AN ACTION FOR DAMAGES

Against the Southern Pacific in Supreme Court

ON APPEAL FROM THE CIRCUIT COURT FOR MULTNOMAH COUNTY ARGUED.

The Plaintiff Alleges He Was Injured by the Sudden Stopping of Freight Train While Traveling from Roseberg to Eugene.

(From Wednesday's Statesman.) In the Supreme Court yesterday the case of F. L. Richmond, respondent, vs. the Southern Pacific Company, appelant, an appeal from Multnomah counthe respondent, and W. D. Fenton for the appellant. A brief statement of the case follows:

On March 27, 1899, plaintiff took passage at Oakland, Oregon, for Eugene, upon a regular freight train consisting of a helper engine from Roseburg to the point of accident, a regular engine, twenty-eight empty and four loaded boxcars, besides the caboose in desires, call and examine it. the rear, in which the plaintiff was riding. At the time plaintiff took passage there was a regulation printed upon the time card of defendant permitting this freight train to carry passengers between Junction City and Roseburg. Plaintiff held and tendered at the time he took passage a 3,000 mile ticket, issued by defendant and sold to him at the price of 21/2 cents per mile. All the cars in the train other than the caboose and the two rear boxcars were equipped with air brakes. connected with the engine and were in condition to be operated at the time. As the train approached a place called Divide near the county line between Lane and Douglass counties, it was brought to a stop, to permit the helper erigine to be cut off from the front end of the train, pass through the switch and back on the sidetrack until the engine and remainder of the train could pass on the main line towards Eugene. the helper engine to return to Roseburg. After the train had been brought to a standstill at this point and the helper engine had been cut off and passed over the switch, the fireman of the helper engine, who had opened the switch to permit the helper engine to pass in on the sidetrack, was standing by the switch stand waiting until the train should pass. The evidence showed that at the time of the accident the train moved toward the switch stand from its stationary position at the rate of two and a half to four miles an hour, and had so moved a distance of not to extend 150 feet when it was suddenly stopped. That the stoppage was occarloned because the switchman who had opened the switch had neglected or failed for some reason to close the same immediately after his engine had passed over onto the sidetrack, and the engineer not being able to see the switchstand from his side of the engine, depending upon the fireman in his engine, responded to a warning from his fireman to hold his engine. The servant who gave the warning saw the open switch and the switchman apparently forgetful of his duty to close the same, and supposing that he was not going to close it gave the warning to the engineer to hold the train, and at the same time called to the switchman who immediately threw the switch. It further appeared that, by reason of this, the train was suddenly stopped while the plaintiff was standing in the caboose car talking to the conductor and by reason of the jerk thereby caused he received the injuries of which he complains. The case was tried and judgment rendered for plaintiff, for \$925 and \$290.75 costs, and defendant appealed.

L. L. LA FORE DIED AT TURNER YESTERDAY

Succumbed to Heart Failure After an Illness of but a Few Hours-Was a Member of the Woodmen of the

L. L. LaFore, aged 46 years, died at his home in Turner at 8:30 o'clock yesterday morning, after an illness of only a few hours, of heart failure. Deceased. was feeling quite well up to a few hours before his demise, and the attack which deprived him of his life came rather sudden and unexpected even though he has been a sufferer from heart trouble of a mild nature for several years. He was a well known farmer of the Turner neighborhood, a member of the Woodmen of the World camp in Turner, and leaves, besides a wife and two children, one brother, P. LaFore, of Turner; and one brother and sister, E. M. LaFore and Mrs. J. C. Thompson, in this city, to mourn his sudden death. Deceased was best known by the name of "Doc" LaFore.

E., M. LaFore went to Turner on the local last evening and the remains will be brought to the home of Mrs. J. C. ants to do their very best. Thompson, in this city, on the early morning train, when definite funeral arrangements will be made.

WOODBURN VOLUNTEERS TO

HOLD A REUNION

The Purpose Is to Secure an Expression Regarding the Erection of a Monument to the Memory of the Dead of Company M, Second Ore-

Captain J. M. Poorman, of Woodburn, was in the city yesterday attending to some business matters of a personal nature, and in an interview,

Woodburn on Thursday and Thursday evening of this week for the purpose of fighting over all the battles and renewing acquaintance.

The principal purpose of the reunion is to hold a meeting and get an expression as to the feasibility of having a monument raised, in the most appropriate locality, in honor of the heroic members of the company who so nobly gave their lives in defense of the country's honor and the flag.

Captain Poorman said that all the members whose address could be obtained had been notified and a good attendance is assured.

This Climate Is Good

enough for anybody with weak lungs. The patient need not travel. He can get well here with the help of Allen's Lung Balsam, taken frequently when coughing and shortness of breath after exercise serve notice upon him that serious pulmonary trouble is not far away. Allen's Lung Balsam is free from any form of opium.

A LEOPARD SKIN .- County Treasurer A. L. Downing received a beautiful leopard skin during the month of December last, from his brother, Harry C. Downing, in Honduras, Central America, who killed the animal. He turned the skin over to W. H. Edwards & Son, taxidermists, in this city, to be be mounted, which work has been completed and it was returned to him yesterday. It is a most beautiful thing, made into a sug and mounted on green ty was argued by W. E. Thomas for and yellow felt matting. Owing to the manner in which the pelt was removed from the carcass and the absence of the feet, teeth, etc., the task of mounting it was a very difficult one, but, taking into consideration all of this, the job was an excellent one and Mr. Downing is the possessor of a magnificent trophy and one which he prizes very highly. He has it on exhibition in his office in the court house and will be pleased to have anyone, who so

A REPORT IS FILED

BY RECEIVER CLAUD GATCH OF GILBERT BROS.' BANK.

Showing the Property Turned Over to Him by Receiver H. B. Thielsen, and the Payments Made by C. A. Whale,

Claud Gatch receiver of Gilbert Bros. Bank yesterday filed two reports in the Circuit Court of the property waich he receiver of Gilbert Bros. appointed by the judge of the United States Circuit Court for the District of Oregon. showing a total of \$145,744.69 and of notes and accounts received from C. A. Whale as the proceeds of the sile of 1902, in favor of the city and against musical instruments belonging to Gil- F. R. Anson and the said Fidelity and bert Bros.

the summary of which follows: Report A.

Bills receivable.. \$ 45,129.01 Warrants, state, county and school......... Furniture and fixtures.....

Notes and accounts issued by H. B. Thielsen under Accounts against sundry parties for insurance pre-

miums Additional assets schedule A Overdrafts.. 32,875.36

Report B.

Received from C. A. Whale as proeeds of musical instruments belonging to Gilbert Bros.

Notes received June 21, 1991, as per account rendered-Dalance. Amount. Payment. \$4281.50 \$102.00 \$4178.50 Notes received as per his statement of December 21, 1901 and as per the order of the Circuit Court of December

Payment. Balance \$366.50

23, 1901:

\$7386.50 HONORS FOR ROYALTY.

NEW YORK, Feb. 11 .- At the annual meeting of the Atlantic Yacht Club, which has just been held, resolutions of Germany, and his brother, Admiral members of the club. This action was ary, 1902." aken as a token of appreciation for the Kaiser's action in ordering an good will toward the United States.

INSURANCE TAX PAID.

State Treasurer Chas, S. Moore is in receipt of payments of the 2 per cent state tax from a number of insurance companies. They are:

Orient Ins. Co. of Hartford ... \$198.50 London & Lancashire.... 132.55 Aetna Life Ins. Co. 87.32 Standard Life & Accident Co... 91.72 Lloyds Plate Glass Ins. Co. . . 19.82

LOCAL ORATORICAL CONTEST. At the University chapel on next Friday evening will occur the contest of the local orators, at which time a representative for the state contest will be chosen. Besides the orations there will be musical numbers. There will be no admission charged and the public is cordially invited to be present and help by its enthusiasm to have Willamette well represented in the state contest. Come out and show your loyalty by encouraging the local contest-

WHAT SHALL WE HAVE FOR DESSERT?

This question arises in the family every day. Let us answer it today. fills is a new one, having been created Try Jell-O, a delicious and healthful last July and Mr. Charles was releast dessert. Prepared in two minutes. No boiling! no baking! simply add boiling water and set to cool, Flavors: - Lemon, Orange, Raspherry and Strawberry. Get a package at your grocers today.

LAID TO REST .- The remains of the late L. L. LaFore, of Turner, were ly the superintendent's recommendalaid to rest in the Rural cemetery, tion for a new brick dormitory for south of this city, at 10 o'clock yester- large boys, to cost \$30,000, and other day morning, with the beautiful rites valuable improvements. of the Woodmen of the World. A good attendance of the members of the large brick buildings now in course of Salem and Turner camps of the order construction was very thorough, and stated that the members of Company together with the family and relatives he pronounces the work first class in

RECEIVES PAY

from F. R. Anson's Surety on the Personals and Movements of the Peo- President Hawley's Resignation Bond Given

THE JUDGMENT IS ASSIGNED TO THE FIDELITY AND DEPOSIT COMPANY.

W. H. Holmes Receives Onc-fourth of the Amount Recovered as His Attorney's Fees-A Vote of Thanks Is Extended to Him.

(From Wednesday's Statesman.)

The common council of the city met in special session in the police court room in the city hall at 5 o'clock yesterday afternoon, for the purpose of adjusting the settlement of the judgment recently rendered by the Circuit Court in reference to the suit to recover on the F. R. Anson bond, for the failure of Anson to fulfill his contract with the city of Salem in installing an electric heating, lighting and power plant in this city.

All members of the council were present except Alderman Sims and Mayor C. P. Bishop presided. W. H. Holmes, the city's attorney, and 3. G. Bingham, attorney for the Fidelity and Deposit Company of Maryland, were present, the latter of whom it was stated was the recipient and possessor of a draft, executed by the Fidelity and Deposit Company of Maryland and in favor of the city of Saism, for the sum of \$5124.25 in settlement of the judgment and costs. Mr. Holmes stated that he had presented the draft to the Ladd & Bush bank which institution pronounced it acceptable, whereupon the following resolution was introduced by Alderman Riggs and adopted by the council:

"Resolved, by the common council of the city of Salem in council duly assembled on the 11th day of February, 1902, that the recorder of the said city is hereby authorized and directed to has received from H. B. Thelsen, as assign to the Fidelity and Deposit Company of Maryland, a corporation, ali right and title which the said city has to that certain judgment rendered in the Circuit Court of the state of Oregon, at the February term thereof, Deposit Company, upon payment in The reports are made reparate and full of the sum by the said Deposit designated as report A and report B, Company, however, without recourse upon the city.

> "The said judgment being for the sum of five thousand (\$5,000) dollars and costs. It being the intention to allow the said Fidelity and Detwelt Company as surety in the said fudgment to recover from the principal F R. Anson, the amount thereof, together 334.03 | with the costs."

Upon the request of Attorney G. G. Singham, in the interest of the company which he represents, in order that the company may have recourse upon F. R. Anson, the following form of acknowledgment of satisfaction et the judgment and assignmenment of same to the Fidelity and Deposit Company of Maryland which was also submitted by Mr. Bingham, was adopted and will be inscribed upon the Circuit Court journal:

"Received of the Fidelity and Deposit Company of Maryland, a corporation, the sum of \$5124.25, and in consideration of such payment the city of Salem hereby assigns this judgment to sald Fidelity and Deposit Company of Maryland, without recourse upon it. It is acknowledged that said Fidelity and Deposit Company was but surety only for the defendant, F. R. Anson, and is entitled to repayment from him of the amount of this judgment, and this arsignment is made to enable it to chforce repayment from said defendant F. R. Anson. This assignment is made were adopted electing Kaiser Wilhelm by authority of a resolution of the common council of the city of Salem Prince Henry of Prussia, honorary duly passed on the 11th day of Febru-

As per the agreement by and bet ween. the city of Salem and Attorney W. H., American yacht and his expression of Holmes upon the commencement of the had been caused by an attack of pneulitigation, whereby he was to receive 25 per cent of the amount of the julgment in case the city won its suit, a motion was made by Alderman Riggs to the effect that the city tender so Mr. Holmes the full amount of the agreement price, or \$1250, which was unenimously adopted and a vote of tranks was also extended Mr. Holmes for his faithful, able and successful performance of the duties of his office.

There being no further business of mportance to come before the neeting the council adjourned

NEW CHEMAWA SCHOOL BUILDINGS INSPECTED

By Supervisor of Construction John Charles, Who Is on a Tour of the Pacific Coast-He Left Last Night for Carson, Nevada.

Mr. John Charles Supervisor of Contruction in the Interior Department, has been inspecting during the past week the new Government buildings now being built at Chemawa by Messrs. Pugh & Gray. He also inspected the whole school plant. The position he last July, and Mr. Charles was selected on account of his thorough practical ability and long experience in that line of work, he having served as State Architect of Wisconsin for the past three years. He is greatly pleased with the general condition of the plant at Chemawa, and has endorsed strong-

Mr. Charles' inspection of the three M. Second Oregon U. S. V., are making followed the remains to their last rest- every respect, and above the average, agrangements for holding a reunion in ing place.

one of which the contractors have rea-son to be proud. He left on last night's overland train for Carson City, Nevada and Riverside, Cal., where important Government improvements are being made.

STAYTON NOTES.

ple of That City.

STAYTON, Feb. 12 .- Mrs. J. W. Mc-Crow, of McCoy, is a guest at the home of her daughter, Mrs. Joseph Fisher.

business visitor in Stayton the first of the week. Miss Edna Robertson, of this city, left Monday for Eastern Oregon, where

she will visit several weeks with her sister, Mrs. J. W. McCulloch. Henry Keene transacted business in Oregon's capital city Monday and

Tuesday. J. W. Eddy, bookkeeper in the firm of Lee Brown & Sons, left Tuesday for the Sound country, expecting to be absent several days.

Earnest Long and wife, with their household goods, moved to Jefferson Tuesday. Mr. Long has purchased the meat market in that city. Miss Sullivan, Miss Bennet and F. E.

Morton, teachers in the public schools in this city, went to Salem Tuesday to attend the teachers' institute. W. H. Queener, D. Hill, E. Smith and L. Hobson went to Salem Tuesday on

business bent. John Nixon, who had his deg broken in a fight on Thanksgiving day, was out on the streets Monday of this week for the first time, walking with the aid

of crutches.

Mrs. Dr. Kitchen entertained the members of her Sunday school class at her home on Second and High streets Tuesday afternoon. Miss McHargue and Miss Miller assisted in entertaining the young ladies, and all enjoyed the occasion to the fullest.

DIED ON THE TRAIN

HOWE SUCCUMBS TO PNEUMONIA

While Accompanying the Remains of His Dead Brother from San Francisco to Eugene-The Men Were Brothers of Mrs. W. T. Slater of Salem-A Double Funeral.

(From Wednesday's Statesman.)

W. M. Kaiser yesterday received a tier from his partner, W. T. Slater, who, with his family, went to Eugene o attend the funeral of Mrs. Slater's brother, Daniel Howe, whose demise, in San Francisco, was announced in Bishop Cranston said that he believed the Statesman a few days ago. The etter is dated at 2 a. m., yesterday, and says in part:

"A terrible thing has happened our family since our arrival here, while awaiting the coming of the train from San Francisco bearing the remains of Daniel Howe, my wife's brother, which vas to arrive at 3 o'clock a. m. (Tueslay). About 11 o'clock last night (Monday) word came by wire to meet the train with a closed carriage as James Howe, who was on the train acompanying his brother's remains here, was very sick In less than an hour a second dispatch came announcing that James had died on the train, which is no wfour or five hours late, and will arrive here about 8 o'clock this morning. The funeral will be put off until some time tomorrow, when we will

bury both together." The following press dispatch from Grants Pass, received yesterday, tells the sad death of James Howe:

"Grants Pass, Feb. 11.+J. T. Howe, of Eugene, a passenger on board one of the northbound passenger trains in his city yesterday, died while the train was in waiting here!

"His death and the circumstances connected with it were very peculiar, and withal most sad. He had been to San Francisco to aid in the conveying of the body of his brother from that city to Eugene, his brother having ided suddenly of pneumonia. Directly after leaving San Francisco Howe took ill and died as the train reached this city. Dr. Kremer, who was called to texamine the body, found that death monia. The body was placed in the baggage car and the remains of the two brothers carried on to relatives in Eugene.

The Latest Yarn.

A Pittsburg drummer tells this new yarn: I always carry a bottle of Kemp's Balsam in my grip. I take cold easily and a few doses of the Balsam always makes me a well man. Everywhere I go I speak good word for Kemp. I take hold of my customers-I take old men and young men, and tell them confidentially what I do when I take cold. At druggists, 25 and 50 cents.

FINAL ACCOUNT .- J. Baumgert ner, as administrator of the estate of John S. Hawkins, deceased, filed his final accounts thereon in the probate court yesterday, showing the total amount of cash received to be \$683.63; the disbursements in settlement of claims and the balance of cash on hand to be distributed among the heirs at | proved as effective as your great dislaw of \$485.63.

What Do the Children Drink? Don't give them tea or coffee, Have you tried the new food drink GRAIN-O? It is delicious and nourishing and takes the place of coffee. The more Grain-O you give the children the health you distribute through their systems. Grain-O is made of pure grains, and when properly pre-pared tastes like the choice grades of coffee but costs about % as much. All grocers sell it. 15 cts. and 25 cts.

Legal Blanks, Statesman Job Office. Legal Blanks, Statesman Job Office

Semi-Weekly, \$1 a year, Semi-Weekly, \$1 a year.

CASTORIA The Kind You Have Always Google Bears the

Accepted Last Night

Henry Bruer, of McMinnville, was a AND HE WAS ELECTED VICE PRESIDENT AND DEAN OF THE COLLEGE OF LIBERAL ARTS.

> Rev. J. H. Coleman Then Formally Named as the Head of the Institution-Dr. Mill's Prophecy as to the Future of the Pioneer Institution of Learning.

A meeting of the Board of Trustees of the Willamette University was held at the University last evening when fourteen members of the Board were in attendance. The purpose was to take action in several matters requiring it before the arrival in this city of the newly selected President of the University, Rev. John H. Coleman, D. D. President Hawley's resignation was formally accepted and he was elected

vice president and dean of the College of Liberal Aris. Rev. John H. Coleman, D. D., was then formally elected; president of Willamette University, A vote of thanks was tendered President Hawley for his efficient service as president of the University.

The following resolution was adopted by the Board;

"Resolved that hereafter it shall be the policy of this Board to avoid incurring embarrassing indebtedness." During the meeting Dr. L. E. Rockwell, of Portland, remarked that at the educational meeting in Portland a few days ago, Dr. Mills made this proph-

"If John Coleman remains here five years there will be more buildings on Willamette campus, the debt will be paid and a third of a million endowment raised." Rev. Rockwell said that every pastor

in the Portland district except six

were either at the educational convention in Salem or Portland. The faculty called upon the Trustees and President Odell said that the Board appreciated the fidelity of the faculty and the sacrifices the members had made in the interest of the school. the day of trial and tribulation of the es of the family an end. He spoke of the work done, the election of the new president, and congratulated them on the splendid outlook for Willamette University. General Odell said the Board desires

their hearty co-operation and promised them the confidence of the Board. Dr. Rockwell said that the ministers of Portland intended to meet Dr. Cofeman at the depot and give him a cor dial reception and suggested that the people of Salem to likewise.

Prof. J. T. Matthews, on the part of the faculty, said he had made up his Coleman and to Dean Hawley, and thanked the Board for their gracious the faculty, said he could assure the for mills or farms. Board of Trustees that there need be no fear but that the faculty would be loyal to the school and the new president

Rishon Cranston was by unanimous vote of the trustees and faculty, requested to extend the cordial greetings of the Board and faculty to President Coleman whom he will meet in Denver within a few days.

A unanimous vote of thanks was tendered Doctors Mills and McDowell for coming West and assisting in the educational work. Upon motion Dr. Coleman was added

to the committee on Ways and Means after which the Board adjourned, the members much clated at the splendid outlook for the future of the Univer-

A TEXAS WONDER.

Hall's Great Discovery. One small bottle of Hall's Great Discovery cures all kidney and bladder troubles, removes gravel, cures diabetes, seminal emissions, weak and lame backs, rheumatism and all irregularities of the kidneys and bladder in both men and women, regulates bladder troubles in children. If not sold by your druggist, will be sent by mail on receipt of \$1. One small bottle is two months' treatment, and will curany case above mentioned. Dr. E. W. Hall, sole-manufacturer, P. O. Box, 529. St. Louis, Mo. Send for testimonials. Sold by all druggists, and at DR. S. C. STONE'S drug stores, Salem. Oregon.

Read This.

New Iberia, La., March 11, 1899 .- 16 W. Hall, St. Louis, Mo .: - I am 60 years old and have used a number of preparations for kidney and bladder troubles but can truthfully say that nothing has covery, which I can cheerfully recom-

JOS. A. CARLIN, Rayne, La.

APPENDICITIS -- Miss Conle Lewis ne of the operators in the local tele phone exchange, has been ill for some little time, suffering with appendicitis Yesterday she was removed to the Sa eration, which was very successful, and at a late hour last night she was reported much improved.

TC You Could Look will bring you, you would seek sel once-and that naturally would be th Shiloh's Consumption

55 cents. Write to S. C. WHLLS & Co., Le Roy, N. Y., for free trial bottle.

Karl's Clover Root Ten purifles the Blood

A GUARDIAN NAMED.-Upon per tition of A. M. Esson, administrator of the estate of L. D. Smith, deceased, and the affidavit of A. O. Condit, the Manion county probate court yesterday appointed Florence E. Smith as guardian ad litem of Luke D. Smith, a minor, . J. C. Needham, as admiritstrator of the estate of N. R. Doty, deceased, filed his final accounts thereon and the court set March 15, 1902, at 1 o'clock p. mfl as the date and time for hearing objections.

WHOLESALE AND RETAIL

Large stock of fruit trees and shrubbery. All stock free from pests and fiscases, All trees delivered free in Salem. Write for catalogue. February and March are good months to plant

T. D. JONES, Prop. SALEM, OREGON.

In Every Print Shop There Is The Devil

and besides him, we have to pay a force of over 40 men, who are employed in the several departments of our establishment in printing of various kinds. Everything printed here, from a calling card to a newspaper. Will you become one of our patrons and help to promote home manufacturing?

STATESMAN J0B 'Phone OFFICE Main 2041

SALEM IRON WORKS

(JAMES GILL, Longoe).

The above well-known foundry and machine shop has opened, and is now ready for business. Having over 20 mind to be very loyal to President years' experience in engines and machinery, will guarantee satisfaction. Am prepared to make all kinds of rewords. Professor Drew, secretary of pairs to engines, boilers, machinery

Hops Hops Hops

If you are interested in hop news and prices, it will pay you to get the reports of the N. Y. HOP REPORTING CO.

38 Whitehall St. New York City, EMMET WELLS, Gen. Manager,

WILKES' STALLION, "JEROME" NO. 29631

Will stand for Mares the coming season at Corner of Ferry and Liberty streets. For Pedigree and particulars, call on

Dr. W. Long

Veterinary Surgeon.

Salem, Oregon.

Phone 2661.

CASA CESA CONTRA Teeley Cure Alcohol, 420 Willia & Ave. Opium, Take on on 3d Street Tobacco to Upper Albina.

JOHN STOUT

Using A Phone Pink 1888 Ore.

Manufacturer of

Lumber, Sash, Doors, Billnds, Mouldings, Etc.

em Hospital, and Drs. C. H. Robert- Fine mantles and grates, grill work, son and W. B. Morse performed an op- show cases and office fixtures, a specialty. Woven slat fruit trays, Southwest corner Church and MIII streets. Salem, Or. Telephone 1741,

