deposit is a bailment, and that the depositor does not lose his right to reclaim the wheat so deposited from the common mass. It was admitted by the counsel for the appellant that the later authorities were to this effect, and when his attention was called to a late decision of this court which involved the determination of a like principle, he abandoned this exception. The record, however, discloses that this assignment was the strong point on which the appellant relied to reverse the judgment, and there can be no doubt, if the position for which he contended could have been sustained, it would have been fatal to the judgment which the plaintiff obtained. But the necessity for abandoning it—the adverse decision referred to—renders some of the other assignments of error which are coupled with that theory unimportant, and we shall, therefore, only notice such of the other assignments as do not include these, and which counsel deemed material in producing an incorrect result.

It is contended that the court erred in instructing the jury to consider that the plaintiff or any of his assignors ever authorized Blair to deliver any of the wheat described in the complaint to defendants. The transcript contains all the evidence; and that part of it which it is claimed tends to show such authority is based in Blair's testimony that he had been accustomed to ship away the wheat remaining in the warehouse at Booneville before low water came, which, taken in connection with the fact that during that time the plaintiff and his assignors had been storing wheat with him, carries the inference that such depositors did not contemplate it would lie in that warehouse all summer. In other words, it is claimed upon this state of facts, that unless the plaintiff and his assignors withdrew their wheat before low water came, they must have known it would be shipped, and consequently acquiesced in it, which was

equivalent to such authorization. It is insisted, therefore, there was evidence upon this point which the court erred in excluding from the consideration of the jury. The fact that the plaintiff and his assignors had been storing wheat with Blair in the Booneville warehouse, taken in connection with the fact that he had been in the habit of shipping wheat from the warehouse before low water came, does not warrant the inference that the plaintiff or his assignors knew it, much less acquiesced or authorized its consignment or sale. There is no evidence to show that the plaintiff or his assignors knew that Blair was accustomed to ship wheat from his warehouse before low water came. The vice of the argument lies in assuming that the fact of the storage of the wheat in that warehouse charges the plaintiff and his assignors with knowledge of the other fact that it was the custom of Blair to ship the wheat from the warehouse before low water came. The two facts have no necessary connection with each other as to justify such inference without the aid of further proof.

Nor do we think there was any error committed in the instruction of the court upon the question of estoppel. It is only such knowledge of the acts of Blair as indicated an intentional acquiescence, and by such conduct led the defendants to believe that the shipment of the wheat was rightful that the court instructed the jury operated as an estoppel. As a matter of law, the instruction is correct, although the facts are extremely meagre, if at all, upon which to predicate an instruction of estoppel.

There was no error in the language in which it was given, and under the circumstances as disclosed by the record was favorable to the defendants. It was earnestly urged that the verdict in this case worked an injustice. If such was the fact, it arose out of a matter which it was the province of the jury to decide and not out of an error of law, which it is the province of this court to correct. It is not the business of the court on a "bill of exceptions, to judge of the quantum of the proof or to correct the errors of the jury and make a bad precedent because the case is a hard one." Gibson, C. J., in Sidwell vs. Evans, 1 P. & W. 385.

After a careful examination of the record, we are constrained to affirm the judgment, and it is so ordered.

SUPREME COURT.

Henry Casey, appellant, et al., vs. J. C. Tolman, et al., respondent; argued and submitted.

J. C. Tolman, R. Dunn and Johanna Houck, appellants, vs. William Richard, et al., respondent; appeal from Jackson county; argued and submitted.

April 7. State of Oregon, ex rel. S. G. Reed, respondent, vs. Elijah Smith, C. J. Smith and L. B. Seelye, appellants; argued and submitted.

State of Oregon, ex rel. S. G. Reed respondent, vs. Elijah Smith, appellant; appeal from Multnomah county; argued and submitted.

SALEM, April 13, '87. W. J. Stewart, as administrator of the partnership estate of Black, Porter, & Co., appellant, vs. J. C. and Laura Corbus, respondents; judgment reversed; opinion by Lord, C. J.

When judgment is rendered for plaintiff for an amount fixed by stipulation between the parties, the plaintiff is entitled to costs in addition thereto, although they may not be mentioned in the stipulation.

Jno. N. Boyd, respondent, vs. James Harpole, appellant, and Marx & Jorgenson, respondents, vs. J. W. Major, appellant; judgment in both cases reversed, and remanded back to the circuit court for new trial; opinion per curiam.

This was a question where it was claimed that the notices of appeal from the justice's court to the circuit court were insufficient. The court hold that both notices were sufficient.

R. D. Hume, respondent, vs. G. W. Clarno, appellant; appeal from Curry county; argued and submitted.

GERVAIS JOTTINGS.

Gervais merchants are busy opening spring goods.

Mr. M. Kaminska has gone to Chicago to purchase goods.

Easter services were held in the Catholic church last Sunday.

John L. Taylor is adding some new improvements to his drug store.

The late rains are preventing the farmers from plowing and seeding.

The city council will reduce the retail liquor license from \$300 to \$150 per year.

Prof. Dan E. Mason has opened a dancing school in the city, which promises to be well attended.

Jos. Goodman, of N. Goodman & Son, has returned overland from the Bay city, where he has been on a business trip.

Gervais, April 11th, 1887.

When baby was sick, I gave her Castoria.

When she was a child, she cried for Castoria.

When she became Miss, she clung to Castoria.

When she had children, she gave them Castoria.

BORN.

COUTLIE.—To the wife of A. J. Coutlie, in Salem, April 11th, 1887, a girl, weight 8 pounds.

DIED.

RAMBO.—At his residence in North Salem, April 9th, 1887, Moses Rambo, aged 63 years and 5 months.

Funeral from the house, Monday at 9, a. m. Rev. M. C. Wire officiating.

FURNITURE.

I am selling more goods for the money, than any other man in the valley. They were bought for cash.

COMPETITION OUT OF THE QUESTION!

Auction and second hand goods discounted. The largest stock ever brought to the city. Come everybody and see me before buying.

Undertaking a Specialty.

4-17-87 J. A. ROTAN.

THE MARKETS.

Portland and Salem Markets Corrected Weekly from Reliable Sources.

PORTLAND MARKET.

(Wholesale Prices.) Wheat—Good valley, \$1.47 1/2 per ct; Walls Walls, \$1.47 1/2. Oats—Per bushel, 48¢. Flour—Standard brands, per bb, \$4.50; other brands, \$4.00 to \$5.00. Bran—None in market. Shorts—Per ton, \$25. Chop—Per ton, \$20. Hops—Offering all the way from 15 to 18¢. Eggs—1 1/2 to 2¢ per doz. Potatoes—Per bushel, 75¢. Corn meal—3¢ per pound. Oat meal—Selling at 55¢. Cheese—3¢ per pound all round. Beans—3¢ per lb. Dried apples—Per pound, 9¢. Dried plums—Per pound, 9¢. Dried peaches—Per pound, 10¢. Dried prunes—Per pound, 8¢. Butter—2¢ per pound and scarce. Lard—8¢ per lb. Hams—Per pound, 10¢. Bacon sides—8¢ per lb. Shoulders—6¢ per lb. Breakfast bacon—Selling at 12 1/2¢. Hams—Sugar cured, selling, per lb, 13¢. Beef—selling, 9¢ to 12 1/2¢. Pork—8¢ to 10¢. Veal—10¢ to 12 1/2¢. Chickens—Buying, \$2.50 to \$3 per doz. Hogs—Buying, 4¢. Beef—3¢ to 4¢, 2 1/2¢, 3¢. Green apples—Per bushel, 60¢. Onions—Per bushel, \$1.25. Cabbage—Out of market. Buttery Seed—Per pound, 7¢. Red Clover Seed—Per pound, 14¢. White Clover Seed—Per pound, 25¢.

SALEM MARKET.

(Buying Prices.) WHEAT—Going up. The mill companies here are paying 75 to 80¢ per bu. for all good marketable wheat.

Flour—Per barrel, \$4.25. Oats—Per bushel, 48¢. Bran—None in market. Shorts—Per ton, \$25. Chop—Per ton, \$20. Hops—Offering all the way from 15 to 18¢. Eggs—1 1/2 to 2¢ per doz. Potatoes—Per bushel, 75¢. Corn meal—3¢ per pound. Oat meal—Selling at 55¢. Cheese—3¢ per pound all round. Beans—3¢ per lb. Dried apples—Per pound, 9¢. Dried plums—Per pound, 9¢. Dried peaches—Per pound, 10¢. Dried prunes—Per pound, 8¢. Butter—2¢ per pound and scarce. Lard—8¢ per lb. Hams—Per pound, 10¢. Bacon sides—8¢ per lb. Shoulders—6¢ per lb. Breakfast bacon—Selling at 12 1/2¢. Hams—Sugar cured, selling, per lb, 13¢. Beef—selling, 9¢ to 12 1/2¢. Pork—8¢ to 10¢. Veal—10¢ to 12 1/2¢. Chickens—Buying, \$2.50 to \$3 per doz. Hogs—Buying, 4¢. Beef—3¢ to 4¢, 2 1/2¢, 3¢. Green apples—Per bushel, 60¢. Onions—Per bushel, \$1.25. Cabbage—Out of market. Buttery Seed—Per pound, 7¢. Red Clover Seed—Per pound, 14¢. White Clover Seed—Per pound, 25¢.



MOST PERFECT MADE. Prepared with strict regard to purity, strength, and healthfulness. Dr. Price's Baking Powder contains no Ammonia, alum, or Phosphates. Dr. Price's Extracts, Vanilla, Lemon, etc., flavor deliciously. PRICE BAKING POWDER CO., CHICAGO AND ST. LOUIS.

HENDRICKS & SAUBERT.

REAL ESTATE AGENTS.

266 Commercial street (Room 2 over STATESMAN office), have many

Fine Bargains.

To offer, and the list still increasing. Among them may be mentioned.

FARMS FOR SALE.

EIGHTY ACRES OF LAND FIVE MILES south of Salem; \$700.

FARM OF 76 ACRES 2 MILES FROM TURNER, with improvements; \$2400 acre.

ELEVEN ACRES LAND, WITH NEW HOUSE and barn, one mile from Salem; good place for market garden; \$1,600.

NICE LITTLE FARM OF 16 ACRES THREE MILES north of Salem; fine place for all kinds of fruit; \$1,250. It is worth \$2,000.

FARM OF 40 ACRES FOUR MILES EAST of Salem; small house and barn; good orchard, well watered; a fine home; very easy terms; \$5,000.

SMALL FARM OF 23 1/2 ACRES ONE MILE S from the fair grounds on the Oregon City road, with house and barn; half acre in strawberries; \$2,500.

SMALL FARM OF 150 ACRES, 12 MILES E. east of Eugene City on the Monahk, the Selbridge homestead; \$500. The house and improvements cost more than this.

FARM OF 150 ACRES ON THE MOLALLA 12 miles from Oregon City, with improvements; \$100, half down, balance on time. Land selling for \$300 an acre all around it.

\$6000 A FINE FARM OF 520 ACRES IN Douglas county, 7 miles from the railroad, together with all the stock, farm implements, everything. A fine bargain for a good home. Immediate possession; clear title, growing crops.

Farm of 41 acres six miles from Salem, with good house and improvements; \$1200.

Eleven acres land 4 miles east of Salem post office, good house and barn, insured for \$400, good title, for \$2000.

Farm of 130 acres 5 miles south of Salem, containing fine house and good large barn, 80 acres under cultivation; \$3000.

THE DANIEL CLARK ESTATE, FIVE miles from Salem, on the Turner road, 320 acres of fine land, with all improvements, will be sold for \$8000. The original cost of the house, barn and improvements alone was more than \$10,000. This is a most splendid bargain.

Magnificent farm of 633 acres, nine miles from Salem, one and one-half mile from boat landing, \$20,000. One of the finest bodies of land in Oregon. Can be conveniently divided into three fine farms.

Farm of 230 acres 11 miles south of Salem, a fine piece of land; \$9000. Also 200 acres land 4 miles from Jefferson, good house and well improved; \$4000.

The A. D. Pettyjohn place 320 acres land, well improved, in Polk county, five miles from Lincoln, \$3000, worth \$4000.

Tract of 73 acres on Howell Prairie seven miles east of Salem, 40 acres in cultivation, 25 per acre, or \$1875.

The 4 1/2 acre tract on the south side of Astoria Avenue, belonging to the Henschele estate; \$1100.

The Broder place, three miles west of Salem, in Polk county, 24 1/2 acres, \$21 per acre.

Farm of 80 acres ten miles south of Salem, with nice little house and barn; \$850.

Farm of 125 acres 3