

HILLSBORO INDEPENDENT.

FRIDAY, DECEMBER 8.

Try H. H. Greer's pure Sun Dried Mountain Tea.

J. I. Knight has some money to loan in small sums.

"Over the Hills to the Poor House" tonight.

Goods away below cost—for cash at Barrett & Cornelius'.

For wedding rings, go to Unter-nahrer's, the jeweler.

Mr. N. C. Richardson, living across the Tualatin, is confined to his room with a serious attack of pneumonia.

Christmas presents for your loved ones, remember at Unter-nahrer's, the jeweler.

Don't fail to see the great comedy comedy "Over the Hills to the Poor House," at the opera house tonight.

Accordions and all kinds of musical instruments at Unter-nahrer's, the jeweler.

It is fashionable this week to have an attack of the influenza. Half the town has a bottle of Chamberlain's cough remedy in its pocket.

W. Porter, the Washington county nursery man, this week loaded and started on the road to Olympia his third car load of fruit trees.

No one can afford to miss seeing Mrs. E. B. Kelly in her great creation of Grandma Floyd, the ever forgiving mother, in the superb production of "Over the Hills to the Poor House," at the opera house tonight.

Mr. Van DeLashmit has been stopping out at Hazel much of the time lately, and when there, he is side looking after the colts he has been making a genealogical chart of standard bred horses.

Special attention is called to the acre tracts in Johnson's first addition, near Reedville, that are now on the market.

The devil had evidently dreamed of a mercurialer linetype for he had a discouraged appearance yesterday morning when he went to the copy book, where he ran up against a paragraph of the president's message.

The management of the opera house have made an improvement in their property that will be greatly appreciated by the public as it becomes acquainted with it.

The building has been wired for electricity and switches enough put in so that the light is easily controlled from the stage.

At the Laurel church last Saturday evening a very pleasant and interesting concert was given by the members of the Sunday school.

The McMillanville flouring mills have resumed operations and are producing unlimited quantities of that world's fair premium flour.

A Belgian beet sugar manufacturer, is in Portland and was a few days ago, looking over the field with reference to putting in a plant at or near Portland.

The fifth and sixth sections of Bancroft's "Book of the Fair" has been received.

The superior excellence of the earlier numbers is maintained in these later ones.

The town in Washington county that has made the most improvements during the past year is Dilley.

There are some matters coming up at the January term of the county court that are of importance and perhaps a hint of them will be in place.

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MUSIC BOXES! MUSIC BOXES!

Remember the auction sale of bankrupt goods tomorrow at Barrett & Cornelius'.

The ladies of the M. E. church will receive their friends on Christmas evening, December 25th.

Mr. and Mrs. Henry Wehrung are expected home next week after an absence of several weeks in the East.

Further attention is called to the dubbing arrangement which has been entered into between the Oregonian and Independent.

This week Messrs. B. P. Cornelius and J. J. Morgan, assignees of the estate of T. R. Cornelius, insolvent, filed their official bond in the sum of \$100,000.

The following officers have been elected in Montezuma Lodge No. 50, I. O. O. F. for the ensuing term.

It is perhaps not realized by all Oregonians that we have within our state borders some of the foremost scientists of the nation.

From Salem papers it is learned that Mr. E. H. Flagg, formerly of this city, had both honours of his right forearm broken at Salem last Monday morning.

Messrs. Caples and Kepp, accountants at Forest Grove, have at the call of the grand jury, carefully gone over the accounts of the financial officers of the county.

The Southern Pacific railroad company announces that 30 days' time will be given on special tickets.

The people of this vicinity are singing "After the rain is over, after the wind is gone."

Thanks to the enterprise of J. R. Miller, the "Charles," Isaac Pointer and some others, we have a cross walk connecting the north and south sides of town.

John Pollock, C. C. Cary, Misses Ella and Flora Pollock, Mrs. Starr, Mrs. Honeyman and Will Pollock attended the dance at Forest Grove given by the social unity club on Thanksgiving night.

The supper given by the ladies of the M. E. church was a social and financial success.

There was a party at A. A. Phillips' last Thursday evening and the young folks "tripped the light fantastic."

The Scholfield-Cornelius wedding was the social event of the season, it occurred on Wednesday evening, the 1st inst.

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COUNCIL PROCEEDINGS.

The city council met in regular session last Tuesday evening.

A full board was in attendance. Treasurer Patterson presented his annual report which was passed to the files on the recorder's office.

The vote for city officers cast at the election on Monday, was canvassed, from which it appears as follows:

FOR MAYOR: J. C. Hare, 149; J. D. Merryman, 115.

FOR RECORDER: J. J. Morgan, 248; J. P. Tammie, 265; George Wilcox, 253; S. A. Barrett, 251; J. E. Adkins, 107; A. M. Collins, 105; J. P. Hicks, 103.

FOR TREASURER: G. W. Patterson, 261; Benton Bowman, 122; D. W. Dobbins, 144.

Certificates of election were issued to J. C. Hare, for mayor; J. P. Tammie, George Wilcox, S. A. Barrett, F. J. Bailey and J. E. Adkins for councilmen, and G. W. Patterson for treasurer, and D. W. Dobbins for recorder.

The new officers elected, appeared and took the oath of office, administered by Wm. McQuillan, acting recorder.

The bills presented and ordered paid for the monthly expenses are: Barrett & Adams, \$25; Light & Water Co., \$27.74; J. Bohart, \$5.00; Thomas Emeric, \$20.00; E. C. Anshold, \$2.00; Sid Clarke, night watch, \$3.00; Hillsboro Publishing Co., \$15.00; J. D. Humphrey, \$2.00; J. A. Campbell, clerk, \$2.00; H. Schulerizer, \$2.00.

The business of the council being completed, Mayor Merryman returned his thanks to the councilmen for their uniform course of conduct during the meetings of the past year, and for the constant co-operation in all matters in the administration of city affairs.

The business of the meeting being concluded, Councilman Pointer made a motion to adjourn without day. This was seconded and put by the chair. The council agreed to the motion and the life of the 1893 city dads was snuffed out.

Mayor Hare called the new council to order, whereupon the councilmen assembled around the table ready for business. The mayor stated that he had some recommendations to make, but would wait till another meeting, when in addition, he would name the standing committees, whereupon a motion was made to adjourn till next Tuesday evening. This was agreed to and the meeting adjourned.

At the adjourned meeting, besides appointing committees, the council will elect a city marshal and a street commissioner. There are several candidates, and if the councilmen don't hurry, it will be because times are changed.

IMPORTANT DECISION.

Judge McBride of the circuit court has rendered a decision on the questions at issue in the case of the Willamette Real Estate company v. H. H. Hendrix.

"This is a suit brought by the Willamette Real Estate company against H. H. Hendrix to quiet title to certain real property, consisting of town lots in the town of Cornelius.

"Plaintiff shows a regular line of conveyances from the purchasers under these sheriff sales to W. L. Halsey and from W. L. Halsey to Halsey. Plaintiff also claims through adverse possession of itself and its grantors from the date of the sheriff sales before mentioned.

"The first question then to be disposed of is that of the regularity of plaintiff's paper title, and this, of course, depends on the validity of the judgments of Newby and Gilmore. The Newby confession of judgment is as follows:

"I, H. H. Hendrix, the defendant above named, hereby confess myself indebted to W. T. Newby, of Yamhill county, Oregon, in the sum of \$10.00, due upon a written contract for the payment of money only; and I hereby further state that said sum of \$10.00 is justly due the said plaintiff and authorize a judgment to be entered against me for said sum of \$10.00. Signed, H. H. Hendrix.

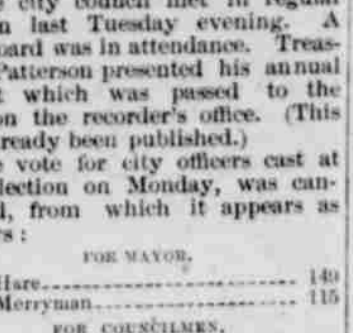
"Our supreme court has held that a statement of a promissory note, was not a sufficient compliance with the statute in force at the time, which required that the confession should state concisely the facts out of which it arose, and should show that the sum confessed was due or to become due.

"In my opinion the confession in this case falls short of the statutory requirement. It states that it arises out of a written contract, but does not state the conditions of the contract or the substance of it or what it was payable or any fact whatever, but merely states legal conclusions. Farther, even if the confession were regular in form, I do not think that the statute in force at the time authorized a confession of judgment in the county court. When that statute was passed, authorizing a confession of judgment, the district court was the only court authorized to take confessions of judgment. Subsequently, after the State was admitted into the Union, an act was passed, giving county courts limited civil jurisdiction, but this only authorized them to try actions, not to render judgment in controversies where there was no action. The jurisdiction in the last mentioned proceedings being left where it was expressly left, namely, in the district courts, the act conferring the territorial district courts, it follows, therefore, that the Newby

Bucklen's Arnica Salve. The best salve in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Bites, Tetter, Chapped Hands, Chilblains, Corns, and all skin eruptions, and positively cures Piles, or no pay required. It is guaranteed to give perfect satisfaction, or money refunded. Price 25 cents per box. For sale by Hillsboro Pharmacy.

Hood's Sarsaparilla Cures. Which let me with torpid liver and kidney trouble. I was a great sufferer. I took a bottle of Hood's Sarsaparilla and was cured.

Awarded Highest Honors—World's Fair.



DR. PRICE'S CREAM BAKING POWDER. MOST PERFECT MADE. A pure Grape Cream of Tartar Powder. Free from Ammonia, Alum or any other adulterant. 40 YEARS THE STANDARD.

Judgment was wholly void and, therefore, the sale and deed under it conveyed no title.

The Gilmore judgment was obtained under a service of summons by publication; there was no attachment of the land or other seizure before judgment and under the ruling of the supreme court of the United States in Neff v. Penoyer, and a number of other decisions of the same court following that one, the judgment was void; so it follows that Halsey's grantors having no title, he took none from them by his deed and could convey none by his deed.

It is contended that plaintiff, through Mrs. Snelling, Mr. Sells, Halsey and himself, has established an adverse possession of the tract in controversy for more than ten years, and that, admitting that defendant has the legal title, his claim to the property is barred by statute of limitations. There can be no constructive adverse possession of property without actual possession of some part of it.

The testimony shows that Mrs. Snelling had some portion of the tract in controversy enclosed, and that she cultivated it for from three to four years; that when Halsey bought it, he laid off and platted the town of Cornelius upon this and adjoining tracts, and that in fact two small tracts have been sold and are under fence and cultivated it that he has not enclosed or cultivated it from the time he tore down the fences, or exercised any dominion over it, except to pay up the taxes on this property in and have such an effect.

"The possession to have been adverse must have been actual and so continuous that there must have been no period however short, within 10 years in which Hendrix could not have maintained an action of ejectment against plaintiff and its grantors.

"Only while Mrs. Snelling occupied the land which was far short of 10 years, could Hendrix have maintained ejectment. Ever since then it has been lying open to the public, unfenced and uncultivated—common, with no visible marks or sign that anybody occupied, possessed or used it.

"The possession of unfenced and uncultivated land is in the true owner, and possession and occupation of a single town lot or block is not constructive possession of adjoining lots or blocks not enclosed; this doctrine is established beyond controversy, and by an unbroken line of decisions.

Adverse possession to ripen into title must be actual, open, notorious and hostile and must so continue for a period of 10 consecutive years.

In the language of our supreme court, "the must unfurl his flag on the land and keep it flying so that the owner may see if he will, that an enemy has invaded his domain and planted the standard of conquest."

Having failed in actual possession the constructive possession of these unfenced and uncultivated tracts was in Hendrix, the true owner.

"It may seem a hardship that plaintiff, after having paid taxes on this land for so many years, should now lose it, but the law is inexorable, and if plaintiff failed to establish an adverse possession by enclosing or otherwise occupying the land, such failure is not the fault of the law and the court cannot bend the law or override it in order to meet the supposed hardship of a particular case.

"The defendant will have a decree as prayed for in his answer."

For past patronage, the proprietor hopes to retain by superior work and prompt delivery, his old customers and secure new ones.

HILLSBORO HOUSE. J. NORTHROP, Proprietor. Corner Second and 1/2 Washington Streets.

NEWLY FURNISHED AND RENOVATED. A FIRST CLASS TABLE, and all accommodations for the convenience of guests.

Appointment of Assignee. NOTICE is hereby given that Richard L. Morton, a resident of Washington county, Oregon, has under an assignment of all his property for the benefit of all his creditors, and that the undersigned has been appointed by the Circuit Court of the State of Oregon for Washington county, assignee of the estate of the said Richard Morton, insolvent. Therefore, all creditors of the said Richard Morton are hereby notified to present their claims against him, under oath, to me, at the law office of Thos. D. Humphreys, in Hillsboro, Washington county, Oregon, within three months from the date hereof.

Hillsboro Laundry. A. Spreitzer, proprietor of the Hillsboro Laundry, has moved to the northeast corner of

Third and Washington Streets. Opposite the M. E. Church, where his facilities for promptly cleaning and starching linens and draperies are better than ever before.

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ATTENTION!



Thanking the Public of Washington County for the liberal patronage it has bestowed upon me during the past three years, and wishing them a Merry Christmas and a Happy New Year, I will kindly announce that I have now a much better and nicer stock of

Watches, Clocks, Jewelry, Diamonds and Silverware. Than heretofore; and having assistance employed which renders quick and prompt attention to, all classes of Watch, Jewelry, Clock and Optical repairing, of which I make a specialty. Having reduced the prices to suit the times, I invite the public to come and inspect my goods before purchasing elsewhere.

Latest Designs. Holiday Goods. "THE BAZAAR". During the month of December, your choice of the 225 or 300 different articles on the 10-cent counter will be given with every purchase of \$1.00. Also two \$5.00 prizes will be drawn by numbers. Come early to make your selections. A full line of

X-MAS CARDS and NOVELTIES. TOYS, ETC., In fact, everything usually kept in such establishments.

THE LEADING DRUG HOUSE. THE HILLSBORO PHARMACY. Careful supervision by experienced physicians! Accurate dispensing by competent and painstaking pharmacists!

The Hillsboro Pharmacy orders its drugs from the most reliable manufacturers only, and is thoroughly supplied with every requisite necessary for properly conducting a first-class prescription business. The proprietors are ever watchful that the most-approved latest remedies are continually being added to the stock as the sciences of medicine and pharmacy advance. Being possessed of peculiar advantages in purchasing its supplies, owing to its business rule of taking trade discounts, for cash from the best houses, the retail prices are consequently lower than those of most dispensing drug stores.

All the leading articles of DRUGGISTS' SUPPLIES, including the FINEST PERFUMES, TOILET ARTICLES, BRUSHES, SPONGES, ETC., are on display. A large and excellent assortment of SPECTACLES and EYE-GLASSES is also on hand.

PATENT MEDICINES of all popular kinds always in stock. The finest WINES and LIQUORS supplied in cases of sickness on prescription.

THE HILLSBORO PHARMACY, Union Block, Hillsboro, Oregon.

ARE YOU PREJUDICED? Many people think it necessary to go to some large city to find a first-class

DRUG STORE. Don't you believe it, because you can be convinced that there is a first-class drug store here, by calling on

BROCK & SELS, who carry a fine and varied stock of

DRUGS, CHEMICALS, STANDARD PATENT MEDICINES FRESH FROM THE FACTORY.

Prescriptions carefully compounded by an experienced chemist.

FINE PERFUMES. HILLSBORO, OREGON

When YOU see a good thing .. CATCH IT .. That is what every GOOD house-keeper and cook does when she knows where to buy

CLEVELAND'S BAKING POWDER. .. SOLD BY .. HUGHES, MORCAN & ROGERS,

of Hillsboro, Oregon, and acknowledged by all as superior to any Baking Powder in the market.

Try it, and be convinced that what we say is true. HUGHES, MORGAN & ROGERS.

HILLSBORO MEAT MARKET. BERST & THOMAS, Proprietors, MAIN STREET, HILLSBORO.

CHOICE BEEF, MUTTON, VEAL AND PORK Kept Constantly on Hand.

Highest market price paid for Bees, Mutton, Veal and Hogs. Fair dealing to all. Please give us a trial.

THE HILLSBORO STOCK BRICK CO. Are now making a First-Class

STOCK AND COMMON BRICK. " at their WORKS, near NORTH SIDE ADDITION

Are you a friend to the cause of Protection of American Interests? Are you willing to work for the cause of Protection in placing reliable information in the hands of your acquaintances? If you are, you should be identified with

THE AMERICAN PROTECTIVE TARIFF LEAGUE, 135 W. 23D ST., NEW YORK. Get this notice out and send it to the League, stating your position, and give a helping hand.

Hood's Sarsaparilla Cures. Which let me with