

TRIED IN CIRCUIT COURT

THREE JURIES WERE EMPANELLED YESTERDAY.

Two Cases Were Non-suited, and in One the Jury Was Out Until Late Last Night.

(From Daily, Feb. 17th.)

In the circuit court yesterday, the time was consumed in hearing cases before juries. The case of W. P. Husk, plaintiff, vs. P. Gilham, defendant, an appeal from the justice court of Aumsville precinct, was called in the morning and went to trial before the following named jurors:

C. G. Given, Chas. McCormick, L. C. Cavanaugh, Henry Kraus, John Craig, E. P. Parkhurst, Earl Rice, J. L. Cook, George B. Hovenden, Andrew Hughes, J. P. Humphrey, M. Helbert.

At 1:30 o'clock the case went to the jury and that body retired for deliberation. When Judge Burnett left the court room at 7:30 o'clock last evening no verdict had been reached and the judge left orders for a sealed verdict.

Several hours later the jury agreed on a verdict, and the men were permitted to go to their homes, the foreman having the sealed verdict in his possession.

Grant Davis, plaintiff, vs. F. I. Brown, defendant, an action for money, was the next case called, the following jurors being selected to hear the case:

Wm. Armstrong Sr., W. W. Elder, C. C. Goodale, M. Freeman, John Nicol, K. Keizer, J. W. Cox, W. Goodrich, A. Lombard, D. D. Coffey, R. D. Holman, J. M. Bigler.

Evidence was introduced and nearly two hours consumed in hearing the case, when the defense moved a non-suit, which, after extended argument by counsel, was granted, the case dismissed and the jury discharged.

Mary J. Jackson, plaintiff and appellant, vs. F. W. Durbin, defendant and respondent, an appeal from the Salem recorder's court, was the next case; it went to trial before the following jurors, the panel being exhausted, and both parties agreeing to submit the case to the five men:

John Nicol, Wm. Armstrong, W. W. Elder, Clinton Kurtz and G. C. Goodale.

All the witnesses were called, sworn and excluded from the court room when the trial began, and the hearing lasted until about 5:30 o'clock, when the defendant's motion for a non-suit was granted, and for the second time during the afternoon, the case was taken out of the hands of the jury.

In department No. 2, of the state circuit court, yesterday, two suits were filed against the board of commissioners of the sale of school, university and other state lands, to restrain the board from selling certain lands.

The second case is brought by M. B. Rankin against the board and Frank D. Scott on a similar complaint. Plaintiff alleges that he made application for the purchase of the northwest quarter of section 6, t 8 s, r 3 e, and paid a fee of \$60; that he had land commissioners since sold the land to defendant Scott, and a restraining order is asked for the purpose of preventing the making of a deed to Scott.

THE STATE UNIVERSITY.

Legislative Committee Reports as to the Present Conditions.

The special joint legislative committee appointed to investigate the state university at Eugene, submitted, on Thursday, the following report in the senate:

"We visited the university, met the faculty and students, and visited quite a number of the class rooms when the classes were assembled. There are enrolled 171 students, but the attendance at present is some four or five less.

"Fourteen professors are employed, at salaries ranging from \$1,100 to \$2,000 per annum, and in addition thereto is the president, who receives a salary of \$3,000 per annum.

"The students come from every part of the state, there being three or four counties of the state unrepresented. "Generally speaking, the faculty seems composed of capable and able men, several of them being men of exceptional capacity, attainments and fitness for their work. It has been publicly stated that professors have secured positions in the institution through political influence, and as a reward for political services performed, and that positions in the institution have been used largely for political purposes.

"In a broad sense the charge is without foundation. We are disposed to believe that in one, and possibly two, instances present members of the faculty were employed rather as a reward for political services rendered, than because of eminent fitness for the positions, but we are not prepared to say that the efficiency of the school has been impaired thereby. On the whole, it seems to us that the work being done in the school is excellent. The pupils seem bright, wide awake and industrious; the curriculum is commendable, and we were impressed with the belief that those in attendance could not be doing better.

"We find that there is no foundation for the frequently repeated statement that the people of Eugene are using or desire to use the university as a local high school. On the contrary, Eugene maintains its own high school, and all

indications are it will continue so to do. We do not consider the salaries paid too great. Capable educators cannot be secured for less.

"It is regrettable that the advantages afforded by the university are not more largely enjoyed, and in this connection we cannot refrain from suggesting that, in our judgment, the faculty is partly responsible for the small patronage the school is having, in this; that the members thereof have not cultivated a more intimate acquaintance with those in charge of the common school work of the state. There is no reason why the youth of Oregon should go beyond the state to secure a university education, and we believe they would not were it more widely known and understood that the advantages offered at the University of Oregon, if not equal to any other, are all that anyone requires. The members of the faculty should be the leaders of educational thought and work within this state; should form and mould public sentiment on these lines, and, to that end, they should bring themselves more closely in touch with the educational system of the state. They should visit and aid in conducting county, district and state institutions, and thereby assist, not only in giving an impetus to educational work and in lifting it to a higher plane, but also in popularizing the school they represent. This we suggest, not in the way of unfriendly criticism, but in the interest of the people of this state, and of an institution supported by the taxpayers, and which should be made, if possible, to answer their expectations and hopes."

DROPPED DEAD ON THE STREET.

Heart Disease Ends the Life of Louis Lemery, a Pioneer Farmer of Marion County.

Louis Lemery, one of Marion county's pioneers and a prosperous and well-to-do farmer residing three and a half miles north of Gervais, dropped dead in this city at 12:30 p. m. yesterday.

Mr. Lemery, accompanied by a neighbor, Daniel Cavanaugh, drove to this city yesterday morning for the purpose of transacting some business at the Marion county court house and it was while en route to that building that he passed away.

When midway across High street, on the north side of Court, Mr. Lemery was suddenly prostrated and before his companion could render him any assistance, he fell on the street. Chief of Police, D. W. Gibson, who happened in the vicinity at that time hastened to the residence of Dr. J. N. Smith, near by, for medical assistance; willing hands, in the meantime, having removed the apparently lifeless form from the street to a sheltered place alongside the old Kansas house. Dr. Smith soon arrived and labored hard to resuscitate the prostrate man, but to no avail, life was extinct.

Death is supposed to have been caused by heart trouble, complicated with apoplexy. The remains were removed to the undertaking parlors of W. T. Rixson and prepared for burial. A son of the deceased and Mrs. Lemery came to this city during the afternoon and will accompany the body to Gervais on the overland this morning, where funeral services will be held.

Mr. Lemery was about 63 years of age and a wealthy farmer, having resided in this county for about forty years. Besides a widow, he leaves a large family of children, five sons and five daughters, all of whom are grown up, the youngest being about 16 years of age.

THREE JOINT INDICTMENTS.

Report Made by the Grand Jury Yesterday.

The grand jury of the current term of circuit court for Marion county yesterday returned three joint indictments against P. H. D'Arcy and W. J. D'Arcy, S. T. Richardson, J. A. Carson, W. J. Rafter, H. T. Hayes and L. V. Ehlen, charging them with the offense of altering the public records of Marion county—the tally sheets and ballots of Monitor, Mt. Angel and Butteville, respectively, for the June (1898) election; the readers of the Statesman and the general public are conversant with the alleged ballot frauds, consequently it is not necessary to review the matter at this time. The defendants appeared before Justice of the Peace H. A. Johnson last evening and furnished bail for their appearance in the circuit court when their cases are called, which will probably be some time today.

FOR SIGNAL SERVICE.—A. C. Jones, operator for the Pacific Postal Telegraph Company, at the state house during the present session, has made application to General A. W. Greely, chief signal officer of the United States army, for membership in the signal corps in the Philippines. Mr. Jones is a telegraph operator of ten years' experience, a strong, healthy young man of excellent reputation, and has many endorsements for his application, among them being those of Gov. T. T. Geer, State Treasurer Charles S. Moore, ex-State Treasurer Phil Meschan, and many of the leading senators and representatives, as well as leading business and professional men of the state, and he is hopeful of receiving favorable consideration at the hands of General Greely.

A BRANCH LINE.—Manager W. H. Dancy, local manager of the Oregon Telegraph & Telephone Company, has been informed that the company will at once begin the construction of a telephone line between this city and Mt. Angel. The work will begin immediately, and will be pushed until completed. Thus another of the rural communities is brought into telephone communication with the city. The office at Mt. Angel will be located in the college of the Benedictine Fathers.

It is stated that the number of cardholders in the Boston public library—75,000—is greater than that claimed by any other city in the world.

WHO THEY ARE AND THE AMOUNT OF MONEY EACH WILL GET.

Many Purses Will Be Replenished by Donations from the State Treasury.

(From Daily, Feb. 17th.)

The house committee on salaries and emoluments made the following supplementary report yesterday:

We recommend that the clerks and members of the several committees of the house receive the following per diem, to-wit:

Table listing salaries and per diem for various clerks and committees. Includes Judiciary, Ways and Means, Printing, and various departmental clerks.

IN THE PROBATE COURT.

Administrator of the Estate of Charles L. Jones, Deceased.—The Appraisers Named.

Margie Becker, yesterday, petitioned the county court that letters of administration in the estate of Chas. L. Jones, deceased, be issued to W. C. Hubbard.

The petitioner was the wife of deceased at the time of his death, and the only heir. The estate consists of 60 acres of land in Marion county, valued at about \$500.

W. C. Hubbard was appointed administrator, and he promptly filed his bond for \$1000, and letters of administration were issued to him.

C. W. Stump, I. W. Hubbard and C. Becker were appointed appraisers of the property.

THE HOP MARKET.

In his latest bulletin Valentine Lowel, the New York hop merchant says: Receipts for week... 2,485. Receipts from Sept. 1... 125,437. Receipts same time last year... 164,691.

Some features of the market have been a little more encouraging of late, and there seems to be a steadier, if not firmer feeling developing at the close. The inquiries from abroad are of such a character as to lead to the belief that England must have more hops.

The names of the house committee clerks are as follows: Agricultural—J. Farnsworth. Assessment and taxation—I. A. Freeland. Banking and insurance—C. E. Edgerly, chief (transferred to stenographer on 12th).

Enrolled bills—Clara Buffington, Wm. Maxwell (chief), S. H. Rock (expert), O. P. Chamberlain, L. J. Lamb, Mary Chadwick. Elections—J. C. Beck. Education—Austin Craig.

Public lands—M. E. Stillman. Printing—C. P. Cathcart. Penal reform, charitable institutions, public health and morals, statistics and immigration—J. H. Henderson. Railroad and transportation—Mrs. Campbell. Roads and highways—Chas. N. Wroncott. Resolutions—Jennie Curtis. Salaries and emoluments—Miss Florence L. Smith. Salaries, state and county officers—Ray Wade. Stenographer for Multnomah delegation—Louise Southwick. Stenographers for house—Bonnie V. Gann, Clara Ferguson, T. B. McDevitt Jr., C. E. Edgerly (transferred from banking and insurance).

Ways and Means.—C. A. Moore (chief of days), John W. Kebley, Flora Devaux (stenographer), C. A. Freeman (chief).

Joint and Special Committee Clerks: Deaf mute school (house)—Leslie Campbell. Fishing industries (joint)—Ed. N. Eden. Insane asylum (house)—Geo. C. Sears (expert), A. G. Enoch. Printing (senate)—M. L. Holmes. Printing (house)—Maud Morrison, A. T. Hofer, Jr., Edward A. Swore (expert).

Penitentiary—C. M. Mohler (expert), E. Meyer (expert). Examine books penitentiary (senate)—B. P. Cornellius. Examine books state library (house)—C. C. Neill. Examine books secretary of state—John H. Shupe. Examine books state (house)—Ernest A. Merrick. Examine books state (senate)—Chas. H. Dodd. Examine books state (senate)—G. A. Patterson. Examine books of state treasurer (house)—A. T. Wain. Examine state treasurer—Geo. A. Peebles, G. G. Cray, A. G. Schrodt, Mrs. Laura Pursel, W. W. McGuire. Revision of school laws (senate)—C. C. Neill (ceased Jan. 19th). Examine books of state land board (senate)—A. B. Little.

ADMINISTRATOR OF THE ESTATE OF CHARLES L. JONES, DECEASED.—THE APPRAISERS NAMED.

Margie Becker, yesterday, petitioned the county court that letters of administration in the estate of Chas. L. Jones, deceased, be issued to W. C. Hubbard. The petitioner was the wife of deceased at the time of his death, and the only heir. The estate consists of 60 acres of land in Marion county, valued at about \$500.

W. C. Hubbard was appointed administrator, and he promptly filed his bond for \$1000, and letters of administration were issued to him.

C. W. Stump, I. W. Hubbard and C. Becker were appointed appraisers of the property.

THE HOP MARKET.

In his latest bulletin Valentine Lowel, the New York hop merchant says: Receipts for week... 2,485. Receipts from Sept. 1... 125,437. Receipts same time last year... 164,691.

Some features of the market have been a little more encouraging of late, and there seems to be a steadier, if not firmer feeling developing at the close. The inquiries from abroad are of such a character as to lead to the belief that England must have more hops.

The names of the house committee clerks are as follows: Agricultural—J. Farnsworth. Assessment and taxation—I. A. Freeland. Banking and insurance—C. E. Edgerly, chief (transferred to stenographer on 12th).

Enrolled bills—Clara Buffington, Wm. Maxwell (chief), S. H. Rock (expert), O. P. Chamberlain, L. J. Lamb, Mary Chadwick. Elections—J. C. Beck. Education—Austin Craig.

Public lands—M. E. Stillman. Printing—C. P. Cathcart. Penal reform, charitable institutions, public health and morals, statistics and immigration—J. H. Henderson. Railroad and transportation—Mrs. Campbell. Roads and highways—Chas. N. Wroncott. Resolutions—Jennie Curtis. Salaries and emoluments—Miss Florence L. Smith. Salaries, state and county officers—Ray Wade. Stenographer for Multnomah delegation—Louise Southwick. Stenographers for house—Bonnie V. Gann, Clara Ferguson, T. B. McDevitt Jr., C. E. Edgerly (transferred from banking and insurance).

There seems to be a sort of fatality surrounding the presidents of France.

FIRM SPLICING OF RAILS.

Problem That Has Long Puzzled Railroad Men.

Max Barschall's Invention Successfully Tried on a Section of the Pennsylvania Railroad and Its Use Is Now to Be Extended—He Avoids Former Mistakes.

Not so very many years ago a large number of our railroads were not accurately described by the picturesque term. "An embankment and a couple of streaks of rust," and the general condition of their tracks, as it effected the riding public found expression in plays upon the initial letters of the companies which were amusing perhaps to everybody except the officers of the roads but were not complimentary. One road which was the first to take New York to Long Branch and down into the Jersey pines where Lakewood and its neighboring villages now stand was the R. and D. B. railroad. All of its regular patrons knew it as the "Rough and Damn Bad," while a neighboring road, whose initials were F. and J., was known as the "Fits and Jerks" for twenty years or more. These names indicate more clearly than could easily be done in so few words otherwise the condition of the tracks over which railroading was done in America a generation ago. There is no improvement in railroading which has added more to the comfort and safety of passengers than that made to the roadbeds and rails. One official of the R. and D. B. railroad said one day, after the road had been in operation twenty years:

"We have never killed a passenger, except through the passenger's own fault, and yet there has never been a day in twenty years when we escaped except by the grace of God. In all that time our roadbed and rolling stock have never been fit to use."

The day before he said this he had been in a car which was derailed and rolled down an embankment, but no one was killed. In these days, on even the best roadbed laid, the passenger could estimate his progress pretty accurately by the series of bumps which marked depressions in the track at the end of each rail, and as long as iron rails were used, the battering down of the rail ends, and silencing of their tops were considered inevitable. With the advent of steel rails virtually began the improvement of our tracks, and with that of the rolling stock, which taken together, has made the railroads of America the most luxurious of all the traveling facilities of the world and the safest. Those who are concerned in the railroads only as travelers lean back in soft seats, watch the quick changing landscape and enjoy the smooth speed of the train, and few except railroad men ever give a thought to the ingenuity and multiplicity of inventions which have been made and utilized to bring about this result.

Under the wheels of our carriage are rails of steel weighing from 85 to 100 pounds for each yard in length; under them again are broad-faced ties, spaced so close together that it is uncomfortable to walk upon them, and these in turn rest on a roadbed of broken stone a foot or more deep. You no longer feel the old bump, bump, bump, in passing the rail ends and, in fact, there are not so many of those ends to pass. Instead of sixteen-foot rails there are none less than thirty feet long and some are double this length. Still, when riding on the engine, with its greater weight pressing down the tracks, one can feel a bump at each rail end, and an examination of the tracks themselves after a few weeks of use shows that there is still an improvement needed to give a really smooth roadbed, the equivalent of continuous rails.

The making of perfect rail joints is perhaps today the greatest need of the railroads. It is not even to be supposed that such an important matter has not attracted the attention of the inventors. As a matter of fact, the inventions in this line are so numerous that a list of the patents on them would make a large book, but those which come even near to solving the problem are few. When steel rails got actually to be cheaper than iron ones and so cheap that railroads could easily afford to put down 80 to 100 pound rails, it seemed for awhile as if the problem might be neglected for a time. The rails were so stiff that they seemed scarcely give under the wheels of the heaviest locomotive and the metal so firm that it was long before it showed the result of pounding at the ends of the rails. Many railroad men seemed content to use some heavy form of the ordinary fishplate and let the joints go at that. The heaviest locomotives that were built five years or so ago put a load of eight tons on a single wheel and 50,000 pounds was the load of the biggest freight car. Today locomotives are built which weigh more than 100 tons and carry loads of twelve tons on each of their driving wheels. Rail ends on a busy road would be battered out so much under the lighter rolling stock as to force the putting in of new rails every eight or ten years. Under this new and heavier stock the results are likely to be so much worse as to make rail renewals a most serious item of expense unless some adequate device be brought out to cure the trouble. But for the battering of the rail ends, a rail would last under the worst conditions from fifteen to twenty years.

It is one of the facts of the world's history that never has a need been great but some remedy has been found for the trouble, and so it is safe to assume that there is probably at hand a good and sufficient rail splice for present needs. The one which today seems to give the greatest promise of safety to passengers and money saving to railroad shareholders is a foreign invention which has been under test on a section of the track of the Pennsylvania road just west of Pittsburgh for two years. Its inventor, Max Barschall of Berlin, induced General Manager Loree to put in ten miles of these joints

upon a section of the road which is subject not only to heavy freight traffic, but also to fast passenger traffic. The test has been so satisfactory that another ten miles of the road on the main line between Philadelphia and Pittsburg is to be equipped with the joints, and it is safe to assume that if this test proves as satisfactory the whole road will be similarly equipped. It is also safe to assume that, if the Pennsylvania railroad adopts the joint, there is no better one known.

This joint uses on one side of the rails an ordinary fishplate of whatever design a railroad has in use or prefers. On the other side it uses what seems to be at first glance an old device, in the form of a short section of rail to carry the wheel over the joint. This piece of rail is indeed intended to carry the wheels smoothly over the joint, and if it were made and supported by the main rails in the manner formerly attempted its inventor declares that it would fall of its purpose and be more of a detriment to the track than a help. Formerly such sections were carried down to the main rail-ends and clamped upon and against this. Held in that way the result was that when the weight of a passing wheel came upon the rail ends these were forced down, the third rail piece was forced up, and the joint was so worked at each passage that in a little while the bolts were loosened and worn and the whole joint rick d to pieces.

In the invention of Mr. Barschall the third rail piece is carefully separated from the flanges of the main rails, and then to maintain the separation and to make the whole joint solid a filling piece is inserted whose carefully designed form, it is declared, so supports the rail ends as to give the whole joint more stiffness than the solid part of the rail has, and to transmit the strains from a passing load in such manner as to absolutely prevent the working or racking of the joint. This filling piece touches the third rail section and the heads and flanges of the main rails only at its extreme corners or shoulders. Dotted lines drawn across it from shoulder to shoulder show the lines of the transmission of the load strains and their distribution. The joint is invariably to have the support of under plates on each joint to give it the proper firm bearing to maintain its integrity. The cost of the joint is said to be about \$2.50 as against about \$1.50 for the ordinary fishplate joint.

There is another distinct advantage which this joint is said to possess, which is worth considering in these days when steam railroads are being converted to electric lines, as is said to be likely to happen to the elevated roads in this city soon. This is the facility with which the rail can be banded together under the joint electrically, where the copper bolts are entirely protected. Although it is the custom to use six bolts to a joint with ordinary fishplates, Mr. Barschall says that four bolts are sufficient for his joint. In his method of electrical bonding he utilizes the center bolt hole in either rail end for inserting the copper bonding wire and then bends the wire over and around the two inner bolts so as to get an elastic bond which will give and take with the expansion and contraction of the rails under changes of temperature.

STRAWBERRY SUPPLY.

The Season for It Extended from One Month to More Than Six Months.

The strawberry season in the New York market thirty years ago extended from about the middle of June to about the middle of July. The fruit came chiefly from New Jersey, with some from the Hudson river in this state. Now the regions of supply extend from Lakes Ontario to southern Florida, and the season begins in January. Each after the close of the civil war the strawberry-producing territory was extended southward from northern Jersey into Delaware, Maryland, and Virginia, the areas cultivated being all close to railroads and quick communication. Within a few years strawberries were coming in carloads from Delaware and Maryland, and ten years after the war from Virginia.

From Virginia the cultivation of strawberries for the Northern market spread through North Carolina, South Carolina and Florida; from these three states strawberries have been coming here in carloads for ten years and more. Not many strawberries are received here from Georgia.

The first of the Florida strawberries are received here about January 1st, which is considerably earlier than even Florida berries were received here at first. Florida berries are received about the middle of March, the earliest berries coming from the more southern parts of the state, shipments being made from parts further and further northward in the state as the season advances. Charleston berries begin to come usually from the 10th to the 20th of March, the season continuing until the 16th to the 20th of May. North Carolina begins shipping about May 1st to May 31st. The strawberries from south of Virginia come almost exclusively by rail, and in refrigerator cars in fast trains, those from south of Charleston being designed for the purpose. Of the Virginia berries perhaps half are shipped by boat from Norfolk, Maryland and Delaware ship from about May 15th to June 15th, and then south Jersey begins and continues for about ten days; berries from North Jersey begin to arrive about the middle of June.

While the cultivation of strawberries was extended greatly southward from Jersey after the war, it was, also at that time largely increased and extended further north, along the Hudson river and to districts in this state still farther north. For about fifteen years strawberries have been received here in large quantities from Oswego and from central New York. The Hudson river berries begin coming late in June, and continue until about July 4th. Boston gets strawberries from Nova Scotia and New Brunswick as late as the middle of August. Some strawberries are now received here from California in November and December, but not in great quantities.—Sun.

TO PAY SPAIN.

Washington, Feb. 17.—Two bills were introduced today to pay Spain the \$20,000,000 provided for in the Paris treaty.