

artor Violat Harbort Alleo Edwards

their answer in abatement and the refused the appellants the right to all-swer on the merits of the case, and from the decree of the court following these rulings the appeal is taken. The opinion holds that in view of the

parties involved in the suit, as shown by the complaint, the lower court was justified in refusal to transfer to the United States Court. The ruling of the lower court in refusing permise to answer on merits after demarrer pleadings in abatement, is sustained as a well-exercised discretion of the

Stephen Williamson, et al, partners under the firm name of Balfour, Guthrie & Company, appellants, vs. North Pacific Lumber Company, a corporation, respondent; appeal from Multnomah county; petition for rehearing; denied. Order by Justice Bean,

Two cases were also argued and submitted, as follows: R. D. Ruckman, respondent, vs. Wm.-Ormund, appel lant; appeal from Union county, and R. D. Ruckman, respondent, vs. The appeal from Union county; by C. H. Finn for the respondents in both cases

and J. D. Slater for the appellants. In the case of J. Leve, et al, appel lents, vs. Wm. Frazier, sheriff, spondent, it was ordered on motion that appellants have ten days additional time to file a petition for rehearing. Minor orders were made in other cases, as follows:

E. Fisher, appellant, ys. Union County, et al, respondents; ordered on motion of C. H. Finn, attorney for respondents, that his time to serve and State of Oregon, respondent, vs. Manny Howard, appellant; ordered by the court that appellant have thirty days additional time to serve and file

RECENT FOREST FIRES

SEVERE LOSSES SUFFERED BY THOSE IN REGION OF

In response to an inquiry from the Columbia River and Oregon Timberman as to what was the extent of the damage sustained by the recent forest fires in the neighborhood, and as to what remedies he would suggest for the prevention of a recurrence of the disaster, Secretary L. W. Van Dyke, of the Fire Rellef Committee, addressed. the following communication to the

The Timbermant, It is with pleasure that I comply with your request of the 25th inst. The damage done in Clackamas county by the fire of September 11-13 is rather hard to estimate. The committee here, of which your correspondent is secretary, is gathering sata as fast as possible. The information I am giving you in this letter only covers a territory of about forty square miles, that is, a strip about ten miles long and about four miles wide. The strip includes the settlements of Klekam unable at this time to give the losses sustained at Beaver Creek, Highlands, Viola and other points in the county; but I may in the near future be able to supply the deficie



Judge R. P. Bolse, of Department in listening to testimony of witnesses and arguments of attorneys in the suit of Rual Custar, plaintiff, vs. Lee Brown & Sons, defendants.

This suit was begun early last month, the parties interested being leading citizens of the town of Stayton.

The suit was instituted on the part of the plaintiff, Custar, to recover damages from the defendants in the sum of \$1.500. The plaintiff is the owner of a tract of land in Stayton near the saw mill operated by the defendants, and he alleges that saw dust, slabs, shavings, etc., from said saw mill are, during high water washed upon his premises, and that defendants have not taken proper and due precautions to prevent such rubbish from their mill accumulating upon his land. He further alleges in his complaint that water has soaked through the shavings, saw dust, etc., and seeped into his well, thereby damaging the water and making it unfit for domestic purposes. These allegations are denied by the defendants, and the ciffe is being hotly contested on both sides.

About a dozen witnesses for the plaintiff were on hand yesterday, among whom were C, Johnson, D. Anderson, J. Davie, J. R. Baker, J. W. Worlay Thos. Worlay, A. A Davis, J. F. Kearns, V. Henline, all of Stayton, and County Surveyor B. B. Herrick. Only about half of these were examined yesterday, and it is expected the greater part of today will be consumed unless better headway is made than was done yesterday, as the defendant's side of the case has not yet been presented, nor witnesses examined.



JOLIET, ILLINOIS, NOT DANGEROUS.

concerning the condition of Rev. H. L. ed as dangerous, and Mr. Boozes's let. R. Lucas, Mrs. A. E. Miller, Mrs. M. ter gives encouragement that he will A. Lewis, Mrs. Piper, Mrs. Shindler pull through.

Rev. C. C. Poling, who attended the genetal conference with Mr. Pratt. sall yesterday that he is being well cared fever. The physician told Mr, Poling that Mr. Pratt might travel as far as Omaha, but advised that he be left at the hospital. This was done.

Mr. and Mrs. Boozer, both of whom way from the hospital, and call on him daily. It may be a month before he can leave the hospital. Bishop W. F. Heil is also looking after Mr. Pratt. Should the case become critical Mrs. Pratt will start for Joliet. Mr. Poling

the last session of Congress, and seem- lace McCamant, 34 Concord building. No, 2. was occupied all day yesterday ed pleased and well satisfied with the work done, showing that the money was well expended.

In the afternoon Congressman by these three considerations: Tongue delivered an able and patriotic address to the students and faculty. urging carnest individual effort on the part of the pupils to master their trades and acquire a good common school education. He pointed out the fact that

institution with all necessary modern success at school or in the future depended on themselves, and their own efforts to improve the splendid opportunities at their command.

During the noon hour the Chemawa Band discoursed sweet music from the band stand.

Congressman Tongue has great reason to be proud of Chemawa's growth and advancement, as he has worked faithfully each session to secure money for the improvements which have been made during the past five years, and the Indian's of the entire Western states, as well as all citizens of Oregon, are very thankful to Mr. Tongue and greatly appreciate his successful efforts in behalf of the Salem Indian School.

A PLEASANT SURPRISE

MR. AND MRS. SIMMONS CELE-BRATE THEIR 30TH WED-DING ANNIVERSARY.

A very pleasant surprise took place it the home of Mr. and Mrs. L. O. Simmons, on South Commercial street, this city, on Saturday evening last, when a number of the neighbors completely unawares, the occasion being the 30th anniversary of their wedding.

The self-invited guests came well supplied with good things to eat and number of beautiful presents appropriate for the event. The evening was very pleasantly passed in light and humorous conversation, and, before departing, the guests lifted up their voices in chorus singing "God Be With Two letters were received Saturday You Till We Meet Again," in which from Rev. L. M. Boozer, of Jollet, Ill., the host and hostess joined heartily. Those present were: Mr. and Mrs. J. F. Beggs, Mr. and Mrs. J. Bayne. Pratt, pastor of the First United Evan- | Mr. and Mrs. F. Hurst, Mr. and Mrs. gelical Church, of the East Side, who C. McIntire, Mr. and Mrs. A. Vose, is in the hospital of that city with ty-, Mr. and Mrs. R. B. Lucas, Mr. and phoid fever. While Mr. Pratt is ser. C. Shipp, Mr. and Mrs. L. O. Simlousy III, his condition is not regard- mons, Mrs. R. D. Thaits, Mrs. C.

SIX MONTHS IN PLASTER.

NEW YORK, Nov. 10 .- After having been encased for six months in a plas-Joliet on their return to Portland, it ter cast, which covered his entire body became evident that Mr. Pratt was except his head and the lower parts of very sick. They stopped at the home his legs, the Rev. Horace Porter, vicof Rev. L. M. Boozer, formerly of Part- tim of a bicycle accident, has returned ed, and the case pronounced typhcid ant to Dr. Newell Dwight Hillis. The ed the drawing up of Mr. Porter's limbs so that he was unable to stand. An extraordinary operation, the cutting of several important ligaments, was performed, and the pastor, after are friends of Mr. Pratt, live a short six months in a plaster cast, is now able to walk with crutches. These probably will be discarded shortly.

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

secured appropriations in the House at man of the committee in charge, Wai-Portland, so as to reach him not later than January 15th, 1903. In awarding prizes the committee will be governed

"1. Historical accuracy.

"2. Manner of treatment.

"3. Orthography, grammer, syntax and punctuation. .

'Any additional information relative to the competition which may be desirthe Government had given them a fine ed will be cheerfully furnished by the chairman of the committee. The esequipments and facilities, but that their, say which is awarded the first prize will be published in full, with the name of the author, in the public press,

"Wallace McCammant, ' chairman; Willard H. Chapin, Robert Treat Platt, committee.

"Portland, Ore., Nov. 1, 1902."

NEW SALEM ENTERPRISE

"GOLDEN RULE" MINING COM PANY INCORPORATES-WILL DEVELOP MINES.

Under the title of the "Golden Rule Consolidated Mining & Milling Com- BY QUICK ACTION OF HOUSE pany," a new corporation yesterday filed articles of incorporation in the office of the county clerk.

The object of the company just formed is to ocquire by purchase, real and personal property, mines, mining property, water rights, mills, smelters and refining works, and to develop and operate mines of gold, silver, or other metals, and to sell or dispose of the same.

The capital stock of the company is \$300,000, divided into 6,000,000 shares, at the par value of 5 cents per share. The head office of the company will be at Salem, though the principal business marched in upon them taking them is to be carried on in Lane, Douglas and other counties throughout the state. The following are the incorporators of record: Wm. Wechter, A. F. Homyer, C. L. Johnson, D. Stein-

er and C. Marsh. **TO BE REALIZED**

LONG-LOOKED FOR AND HOPED. FOR COTTAGE STREET

BRIDGE.

W. J. Culver, county commissioner of roads, is drawing up plans for a bridge over Mill Creek on North Cottage street.

This is the bridge which has recently been the subject of some warm discussions at the meetings of the city council, and at the last meeting of that body it was ordered that the committee on streets enter into negotiations with the county, through County Judge John H. Scott, to make arrangements for the construction of this bridge. The bridge will now he built in the near future, the county bearing a partof the expense, which will amount to something like \$175.

A-GOOD MEETING

Y. M. C. A. EXERCISES AT PRES-BYTERIAN CHURCH WELL ATTENDED.

The Y. M. C. A. mass meeting Sunday afternoon was well attended and Judge Burnett of the first department

Etta Fuller, Beulah Harden, Grace lain, who investigated into the matter Sibyl Cummings.

Newberg-Bernice Woodward, Carrie Turner, Gertrude Minthorne, Bertha Nicholson, Lizzie Kirk, Nellie Paulson, Chemawa-Irene Campbell, Dolly trude Brewer, Agness Bagnell, Lottle Lane, Winnie Stoddard.

Drain-Violet Brown, Ethel Kelty, Sadie Hatfield, Jennie Crawford, Mildred Smith. Dallas-Inez Allen, Evangeline Hart, Ethel Poling, Ethel Ballantyne, Ruby

Willson, Ida Hodsell, Esther Savage Maude Hart, Lydie Campbell, Hattie Teats, Belle Eliot, Rebecca Hater, Eugenia Phillips, Bertha Allen.

Albany-Miss Lugger, Mabel Penland, Miss McCoy, Edna Krotts, Edith Van Dyke, Georgia Davidson,

Portland City Association -- Missee Matilda Weiss, Abby Lewis, E. J. Mc-Intire, Sadie Brown, Bessie Fox, Mary Lewis, Emma Buchanan, Bessle Strong, Margaret Labbe, Mrs. S. R. Johnston.

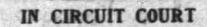
ACCIDENT AVERTED

MOVERS-A DIFFICULT JOB.

James Trester, the house mover, was having some fun yesterday in moving a house for J. L. Freeland across the bridge over the race on South Church street. The house was one that Mr. Freeland purchased several weeks ago of Gen. W. H. Odell, and stood on the University grounds, near the Women's College.

It was started on the move last week, and got as far as the Church street bridge yesterday morning. The use was moved upon the bridge about H o'clock, when it was discovered that the bridge timbers were not strong endugh to bear the weight, and all possible speed was made in getting it back, and the feat was accomplished none too soon to save the bridge from destruction.

Heavy timbers were then laid across the narrow race, and the men worked in the rain the greater part of the Ξt afternoon to get the house over. will be placed upon the lot of - J. L. Freeland, on Mill street, just east lo



Church.

ONE CASE HEARD IN PART-DI-VORCE GRANTED EDWARD JORY.

In the second department of the circuit court yesterday the case of W. G. Westacott, et al., plaintiffs, vs. The Association, defendant; a shit to compel the defendant to surrender up a gage, came up for hearing and the plaintiffs' testimony was taken and submitted.

journed until '10 o'clock tomorrow morning.

District Attorney Geo. E. Chamber Whiteman, Mae Smith, Elsie Canfield, and, being satisfied that 'fraud had been perpetrated caused the disbarment proceedings to be brought.

After a careful summing up and consideration of the testimony the Supreme Court was satisfied that St Wiggins, Mrs. Caisse, Fay Charles, Ger-J Raynor intentionally caused the two sheets to be changed in the interest of his client that he might thereby secure a reversal of the judgment in the

Supreme Court, and that the publishment merits his disbarment and was so ordered.

Ida M. Duntley, administratrix, appellant, vs. Inman, Poulsen & Co., respondent; appeal from Judge Alfred F. Sears, Jr., Multnomah county; af firmed. Opinion by Justice Bean.

This is an action for damages account of the death of Marcus H. Duntley, husband of plaintiff, caused by the breaking of an iron pulley in defendant's saw mill, on August 25, 1960. Duntley being running a planer at the time. There was no belt shifter furnished by defendant to shift the belt from the loose pulley to the tight

one in starting the planer in motion, and that duty had to be performed by means of a stick in the hands of the operator, necessitating him, at the time, to stand directly by the pulley. In performing that duty, the pulley suddenly broke into many pleces, one fragment striking Duntley on the head, causing him to fall among the machinery, where he was fatally injured. The lower court struck out that part of the complaint alleging negligence on the part of the mill company in not providing a belt shifter, so the case was tried upon the alle gations that defendant failed to furnish decedent a safe place to work or

safe or suitable appliances, and that the pulley was defective. The plaintiff tried to show that the

pulley was not strong enough for the purpose for which it was used, but the court refused to admit the evidence. A verdict in favor of the defendant was found and plaintiff appealed.

The opinion holds that the rule which applies against a carrier to the effect that the proof of injury is prima facle evidence of negligence, does not apply to an action of servant against master. In this case reasonable care Respectfully, L. W. VAN DYKE and diligence are presumed, and the presumption must be overcome with affirmative proof. The other alleged errors of the lower court are disposed

of, and the general judgment is affirmed. United States Mortgage & Trust

Company, respondent, vs. Henry F. and Elizabeth A. McClure, appellants; appeal from Judge A. L. Frazer, of Multnomah county; affirmed. Opinion

by Justice Wolverton. This is a suit brought by the responddent as plaintiff against the appellant and two corporations, Topaz Land Washington National Building & Loan Company and Portland Savings Bank. to foreclose a mortgage on Commercial block in Portland, it being alleged that these appellants are the only dedeed and a note and to cancel a mort- fendants having an interest in the result. The appellants petitioned to have the case transferred to the United States Circuit Court for the alleged reason that respondent was a citizen

Edward A. Jory was granted a decree of New York, but the petition was deof divorce from Josie Jory upon the nied. Appellant then demurred ground of describon, and the court ad- complaint, holding that respondent should have alleged the power and purpose of its organization, but the

court overruled the demurrer, saying The exercises were opened by a November 28th, at 9 o'clock, at which is short song service, W. T. Ketchum lime and upon which date the new tital leading. Full justice was done the oc-casion by the Stalwart Quartette and of Stayton will be had.

the neighborhood of which I speak, 101 farmers have lost in the fire, and their losses range from \$25 to \$2,700. have estimated the loss so far at \$55,-

545, but these figures will be revised some, and the total amount will be increased a few thousand dollars. We have not estimated the joss to orchards, fruits or timber. The loss to fruit will he about \$1,200, at present prices of dried prunes and apples. The total amount as above does not mean what it will cost to rebuild, but about the cash value of the old buildings and fences, neither have we estimated the decreased value of stock, caused, by the forcest selling of the same, made necessary by the total destruction of hay and grain in many instances. To be fair with those who have lost, I will say that \$100,000 will barely put them in as good a condition as before the fine.

"Now, a word as to the timber. This part of Clackamas is not noted for ita first class timber, for, as a rule, the trees are short and very limby. I find by close inquiry that about ten nections have been burned over, and with the exception of about two sections, the timber stumpage would amount to no more than for cord wood. A good, fair estimate of the loss to timber would be about \$7,500; probably 30,000,-600, feet, and this would make fair tumber if sawn in the next three or four years.

"While the people of Springwater and vicinity have received considerable aid from Oregon City and elsewhere in the way of clothing, money, etc., for their immediate wants, yet much suffering will be experienced before next spring. While losses have been very heavy, insurance has been light, as wiy a few were insured, and then for only a nominal sum.

"I admire the position you are taking in regard to setting out forest fires, and could you see the devastation to the farmers here from the carelessness of hunters and campers with their fires, you would say that a law making it a misdemeanor to hunt or put out a camp fire during the dry season would be about the proper thing. Give us more stringent fire laws-then call

out the army and navy to enforce them. Secretary Springwater Fire Relief Committee.

"Springwater, Ore., Oct. 27, 1902."

a movement is on foot to secure legislation, during the coming measion of the Legislature, upon a THE ASD DO which is calculated to reduce the losses by timber fires to a minimum by imposing severe penalties upon anyone who, by burning "slashings" or neglecting to extinguish camp fires durin the dry season, is responsible for their origin.



EX-CONVICT SUICIDES.

BAKER CITY, Or., Nov. 16 .- John Allen, a jaborer, committed suicide by shooting himself through the heart this

