

FROM TUESDAY'S DAILY

COURT WAS IN SESSION

JUDGE BURNETT CONVENES DEPARTMENT NO. 1.

A Large Number of Cases Disposed Of—Many Settled and Stricken from the Docket.

Judge George H. Burnett, of department No. 1, of the state circuit court for Marion county, convened court in adjourned session of the October term, at 9 o'clock yesterday morning, for the purpose of disposing of all motions, etc., before the opening of the February term. Following are the orders made in cases now on the docket, after which court adjourned to 9 o'clock this morning:

A. Bush vs. Richard Craig, motion for sheriff to make deed; present sheriff ordered to make deed.

State of Oregon vs. Willard Birchard, rape; continued to June term.

S. W. Updegraff vs. T. H. Wilson, action for money; continued to June term.

Wm. Rigby vs. S. L. Adkins, action for money; continued to June term.

G. Muecke vs. Dan McCann et al., action for money; default and judgment as to Ah Lee, with order to sheriff to apply attached money on judgment. Dismissal as to other defendants.

G. Muecke vs. Dan McCann et al., action for money; default and judgment as to Ah Lee; dismissed as to other defendants.

E. R. Lillenthal et al. vs. Wm. Scheurer, possession of hops; settled.

Salem Truck & Dray Co. vs. Northwestern Stove Foundry Co. et al., action for money; settled.

J. L. Stockton vs. D. A. Mattison, action for money; continued to June term.

V. Wattier vs. A. C. Keene and W. A. Keene, action for money; settled.

John Savage Sr. vs. Rankin Edgar, action for money; default and judgment with order to sell attached property.

W. E. Mitchell vs. Oregon Woman's F. & H. Fiber Association, action for money; demurrer stricken out on oral motion of plaintiff, because filed without service.

T. O. Andrews vs. J. H. Brown et al., action for money; default and judgment.

John Dorcas vs. H. G. Wright et al., action for money; motion of defendant to make complaint more definite and certain overruled.

Mary J. Shaw vs. Mary E. Shaw, action for money; settled.

S. Coblenz vs. Geo. Sun, action for money; default and judgment.

James Denton vs. Sam Burrows, action for money; settled.

Mrs. H. Will vs. J. W. Long et al., action for money; settled.

W. G. Stanton vs. D. H. Weyant and wife, action for money; settled.

C. H. Thompson vs. S. A. Bogan et al., action for money; default and judgment.

Esberg-Gunst Cigar Co. vs. Peter Reader, action for money; settled.

W. J. Van Schuyver vs. Peter Reader, action for money; settled.

L. Coblenz et al. vs. Peter Reader, settled.

Charles Cellarions et al. vs. Peter Reader, settled.

Thos. H. Taylor & Co. vs. Peter Reader, settled.

Capital Lumbering Co. vs. Joseph B. Benoit, action for money; demurrer to complaint sustained; leave granted to plaintiff to serve and file amended complaint by February 7, 1899; the defendant to answer the same on or before February 8, 1899.

John Hughes vs. J. N. Baker, action for money; leave granted to plaintiff to file amended affidavit for publication, and continued to June term.

Trustees Jefferson Institute vs. G. L. Thomas et al., action for money; settled.

Thomas, Watt & Co. vs. J. N. Baker, settled.

At Four Score.

Dr. Miles' Nervine Restores Health.



UNCLE EZEKIEL OBEAS, assessor and tax collector, Beverly, Mass., who has passed the 80th life mile stone, says: "Dr. Miles' Restorative Nervine has done a great deal of good. I suffered for years from sleeplessness and nervous heart trouble. I was old and feeble and used up in the morning, had no ambition and my work seemed a burden. A friend recommended Dr. Miles' Nervine, and I purchased a bottle under protest as I had tried so many remedies unsuccessfully. I thought it no use. But it gave me restful sleep, a good appetite and restored me to energetic health. It is a grand good medicine, and I will gladly write anyone inquiring, full particulars of my satisfactory experience."

Dr. Miles' Restorative Nervine is sold by all druggists under a positive guarantee, first bottle free. Book on diseases of the heart and nerves free. Address, DR. MILES MEDICAL CO., Elkhart, Ind.

action for money; continued to June term.
Tillie Woodward vs. Archie T. Edmunson, action for money; settled.
M. Johnson vs. W. L. Jones, action for money; continued to February term.

FROM VOLUNTEER OFFICERS.

Colonel Summers and Chaplain Gilbert Report the Arrival of the Christmas Packages.

The following letter was yesterday received by Mrs. Lizzie Ross, of the Sedgwick Emergency Corps:
"Manila, P. I., Dec. 31, 1898. Mrs. Lizzie Ross, Salem, Oregon: My dear Mrs. Ross—I received your letter, with \$10 from the Sedgwick Emergency Corps inclosed, this morning. I shall hold the money in trust till I see need for it as you direct. I have seen your son and told him of my receiving your letter with the money, and asked him to inform me if he learned of any opportunity for its judicious use. I have other funds for use with the sick in the hospital, and there is but little opportunity. I shall endeavor to use the money as I think the corps would desire, and when expended I shall return to you a statement. I wish to thank the corps, in behalf of company K, for their kind remembrance."

"We are getting along nicely as a regiment. We have no serious sickness, and a feeling of general content is manifest among the men. Of course, we are ready for home whenever we are sent for but we are not going to demand our return. The men generally are willing to wait."

"Your son is well; he is working now in company K's kitchen. He is working hard, but is standing it all right. Very truly, Wm. S. Gilbert, chaplain 2d Oregon."

Mrs. Jos. C. Fones yesterday received a letter from Col. O. Summers, under date of January 1st, for the Sedgwick Emergency Corps, from which the following excerpts are taken:

"We received the half barrel of pickles and apple jelly which you so kindly sent from Salem to the Salem boys, and the same was turned over to them; they have had the pleasure of testing its great merits quite often, and still have some on hand at the present time. They appreciate it very much, and I wish that you and the good ladies of the state of Oregon, could have been present to see the happy faces of the boys when they received these many little tokens and Xmas packages sent them from their many friends at home. They all enjoyed themselves immensely on Christmas day. The weather here now is beautiful, as it probably will be for two months yet, just like June weather in Oregon. The men are getting along, as stated, very nicely. Our sick list has been gradually falling off, although so many fruits and high-spiced cakes, etc., that came in, had the natural effect on the boys, and consequently our sick list ran up a little higher, but that will be for only a few days, when everything will work off in a satisfactory manner."

DANGEROUSLY ILL.

Miss Viola Mann's Life Despaired Of—Blood Poisoning the Cause—Other Sick People.

Miss Viola Mann, a graduate of the Salem hospital training school for nurses, while nursing a case of blood poisoning at Roseburg last week, contracted the disease through a small sore caused by a hanging finger nail. The disease made rapid progress, in the short space of three days, and Saturday Dr. W. H. Byrd was called to her bedside. He returned from Roseburg on Sunday morning, bringing the patient with him, and the young lady is now lying dangerously at the hospital, her life being despaired of.

Miss Helen Sutherland, who recently underwent a most delicate operation, is still at the hospital, and, while not entirely out of danger, is improving gradually.

Mrs. Jennie McGuffie, of the blind school force, is lying at the point of death with internal cancer. Among the other cases in the hospital there are several cases of pneumonia, and many of la grippe. The hospital is crowded to its full capacity, and Superintendent Miss Abbie Mills and her assistants are extremely busy in ministering to the wants of their many wards.

ADMINISTRATORS REPORT.

Real Property Belonging to the J. J. Shaw Estate Sold—Guardian for a Woodburn Boy.

M. W. Hunt, administrator of the estate of J. J. Shaw, deceased, yesterday filed his report of the sale of real estate belonging to the estate, made by him on January 28th, at which time he sold 120 acres of the Peter and Jemima Kline d. l. c., in sections 24 and 5, t 7 s, r 2 w, subject to a mortgage of \$1,500, for \$2, Carl Winkelman and Christ Gliese being the purchasers; also the east half of the southwest quarter of block No. 4, in Roberts' addition to Salem, subject to two mortgages, aggregating \$1,300, and interest, for \$2, J. H. Albert being the purchaser. The administrator asks that the sales be confirmed, and that an order be made to give deeds to the purchasers in accordance with the agreement of the administrator, and the order was duly made.

Donald Floyd Byland, a minor, yesterday filed a petition for the appointment of Mary A. Wright, the petitioner's mother, as guardian of the person and estate of the said minor. The minor is a resident of Woodburn, a son of the late Dr. D. C. Byland, whose demise occurred in 1890, and has an estate valued at \$200. Judge G. P. Terrell made an order in compliance with the prayer of the petitioner, requiring the guardian to furnish a bond for \$400. The bond was promptly filed, with J. A. Austin and Chas. L. Ogden as sureties, and letters of guardianship issued in accordance with the order of the court.

ANOTHER WEEK'S WORK

THE LEGISLATURE CONVENES AFTER A SUNDAY REST.

A County Bonding Bill That Appears a Little Suspicious.

(From Daily February 7th.)

One of the bills in which a secreted "nigger in the woodpile" is supposed to exist is house bill No. 113, known as the Morris & Whitehead funding bill, which has a vigorous and powerful pressure behind it. This was introduced at the extra session, but met a cold reception at that time. It was introduced again early this session in a modified and apparently harmless form. Last Friday, however, it came back from the committee on counties with amendments, substituting "must" for "may," relative to the county courts selling the contemplated bonds, and also adding an emergency clause, giving the law immediate effect. It may be wise to reproduce the whole bill here for the edification of general readers. Here it is as amended:

"Section 1. That each and every organized county of this state, having outstanding and indebtedness evidenced by orders, warrants, or otherwise, be, and the same are hereby authorized and empowered to issue negotiable bonds for the purpose of funding such existing indebtedness. And the bonds herein authorized to be issued by the county shall bind the county irrevocably to pay the interest and principal of said bonds at the time and place and in the manner in said bonds specified."

"Section 2. The funding bonds authorized to be issued by this act shall be in denominations of not less than \$100, nor more than \$1,000, and shall be signed by the judge of the county court, countersigned by the county treasurer, and attested by the county clerk, who shall affix his official seal; the coupons attached to said bonds shall be signed by the county treasurer, either by original or fac simile signature; the bonds shall bear interest at the lowest possible rate, not to exceed 6 per cent, per annum, payable semi-annually, which interest shall be evidenced by proper coupons attached to each bond. The county court shall by order or resolution provide for the manner of issuing and the form of said bonds, and the time or times when the same shall be made payable. But no bond issued under this act shall be issued for a longer period than twenty years; and when they shall be made payable at different periods within said twenty years, they shall be divided into series not to exceed twenty in number, but there shall be as many series as there are different times of payment, and all bonds included in each series shall be made payable at the same time. The principal and interest shall be made payable at any bank or banking house in the city of New York, New York, that the purchaser may direct. Such bonds shall not be issued to an aggregate amount in excess of warrants or orders or other outstanding indebtedness, proposed to be funded thereby. The said bonds must be sold by the county court at their highest market value, and in no case for less than their par value, and the proceeds shall be applied only for the purpose for which the bonds were issued."

"Section 3. The corporate authorities of any such county shall provide by ordinance or resolution for the levy and extension on the tax rolls of such county, and for the collection thereof, of a direct annual tax, in addition to all other county taxes to be levied, according to law, which shall be sufficient to meet the interest on all of such bonds promptly as the same matures, and also sufficient to fully pay each series of the bonds as the same matures."

"Section 4. The treasurer of each county shall keep a register of the bonds issued under the provisions of this act, wherein he shall enter the series of each bond, its number, date of issue, amount, date of maturity, name and postoffice address of the purchaser, and date of cancellation. And it shall be the duty of the treasurer of each county to transmit, at the expense of the county, to the place said bonds and the interest thereon are made payable a sufficient amount of money to pay the interest on such bonds as the same matures, and the principal as it matures."

"Section 5. In any county of this state which has a clerk of the county court, but has not county clerk, the duties of this clerk shall be performed by the clerk of the county court."

"Section 6. In any county in this state which has a board of county commissioners separate from the county court, the duties in this act devolved upon the county court shall be performed by the board of county commissioners; and in such counties as shall have separate boards of county commissioners the duties devolved in this act upon the judge of the county court shall be performed by the chairman of such board of county commissioners."

"Section 7 is an emergency clause. The great objection urged against the bill is that it is liable to place counties under a perpetual system of burdensome debt, the interest on which will be compounded periodically, to the enrichment of Eastern capitalists; also that the arrangement proposed would be prolific of reckless extravagance and would be altogether dangerous to taxpayers."

Chairman Reeder, of the judiciary committee, reported back house bill 263, salaries of district attorneys, with amendments reducing the salary in a second district from \$4,500 to \$4,000; the third district from \$5,000 to \$3,500; the fifth from \$4,500 to \$4,000; the seventh from \$3,500 to \$3,000; also striking out the words "or salaried deputies" from section 3, and the word "other" from same section. The bill now provides salaries in the various districts, as follows: First district, \$3,000; second, \$4,000; third, \$5,500; fourth, \$7,500; fifth, \$4,000; sixth, \$3,000; seventh, \$3,000. The bill as thus amended, passed.

LIKE A MIRACLE.

HOW A LOCOMOTOR ATAXIA SUFFERER WAS CURED.

The Story of a Sturdy Engineer—His Death was Decried at a Consultation of Physicians, but a Changed Medical Treatment Saved His Life.

From the Evening News, Detroit, Mich.
James Crockett, a sturdy old Scotchman, living in Detroit, Mich., at 88 Montclair Street, was asked about his wonderful cure. "First," he said, "I must tell you something of my life before my almost fatal sickness. I was born in Scotland in 1823, and came to this country in 1848. I am a marine engineer by trade, and have been up and down the big lakes hundreds of times."



There is no spot between Duluth and the Atlantic Ocean I do not know. In 1873 I was in the employ of the Detroit and Cleveland Navigation Co., and for fifteen years I was at my post as chief engineer on one of their big passenger steamers. My first boat was the E. M. Rice, which was burned at the Detroit wharf, then I was transferred to the Detroit, which was chartered to make the run between Detroit and Cleveland. I brought out the new steamer 'City of the Straits,' and for years acted as her chief engineer. It is a great responsibility, the position of chief engineer on these big passenger palaces. Thousands of lives are held in the keeping of the engineer. Few realize the danger that might befall them, and on the engineer depends the safety of the passengers. The anxiety causes a great nervous strain, and the strictest attention is necessary during the trip. Not for a moment must he lose his watchfulness, as the human thought above him is absolutely in his care."

"For fifteen years I carefully watched the big engines and boilers without a single accident, and only noticed that I was getting nervous. Suddenly without warning I was taken sick, and in less than a week I was prostrated. I had the best of physicians, and hoped to be at work again within a week. I grew gradually worse, and at the end of three weeks I was unable to move. I was in bed, and the doctor said I had locomotor ataxia, and would never be able to walk again."

"The pains and suffering I experienced during those years are almost indescribable. My legs would not get well, and I could not walk. I was in bed, and the doctor said I had locomotor ataxia, and would never be able to walk again."

"I tried every known remedy, and my wife kept reading the articles about Dr. Williams' Pink Pills for Pale People to me. Finally she said they only cost 50 cents, and she would try them. To please her I consented, and the first box gave me relief. I continued to use them for about two years before I could get strength enough to walk. It came slow but sure, but what I am to-day is due wholly to Dr. Williams' Pink Pills for Pale People."

"Nearly everybody in Detroit knows how long I was confined to the bed, and of my wonderful cure. It is almost a miracle to some people that saw me when the doctor had given me up, but Dr. Williams' Pink Pills for Pale People cured me surely enough."

"Dr. Williams' Pink Pills for Pale People made me what I am to-day. I only wish I could persuade others to do as I did, and take them before it is too late."

(Signed) "JAMES CROCKETT," Before me, a Notary Public, personally appeared James Crockett, who signed and swore to the above statement as being true in every particular.

ROBERT E. HULL, JR., Notary Public, Wayne County, Mich.

50 cents per box at all druggists or sent direct by mail.

Address the DR. WILLIAMS MEDICINE COMPANY, Schenectady, N.Y.

Locomotor Ataxia and Paralysis Can be Cured

These extreme nervous disorders were treated with wonderful success by the discoverer of Dr. Williams' Pink Pills for Pale People previous to his discovery being offered to the public. This remedy is the only known specific in many diseases that, until recent years, were pronounced incurable. Recognizing their merit in such cases, many physicians now prescribe

Dr. Williams' Pink Pills for Pale People

The great success of this remedy has led to many attempts at imitation and substitution. Some dealers tell customers that they have "a pill made from the same formula," or "the same except in name." Of course it isn't true. But they don't fool many buyers. People are too intelligent.



Address the DR. WILLIAMS MEDICINE COMPANY, Schenectady, N.Y.

BY THE SUPREME COURT

CONVICT WITT MUST SERVE OUT HIS SENTENCE.

Decision Rendered Affirming Judgment of the Marion County Circuit Court.

(From Daily February 7th.)
Opinions handed down by the Oregon supreme court yesterday were in the following cases:

State of Oregon, respondent, vs. R. W. Witt, appellant; appeal from Marion county, Geo. H. Burnett, judge; affirmed. Opinion by Justice Bean.

The defendant Witt was indicted and convicted of the crime of having in his possession an obscene writing, with intent to exhibit the same. After being sentenced, his counsel moved the court to set aside the judgment on the ground that the court was without jurisdiction to try the case, because the grand jury which found the indictment against him was not legally constituted. From a denial of this motion, the appeal was taken.

The opinion sets out a statement of how the last grand jury was drawn, which is familiar to all readers, and says that "the argument is that the choosing of one member (of the jury) contrary to the provisions of sec. 18, art. VII. of the constitution rendered the entire body illegal." The opinion says: "The authorities upon the general subject as to how, when, and to what extent a defendant may question the regularity or validity of a grand jury which returns an indictment against him are in confusion, but they are generally agreed that when an indictment is returned by a body composed of the requisite number of qualified persons, chosen under a valid law, any objection on account of irregularity in the manner of the drawing or forming of the grand jury, if permissible to the defendant at all, must be made before the plea to the merits. There is a distinction to be noted in the books between the acts of a body assuming to be a grand jury, but wholly unauthorized or chosen by an illegal and unwarranted method, and one organized under a valid law, and accurately followed. In the former case, it is held in some jurisdictions that the indictment and all subsequent proceedings thereunder are absolutely void, and the objection may be taken at any time, even on appeal. But in the latter case the indictment is not void, and an objection to the regularity and formation of the grand jury cannot be taken after the verdict and judgment. The case at hand comes within the latter rule. The statute under

which the grand jury that indicted the defendant was formed and organized is admitted to be valid and in conformity with constitutional requirements, and the only objection made is that the court did not strictly follow its terms and provisions. This did not render the grand jury an illegal body, or its findings void, and the objection to the regularity of its organization, if open to the defendant at all, should have been taken advantage of before plea. The case of State vs. Lawrence, 12 Or., 297, is not in point, the grand jury in that case having been chosen and organized under an unconstitutional and void law, and the objection to its validity having been made before the plea. It follows that the court below must be affirmed."

State of Oregon, respondent, vs. R. W. Witt, appellant; appeal from Marion county, Geo. H. Burnett, judge; affirmed. Opinion by Justice Bean.

One ground of this appeal was decided in the foregoing case above, and the other ground is that the court erred in refusing to direct a verdict of acquittal upon the ground that the facts stated in the indictment did not constitute a crime, and in overruling defendant's motion for arrest of judgment on the same ground. Regarding this the opinion says: "The objection made to the indictment is that it omits the word 'away' between the words 'carry and in,' but it charges that the defendant 'did unlawfully and feloniously take and steal' in a dwelling house one \$20 gold piece, etc., and this is sufficient to sustain the conviction."

The following minor orders were also entered:

Anna M. Boyes, respondent, vs. W. T. Ramsden, appellant, and William Vaughn, appellant, vs. James M. Smith et al., respondents; petitions for rehearing denied.

T. J. Hammer, respondent, vs. F. O. Downing et al., appellants; ordered on stipulation that appellants have until March 10th to serve and file their brief.

AN HONEST MEDICINE FOR LA GRIPPE.

George W. Waitt, of South Gardiner, Me., says: "I have had the worst cough, cold, chills and grip and have taken lots of trash of no account but profit to the vendor. Chamberlain's Cough Remedy is the only thing that has done any good whatever. I have used one 50-cent bottle and the chills, cold and grip have all left me. I congratulate the manufacturers of an honest medicine." For sale by Lunn & Brooks, druggists.

HAPPINESS REIGNS.—A happy event was foreshadowed by the records of County Clerk W. W. Hall yesterday. It was the record of the issuance of a license permitting Miss Lucy Forcht to become the blushing bride of Frank Niederberger, the precious document being issued upon the affidavit of Frank Fischer.