

ARGUED BY COUNSEL

SUPREME COURT HEARD A LAND CASE YESTERDAY.

The Suit Brought for the Double Purpose of Reforming and Settling Aside a Contract.

(From Daily Statesman, Dec. 12.) In the Supreme Court, yesterday, the appeal case of A. N. King, appellant, vs. C. A. Holbrook, respondent, an appeal from the state circuit court for Multnomah county, was argued and submitted. Benton Killin and Col. C. A. Cogswell appearing for appellant and G. H. Durham and Judge Thomas O'Day for respondent. The action was brought for the double purpose of reforming and settling aside a certain contract concerning land.

Plaintiff's contention was that he made a verbal agreement with Baird, who assumed to be the agent for defendant, whereby he was to sell defendant the lands, and it was also agreed that a certain tract of land lying east of the one to be transferred as between the parties, should remain open for the use of the parties for egress and ingress, and that if an adjoining street should be extended or opened by the Portland city authorities as a street across said tract, it should not cost the defendant anything. There were other matters in regard to the sale which are immaterial as far as this case is concerned. Plaintiff further contends that after the deed in question was executed, and after the money was paid, Baird as the agent of Holbrook, came to E. A. King, who was acting as agent for plaintiff, and required him to sign a certain contract; that the said E. A. King signed said paper under the belief that it was drawn according to the agreement entered into by the parties thereto, while in fact, it required the plaintiff to open the street adjoining the land purchased, through to the said street.

On the other hand, the defendant contends that there was no agreement made in regard to the sale of the land until this contract was signed; that there was a long period of negotiation; that finally he presented his contract to E. A. King as embodying the terms upon which his client would purchase; that E. A. King signed the contract and was paid \$1000, and afterwards the plaintiff and wife executed the deed; that the deed was not signed until after the contract was executed.

A Few Pointers.

The recent statistics of the number of deaths show that the large majority die with consumption. This disease may commence with an apparently harmless cough which can be cured instantly by Kemp's Balsam for the Throat and Lungs, which is guaranteed to cure and relieve all cases. Price 25c. and 50c. For sale by all druggists.

GARDENS OF THE VATICAN.

Everything Within the Walls, Including the Men, is Old.

More interesting to me than visits to the Vatican are visits to the Vatican gardens. For a number of years the gardens have been closed to the public. The guide books say nothing of them, the photographers have no views of them on sale. Therefore, when we learned that the Vatican gardens were to be temporarily thrown open to the pilgrims we hastened thither, for we are pilgrims, too. We found to our delight that the other pilgrims apparently had not yet heard of it, for the gardens were practically deserted.

For an hour we wandered through them and met no man or woman either, as Hamlet says—save two or three aged gardeners. For all things in the Vatican gardens, even the gardeners, seem to be old. The gardeners are not many acres in extent, but they seem much larger than they really are. The walks and drives are laid out with much skill and are shut off by lofty boxwood hedges. It is possible, therefore, to wander for a long distance without retracing one's steps. The gardens are a quaint and pleasing mixture of primness and wildness. Immediately at the entrance you find some acres of flower beds, laid out in the stiffest style of Italian landscape gardening. But, leaving this in winding walk which climbs a hill, you are speedily lost in a forest of trees which shuts off the view completely. Here you might believe yourself far from a city, were it not that you distinctly hear the muffled roar of the sea. Under the dense shade of these ancient trees are old fountains, old statues, old arches, old columns—every-

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A Democratic Leader of New York.

thing is moss grown and old. Ferns grow luxuriantly in this dense and humid shade—delicate maiden's hair, as well as the more hardy bracken. The hillside climbed, we come out of the shade and into the sun. On the sunny side of the hill there is a small vineyard, a small orchard, a small poultry yard, a small deer park and a small ostrich pen. Here there are sev-

eral pavilions, or summer houses, which the Pope at times occupies, and from which magnificent views may be had of Rome and the Campagna.

At this point one of the venerable gardeners approached us, and with much impressiveness led us to a summer house and showed us a peep-hole through which we could see the very chair in which the Holy Father had sat. Price, 20 cents. But the gardener was an amusing old soul, and seeing a chance of another tip, he escorted us around the "franchi" for the mixture of orchard, vineyard and poultry yard inevitably suggested that term. Here we encountered two tourist priests, who, seeing that the gardener was acting as a cicerone, immediately followed and listened to his prattle. For half an hour they stuck to us, disappearing only when the time came to settle, when they swiftly vanished. They were dark-browed, dark-complexioned fellows, and uttered no sound as they stalked behind us with their black skirts flapping around their sturdy legs. I wondered whether they could be Italians. The dialogue between the gardener and myself was of a nature to make Aristotle weep and Tasso grieve. I am not strong in Italian; I can make myself understood in it, but I speak English much better. If those priests were Italian I shudder when I think of that dialogue. But if they were Italian and could listen to it with gravity, I greatly admire their self-control.

The old gardener parted with us with regret after having sold us some cuttings from plants. His regret was never asking for more. He was a nice old man, but a trifle mercenary. Most of the Vatican servants are "Ciomani." "Most Learned Prince, Sixtus," if the Pope's name has had a beneficial sin it is not modesty.

When we left the gardeners we started to return by what we thought to be the same route, but it led us into an entirely different part of the grounds. Here we climbed a hill which was the highest in the gardens. I think that we must have been on top of Mons Vaticanus. At our feet lay the vast pile of buildings which together are called the Vatican. Apparently on a level with us was the great dome of St. Peter's. Around the railing at the top we could see the figures of the tourists looking from the dome at the Vatican. From there we descended the hill and made our way back toward the gate-way. We passed the building called "Casino del Papa," where the Popes used to dwell during the heats of summer. It is a handsome building, covered with the self-laudatory inscriptions of the various Popes, who have adorned it. Not only in the Vatican gardens, but all over Rome you see magnificent inscriptions setting forth the astounding virtues of the various Popes, who repaired bridges, or restored facades—"Most Munificent Prince, Pius"—"Most Virtuous Prince, Sixtus." "Most Learned Prince, Sixtus," if the Pope's name has had a beneficial sin it is not modesty.

As we were making our way toward the exit we met another tourist priest—an old Italian who had apparently lost his way. He asked us about it, and we set him right. He was unmistakably a tourist, for he had a guide-book, and pointing to a tower told me it was the Borgia Tower. He meant well, but the gardener had already told us it was the Leonine Tower. He was completely lost.

Fancy two pilgrims from Western America telling an Italian priest how to find his way about the gardens of the Vatican!—Rome correspondence in the Argonaut.

A really important suggestion concerning the electric heaters in use in street cars has just been made. It is that they be connected to the controller on the platform, so that when the highest speed, corresponding to the motors the heat will be cut out. As it takes them several minutes to cool off, and as the car, especially in such service as is found on a busy metropolitan line, is using full power only a small portion of the time, the heating effect will be sufficient. The object of the suggestion is to reduce the demand for power from the central station occasioned by the heaters. It requires about 20 per cent of the total output of a station on a winter day to heat the cars. If the heaters are well loaded so that the machinery is working well up to its limit, this additional load is sufficient seriously to overload the system, and its elimination at the instant the cars are making their maximum demand is of great advantage.

DO BETTER THAN MEN.

Two Women Have Made Records in the Railway World—Both in the Far West.

"Sometimes railroad companies depart from all rules and traditions of service and make innovations that are, to say the least, rather startling," said a Chicago railway man. "It is only a few years since the Southern Pacific railroad officials saw the sudden collapse of what seemed a very promising experiment, yet now it has another, and in this case, too, the results so far are very satisfactory."

Ten or a dozen years ago "Old Charlie Crocker," as he was familiarly called by almost every employe of the Southern Pacific, as a reward for a particularly daring and meritorious act, prevailed on the directorate of the road to educate a young girl. She had lived nearly all her life in the mountains of New Mexico with almost no associates except her father, an engineer, and his foreman. She was a railroad girl from top to toe and her knowledge of railroad craft enabled her to avert what would have been a most frightful wreck. Her reward was an education such as few girls of her station in life ever obtain. Everything one of the finest educational institutions in the West could do was done for her, and at the completion of the collegiate term she was given a post-graduate course in mechanical engineering. Her schooling finished, she was given a position in the office of the superintendent of motive power at a nice salary, which was looked upon by the men in the office as a kind of pension. It was supposed that she would, in office parlance, "hold the chair," and that her time would be occupied by merely technical duties, but the young woman soon proved that she was more than worth her salary. One day, within a year of her graduation, she submitted plans and specifications for a new type of engine. There were a number of new ideas in the plans and some very decided improvements, and it was just

Nothing Tastes Good

And eating is simply perfunctory—done because it must be.

This is the common complaint of the dyspeptic.

If eating sparingly would cure dyspepsia, few would suffer from it long.

The only way to cure dyspepsia, which is difficult digestion, is to give vigor and tone to the stomach and the whole digestive system.

Hood's Sarsaparilla cured the niece of Frank Fay, 106 N. St., South Boston, Mass., who writes that she had been a great sufferer from dyspepsia for six years; had been without appetite and had been troubled with sour stomach and headache. She had tried many other medicines in vain. Two bottles of Hood's Sarsaparilla made her well.

Hood's Sarsaparilla

Promises to cure and keeps the promise. Don't wait till you are worse, but buy a bottle today.

the thing the company had been looking for. Some of the best mountain passenger engines the Southern Pacific has ever had were built from that set of plans.

"It was a rude shock to the masculine element in the office that the girl should carry off the honors they thought were safely their own, and then they fell to wondering what this phenomenal girl would do next. She did what they all do if the right man comes along. One day a big official of an Eastern railroad came through the office. No one ever knew how it happened, but the bright light of the motive staff ended by trading mechanics for matrimony. An experiment with the new woman was closed, and the 'first lady mechanic' of the land was transformed into what she is today—a very happy wife. "Not until two years ago did the staid old management take another plunge into officially unknown waters. Then, when Spanish treachery raised the cry, 'Remember the Maine,' O. F. Pease, the trainmaster at Gila Bend, N. M., jumped out and put his name on the muster roll of the First Territory cavalry. Before he left he wired his resignation and turned the office over to his wife, who for years before her marriage had been a telegraph operator on the line. All her married life she had been doing more or less of the clerical work of the office. Gila Bend is a little place in the middle of a long division, lonesome, as only a coal-and-water-station in the Great American desert can be, and it was almost impossible to keep a clerk here for any length of time. In the interval between the departure of one clerk and the arrival of his successor Mrs. Pease learned all the details and routine of the office, and on the defection of her husband it was a very handy knowledge.

"Just at that time, the road was rushed to its utmost capacity by the enormous government business it was handling and every employe was working overtime. Mrs. Pease wired repeatedly that the office was without a head, but no attention was paid to communications, and meantime she handled the office like a veteran. One day the superintendent of the division dropped into Gila Bend. The 'acting trainmaster' was having an audience with a big engineer, who had carelessly run through an open switch. He sat, a grinning watcher, while the dainty little woman made the engine man squirm with her scathing comment on his gross neglect, and when she calmly told the fellow that he could take a thirty-day vacation to improve his eyesight the official was evidently satisfied that the A. T. M. was 'out of her job.' Before he left he told her that the general manager was so well suited with her conduct of affairs that he had authorized her permanent appointment to the position.

"It was over a year after Mrs.

Pease's appointment that I came through Gila Bend, and I sought the trainmaster's office. I entered, but almost backed out again. I thought I had got into some one's family quarters. There was a carpet on the floor, and pretty white curtains on the windows, and everything was suspiciously clean for a railroad office. Before I could get out, however, a neat little woman came to the railing from behind a big desk, and asked my business. I hesitated like a schoolboy, but finally succeeded in making the lady understand that I was looking for the trainmaster.

"I hold that position. What can I do for you?"

"I regained my nerve and told her I was looking for work in train service and pulled out a bunch of letters and my card.

"She looked the letters over and then said: 'They are all right, but you are too old to enter our service as a new man; the age limit is 35 years, and then, too, I see you wear glasses. You couldn't pass our color-blind examination at all. I am sorry, but our rules are very strict.'

"I asked then for transportation East and this charming little trainmaster turned to a big black-whiskered individual at one of the desks, saying:

"Oliver, make the gentleman out a pass to El Paso. Railroad man looking for work."

"When I got outside I learned that the dark-haired gentleman was the lady's husband. He had come back from Cuba as it ever for his old job but 'the incumbent' was giving entire satisfaction and he had to content himself with a clerkship in his wife's office.

"Mrs. Nonie Pease of Gila Bend, N. M., is the only woman in the world who fills the office of trainmaster on a railroad."

True Living.

And if the husband or the wife In home's strong light discovers, Such slight defaults as failed to meet The blinded eyes of lovers.

Why need we care to ask? Who dream Without their thorns of roses? Or wonder that the truest steel The readiest spark discloses?

For still in mutual sufferance lies The secret of true living. Love scarce is love that never knows The sweetness of forgiving.

A famine of gutta percha is threatened through several causes, and no greater calamity could overtake the cable companies. No other substance is comparable with this gum for the insulation of cables; indeed, long-distance cables cannot be made with any other insulation hitherto discovered. The causes of its scarcity are several. It grows only in a limited area, principally in the Malay peninsula, Borneo, Java, and the adjacent islands. The tree is of very slow growth, requiring thirty years to reach maturity. The gum is gathered by the natives, who have used most wasteful methods, generally resulting in the destruction of the tree. Now that the gum is valued at more than \$1.50 a pound the incentive to dishonesty is too great for the Malay character, and much of the gutta-percha coming into the market is so adulterated as to be worthless. Singularly enough, the popularity of golf has had much to do with the extinction of the gutta percha. Golf balls are made of gutta-percha, and enough is used for their manufacture every year to insulate a transatlantic cable. The increase of demand on this account and consequent increase of the value of the gum have stimulated the native gatherers to wholesale destruction of the gutta forests, their favorite method of saving time and labor in collecting gutta being to cut down the tree. If the Pacific cable is to be built at once, it is doubtful if there is enough gutta-percha in the world to make it. Here, then, is where necessity must again bring forth invention, for a substitute for the gum is urgently needed. Meanwhile, the Philippine Islands, especially the southern ones, have the proper soil and climate for the gutta-percha tree, and the United States Government has an admirable opportunity to foster

STARVED OUT OF A TIGHT PLACE.

Lower Alloway, Nov. 9.—Three weeks ago a fine ewe disappeared from the flock of James Carl, near here, and although search was made no trace of the missing sheep could be found. Yesterday it emerged from under the barn as "thin as a herring." The poor sheep had evidently crawled under the building to escape the flies and had become fastened until it starved sufficiently from starvation to allow it to escape.

A PECULIAR CASE.

BOSTON, Dec. 11.—The case of Morris Aaronberg, the youth who has confessed that he stole \$8837 from Mrs. Margaret Beck, which has puzzled the police from the first, still staggers the officials, although the boy has declared his guilt. It is the first case in police records here where a man or boy has confessed to having stolen money and has stood ready to take all the punishment which could be given.

RICHARD HARDING DAVIS



Author and War Correspondent.

for the offense without making restitution and trying to escape the full penalty. The police have figured out that if Aaronberg goes to prison for the maximum term of five years without returning the stolen money he will come out financially as if he had been at work all the time on a salary of about \$1800 a year. All evidence is taken as indicating that Aaronberg has the money safely concealed and intends to go to prison without revealing its hiding place.

AN INAUGURATION.

Bryan to Be the Guest of Honor in Florida.

TALLAHASSEE, Fla., Dec. 11.—At a meeting of businessmen, a committee was appointed to make final preparations for the inauguration of Governor-elect Jennings, on January 1st, and for the entertainment of W. J. Bryan, who is a cousin of the new Governor, and will be the guest of honor.

GRAIN IN ALASKA.

All Kinds of Cereals Will Grow to Maturity.

SEATTLE, Dec. 11.—Prof. C. C. Georgeron, special agent of the United States Agricultural Department, in charge of the experimental station in Alaska at Sitka, has arrived here from the north for the purpose of making his annual report to the Government. He has proved that Alaska will ultimately be as prolific a field for agriculture and stock-raising as it is now for mining. He was sent to the north in May, 1898, and his first work was to ascertain what could be produced there in the way of vegetables. He succeeded in raising choice barley and oats. In speaking of his experiments in Alaska Professor Georgeron said today:

"There is not the slightest doubt that grain can be matured almost anywhere in Alaska. I have this year obtained samples of perfectly ripe barley, oats, wheat and rye from several points in the interior as far north as Eagle. These grains were grown and matured there this year. With one exception, they were volunteer products from seed accidentally scattered and grown a wild. If grains will grow and mature without culture it stands no reason that they will grow and improve with culture.

"I also grew flax at Sitka the first year. It attained a height of more than three feet, matured seed and produced a fine of excellent quality. There is no doubt that flax can be made a successful crop in the coast region of Alaska.

"My instructions the first year were to examine the coast region and reserve lands for experiment stations at suitable places. With this end in view I started a station at Kenai, on the Kenai peninsula, in Cook Inlet. We made a reservation of 320 acres there, some of which has since been cleared and has matured grain successfully."

McKINLEY AND HARRISON.

The Two Leaders Attended a Dinner at Justice Harlan's.

WASHINGTON, Dec. 11.—President McKinley and ex-President Benjamin Harrison met last night, at a dinner given by Justice Harlan of the Supreme Court. The fact of his accepting an invitation where he would meet ex-President Harrison is taken to effectively dispose of the reports in circulation that relations between the two had been strained of late.

Washington, Dec. 11.—Ex-President Harrison visited President McKinley this afternoon.

THE BREACH HEALED.

WASHINGTON, Dec. 11.—After the Cabinet meeting today it was stated that the good feeling, which had existed between General Caffee and Count Von Walderssee prior to the astronomical instrument incident, had been restored, and that the two Generals had since dined together very pleasantly.

When you feel that life is hardly worth the candle, take a dose of Chamberlain's Stomach and Liver Tablets. They will cleanse your stomach, tone up your liver and regulate your bowels making you feel like a new man. For sale by F. G. Haas, druggist, Salem, Oregon.

AUSTRALIA'S PARLIAMENT.

Montreal, Dec. 11.—It is stated here by the Herald, which is generally supposed to be in the confidence of the government, that a change has been made in the plans with respect to the coronation of the new Australian Commonwealth, which renders it almost certain that Sir Winifred Laurier will go to Australia after all. It is now settled that the Duke of York will open the newly federated Parliament on May 1st and that all the pomp and pageantry arranged for the duke's visit will take place about that time. This will permit the Premier to leave Canada early in April and arrive in Sydney by the appointed date.

DEMOCRATIC GAINS.

BOSTON, Mass., Dec. 11.—The Democrats won a decided victory in Boston today, by electing their candidate for street commissioner J. A. Gallivan; seven of the thirteen aldermen; forty-four of the seventy-seven councilmen, a gain of two, and four of the eight members of the school committee, a gain of one. The city's majority for the liquor license was reduced nearly 8000 from last year.

The Appetite of a Goat

Is envied by all poor dyspeptics whose Stomach and Liver are out of order. All such should know that Dr. King's New Life Pills, the wonderful Stomach and Liver Remedy, gives a splendid appetite, sound digestion and a regular bodily habit that insures perfect health and great energy. Only 25c. at Dr. STONE'S drug stores.

Advertisement for W. H. Chatten, Engraving and Designing. Includes text: 'DESIGNING AND ENGRAVING... BY ALL METHODS', 'WRITE US IN REGARD TO YOUR WANTS', 'W. H. CHATTEN, Manager.', 'STATESMAN BUILDING Salem, Oregon', 'Send for samples of our special designs in lithography work for letter and bill heads, cards and envelopes...', 'FINE JOB PRINTING', 'Statesman Job Office, 266 Commercial St', 'Satisfaction Guaranteed', 'HALF-TONE, ZINC ETCHING MAP AND WOOD ENGRAVING PHOTOGRAPHING'.