

ANSWER FILED IN HOP CASE

Walter Tooze Claims to Be Rightful Owner of Kaser Hops

ALLEGES CONTRACT WITH LA VIE WAS ANNULLED BY A TENDER OF THE PAYMENT OF ADVANCE MONEY—ROBERTS OBTAINS A DECREE.

In the first department of the Circuit Court yesterday, Walter L. Tooze, as defendant in the separate suit brought by Geo. A. La Vie, to recover possession of the J. R. Kaser lot of hops, consisting of 40 bales or 8,000 pounds, filed his answer to the plaintiff's complaint denying the material allegations of the complaint and, in his further and separate answer thereto, alleges:

That on or about January 16, 1902, the plaintiff and Kaser entered into an executory contract of sale of 8,000 pounds of hops, and in pursuance of said contract, paid Kaser \$1 at the time of making it, and various sums thereafter, which taken together with the interest aggregated a total of \$490.15 of money advanced upon the contract. That on October 31, 1902, J. R. Kaser tendered to the plaintiff the sum of \$490.15, as payment of all sums advanced to him (Kaser), but that the plaintiff refused to receive the money or any part thereof.

He further alleges that Kaser was able and willing to pay the said money and now brings it into court and deposits it for the use of the plaintiff.

He alleges that Kaser fulfilled his part of the contract to the letter, but that the plaintiff failed to neglect and refused to comply with it on his part, and that on or about November 1, 1902, Kaser bargained and sold to him, Walter L. Tooze, the defendant, the entire lot of hops in question. The defendant prays for the immediate return of the hops, and for \$2,000 damages. L. J. Adams and Geo. G. Bingham are the attorneys for the defendant.

Judge Burnett during a brief session of court yesterday heard the argument in the case of D. J. Fry plaintiff, vs. G. A. Roberts, defendant; an action to recover upon the balance of an alleged drug and medicine account, the testimony in which was taken on Wednesday last, and rendered a decree for the defendant, dismissing the action, and for his costs and disbursements.

In department No. 2 of the Marion Circuit Court yesterday, the defendant in the divorce suit of Andrew Whitney, plaintiff, vs. Ned J. Whitney, defendant, filed her answer to the complaint. She denies the allegations of plaintiff that she wilfully or without cause deserted the plaintiff. She further alleges that on or about December 28, 1899, the defendant, for the purpose of driving her away from home, neglected and refused to furnish her with suitable medical attendance, and also refused to furnish proper food and provisions, and left her sick without food, medicine or attendance.

She further sets forth that her father found her ill and helpless, and took her to his home to nurse and care for her. That when she went to the home of her father, plaintiff broke up their home and has ever since failed to provide for her or furnish her a home. That the defendant's going to the home of her father constitutes the facts upon which plaintiff bases his allegations of desertion; wherefore defendant prays that the complaint be dismissed and that she recover her costs and disbursements of the action.

UTAH GOVERNMENT MAPS

WONDERFUL NATURAL FEATURES OF SOUTHERN UTAH ACCURATELY PORTRAYED.

The United States Geological Survey has recently published reprints of topographic maps of Southern Utah. One of these, the St. George sheet, represents a portion of the mountainous and desert country east of the Kanab region, in which are situated the Iron, Pine Valley, and Beaver Dam mountains, the great natural fault known as Hurricane Cliff, and other features of interest. The Fish Lake sheet shows a section of country lying northeast of the Kanab region in which are found Fish Lake and the plateau of the same name, Thousand Island Mountain and a number of associated peaks 11,000 feet or more in altitude. By the use of contour lines the maps clearly indicate the location and precipitous character of the remarkable cliffs and the structural features common to that region.

"NOTHING SUCCEEDS LIKE SUCCESS"

The Oregon Fire Relief Association has been a success ever since it began business in January, 1895, and is now growing faster than ever before. Its annual report of December 31, 1901, shows a net gain in amount of insurance in force of \$2,628,787, which is 59 per cent more than the net gain of any previous year. It paid 135 losses during the year amounting to \$23,600. It is strictly a mutual institution which furnishes the best of

Fire Insurance at Cost. For further particulars, address A. C. Chandler, secretary, 214 Minnville, Oregon, or if you reside in Marion county, call on or address H. A. Johnson, (agent) Salem, Oregon.

WU IS IN A HURRY.

WASHINGTON, Nov. 8.—Minister Wu has finally served official notice on this Government of the change to be made in the Chinese legation here. Today he called at the White House, accompanied by Mr. Tung, his personal secretary of legation, and presented to President Roosevelt his instructions from his Government, which are very anxious that he shall return speedily to China to carry forward the work of preparing the commercial treaties, will return to

his home immediately, and without awaiting the arrival of Liang Cheng, who is to succeed him as Minister to Washington, and who is still in China. Therefore Mr. Wu will leave the first secretary in charge of the Legation here until the arrival of his successor.

ROYALTY IN ST. LOUIS.

ST. LOUIS, Nov. 8.—The Crown Prince of Siam and his party reached here from Chicago this morning on a special train. The party was met by a committee composed of Exposition officials and representatives of the city government and escorted to the city hall. There the guests were welcomed by Mayor Wells. After a short reception, trolley cars conveyed the party to the World's Fair site. There the Prince conferred with World's Fair officials as to the exhibit to be made for Siam and the site for a building to be erected by his country, was shown his Royal Highness.

THE ANNUAL PRAYER WEEK

Young Men's Christian Association's Special Devotional Season

THE YEAR HAS BEEN ONE OF PROGRESS THE WORLD OVER—LOCAL ASSOCIATION HAS MADE ARRANGEMENTS FOR SPECIAL SERVICE.

Arrangements have been made for a mass meeting to be held in the Presbyterian church Sunday afternoon, at 3:30 o'clock. This will be the first open meeting of the season by the Y. M. C. A., and a special program has been arranged for the occasion. The meeting will be addressed by Rev. Geo. C. Ritchey and J. B. T. Tutthill.

Special music will be rendered by the Stalwart Male Quartette, and a chorus of young men from the Association, under the direction of W. F. Kitchen, will assist in the song service. During the week services will be held in the Association parlors even evening at 9 o'clock for young men, in accordance with the plan of the International Committee for the observance of the week of prayer.

World-Wide Prayer.

For thirty-six years the Young Men's Christian Association have held annually a special season of devotion. Beginning with Sunday, November 9, a week of prayer for work among young men will be observed by these associations in every quarter of the globe—in the two Americas, in every country of Europe from the Bosphorus to the Norwegian fjords, in Asia, Japan, in Egypt and South Africa, in Australia, New Zealand, the Philippines and Hawaii—by young men of many colors, many tongues and many creeds.

The year has been one of progress the world over and was also made notable by three remarkable assemblies—the Student Volunteer Convention at Toronto, the meeting of the World's Student Christian Federation at Sorø, Denmark, and the World's Conference at Christiania, each being the largest and most representative gathering of its kind yet held.

In North America there has been a gain in nearly every feature; there are 100 more associations than a year ago, 23,000 more members, 95 more paid officers, 23 more buildings, and an increase of more than \$2,000,000 in value of real property. Substantial growth is also shown in the railroad, student, army and navy, colored, boys' and foreign departments, while the educational, physical and Bible study work has developed the last especially in a marked manner.

The association finds in these facts cause for abundant thanksgiving; but realizing the vast work still before them, the many open doors yet unentered, and the call for a fresh enthusiasm and a fuller service in the work already organized, they feel the need for special, earnest and united prayer. The young men ask the church and Christians everywhere and of every name to join with them in this week of supplication.

COMA PATIENT DIED

EVERY KNOWN METHOD TO AWAKEN HER WAS TRIED IN VAIN.

NEW YORK, Nov. 8.—Nellie Corcoran, who for twenty days lay in a mysterious state of coma in St. Vincent's Hospital, died early today. The cause was an extremely puzzling one to medical practitioners throughout the city. The girl fell into her state of unconsciousness October 18th, at the house where she was employed as a servant. At the hospital where she was taken, heroic efforts to determine the causes of her condition met with little success. Hundreds of physicians examined her and every known method was tried to awaken her, but with little success. Two or three times she was aroused and spoke a few words, saying she was sleepy, and again became unconscious. Electricity was applied and in hard doses, but ineffectually. Neurologists and pathologists tried to diagnose the girl's condition, but could not. Specialists of nearly every medical following were called in, but they arrived at no conclusions as to the cause of the coma or its proper diagnosis. It was even suggested that some one had hypnotized her and efforts to throw off such a spell were made, but to no purpose. Her temperature increased rapidly. She became emaciated and finally stopped breathing twenty days.

An autopsy will be performed by one of the city's leading physicians in an effort to solve the mysterious cause of the girl's death.

CABBAGE WANTED

Every one having good, marketable cabbage can find sale by calling on G. Stolz at his factory, corner 3rd and Summer streets, this week only.

EDITORIALS OF PEOPLE

Citizen Inquires Why "Curfew" Does Not Ring These Nights

AN ORDINANCE IN FORCE BUT NOT ENFORCED—NECESSITY OF LAW AGAIN APPARENT ON LONG WINTER NIGHTS—MANY CHILDREN OUT LATE.

"Curfew does not ring tonight," nor has it rung any other night for a long time, notwithstanding the fact that a law stands upon the records of the City of Salem commanding that its tones shall, at 8 o'clock each evening, warn from the streets the children under a certain age, and cause them to seek their homes.

The "curfew ordinance" was passed at the earnest solicitation of the mothers of this community, and the good effect was plainly visible so long as it was enforced. Upon the return of the long winter evenings the necessity for the law is again painfully apparent, and many mothers are prayerfully longing that the conscience of the city authorities would again awaken and rouse them to a sense of their responsibility of aiding in preserving the virtue and the morals of the youth of the community.

It is frequently urged, and with justice, that the great responsibility for the moral training of youth lies in the parents and in the home surroundings, but, on the other hand, the seeds of absolute freedom which we have been sowing, the license to do as they please which is claimed for the children, the insistence that parents and persons in control shall use no corporal punishment or coercive measures to keep the boys and girls under obedient subjection—all these influences tend to breed a laxity of discipline and control, especially in the homes of the poor, where every member is forced to take a hand in the battle for food and raiment. Consequently, the children take on habits of lounging around the streets, congregating in groups and absorbing the ill habits which that kind of life brings. The downward course need not be sketched here; it is too familiar to need picturing.

Children of the streets after 8 o'clock at night are not there for any good purpose. They should be forced to be at their homes, whether their parents wish it or not. The community, the municipality, the law, has rights which are in some instances superior to those of parents, and the right to be protected from criminal tendencies is one of these instances.

There is no possible excuse for allowing the "curfew law" to remain a dead letter. All reasonable laws should be reasonably enforced. It is a premium upon bad citizenship for a city, a state, or a nation to allow its laws to be violated with impunity. If our city council does not believe the law is right and proper let it be repealed, so that some other method of reaching desired results may be thought of, but as long as there is a law its enforcement should be demanded.

Why is it, anyway, that it is only the law intended to control criminal tendencies that is always allowed to remain unenforced? Is the power of the classes who profit by immorality and vice always so much stronger with our officers than that of the decent and virtuous? Unfortunately, it seems so, even in Salem, under reform administration.

UNCLE'S REINDEER HERD

DOCTOR JACKSON REPORTS THAT IT IS STEADILY INCREASING.

WASHINGTON, D. C., Nov. 8.—Dr. Sheldon Jackson, the Bureau of Education chief, who has charge of Uncle Sam's herd of reindeer in Alaska, has just returned from a six months' visit to that far-off region. He reports that the herd is in excellent condition, and that it is steadily increasing in number. There were 1,600 births in the herd last spring, so that the total number of animals now under the charge of the Government amounts to over 6,000.

It has only been about five years since the United States imported the first deer from Siberia for the benefit of the Eskimos. Formerly the natives had little in the way of steady occupation during the winter months. The reindeer were imported and loaned to them by the Government to give them a start in raising herds of their own. Rules were adopted regulating the use of the deer.

An Eskimo is required to serve a five years' apprenticeship under the direction of an expert. During that time he learned how to care for the animals in sickness and health, and was instructed in the numerous uses to which they could be put. At the end of his five years of service the Government would assign ten or fifteen deer to his charge, permitting him to keep the young that might be born, and returning the original animals at the end of a few years.

In this way a great many Eskimos have been started in the business of herding, and the industry is carried on just as that of cattle raising on our Western plains. The animals furnish food and clothing for the natives, and, besides, are used as beasts of burden. Last spring Dr. Jackson visited Siberia for the purpose of buying deer to add to the Alaska herd. He bought fifty-two fine animals from the Koriaks, natives of Siberia, paying an average of about \$10 apiece. Dr. Jackson says that the imported deer thrive splendidly in their new home, finding just the proper kind of food they need in the luxurious Alaska moss.

Dr. Jackson stopped some time at Nome on his return home. He says the crowd has thinned out greatly at that boom town, and that practically all the mining center has cleared out. There are fewer idle men there than formerly, but those who remain are busy. Dr. Jackson says that the output of gold from Nome this year will be greater than last year, despite stories to the contrary.

SALEM'S BUSIEST STORE. Corner Court and Commercial Sts. New Battenburg Braids, Linen Huck Towels, Furs, Umbrellas, Gloves, Corsets, Table Linens, New Belts, New Ribbons.

"THE PRICE OF SUCCESS"

Theme of Eloquent Address Delivered to University Students

CONGRESSMAN THOS. H. TONGUE DELIGHTS A LARGE AND INTELLECTUAL AUDIENCE WITH ABLE ORATION—TO SUCCEED REQUIRES FAITHFUL WORK.

A lecture to the students of Willamette University was delivered in the chapel at that institution last night by Congressman Thomas H. Tongue, of Hillsboro. The hall was well filled with interested students and visitors, and every word of the talented speaker was listened to with the closest attention.

General W. H. Odell presided over the meeting, and made the opening address, introducing the speaker. The speaker entered the hall about 8 o'clock and was escorted to the platform in company with Gov. T. T. Geer, Prof. J. H. Ackerman and General W. H. Odell.

Congressman Tongue delivered a most able and eloquent address in a style that is peculiarly and individually his own, and held his large audience in rapt attention throughout during which time, thirty-five minutes, the interest did not lag, and in conclusion, he was accorded a hearty and spontaneous ovation. The audience demonstrated to the full and beyond a doubt its genuine appreciation of his efforts.

Mr. Tongue took for his subject "The Price of Success," and, with the earnestness with which it was delivered, he made them the more forceful and impressive.

The main point and the substance of Mr. Tongue's able speech was: "To achieve success in any undertaking requires hard mental labor."

Mr. Tongue said in part: "Success and failure are familiar words. We utter them carelessly and listen to them with indifference. Applied to many things, the difference between success and failure is of small moment. Applied to the lives of men and women, the fullness of their meaning, the extent of the gulf that separates them, cannot be over-estimated. Whether your life is to be a success or a failure is to each one of you the all-absorbing, over-shading question. It embraces every other question. The importance of every step you take in life depends upon its relation to the supreme issue. Success in its fullest sense means the fulfillment of every bright hope; to obtain every laudable desire; to gratify every holy ambition; a life full of honor, usefulness and happiness and thrilled with joyous emotion. Complete failure means suffering, degradation, dishonor in life and in death. A strange thing is that in so many ways success, and failure, the good and the bad and the indifferent, seems to flourish and grow side by side and spring from the same condition.

"The man or woman is rare indeed whose life can be called one of complete success or of complete failure. It is usually a mingling of both in various and sometimes equal proportions. To obtain the maximum of success with the minimum of failure, is the problem that confronts each one of you. It accounts for your presence here. The solution of this problem, the all-important question for you is, in the main, in your own hands. Whether success or failure is your portion, the price of each must be paid by you. Not infrequently the cost of failure is greater than the cost of success. Years of suffering, misery, degradation, a blighted life and a dishonored death, is too often the cost of failure. Not infrequently this involves not ourselves alone, but every one whose heart is bound to ours, through whose veins course kindred blood, and whose happiness or misery is inseparably interwoven with our own.

"Supreme success has not been the lot of many. A few men, during all times, have shaped the destiny of the human race, compared with the countless millions who have lived, died and been forgotten.

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ten, a very few men, indeed, have made history. It is perhaps true, that no being of thought or action ever lived who did not leave some impress upon his time, who did not contribute somewhat to the forces that have retarded or impelled the world onward.

"Whether in barbarous clan or civilized state, whether in city or province, in state or nation, in the domain of science or statesmanship, in literature or war, in moral or industrial development, a few have been the leaders, have determined the destiny of their age, have controlled and directed the mental and moral forces of their time, have borne the heat and toll of their day.

"Able and distinguished men differ in many particulars. Their faculties and talents and acquirements are as various as the flowers that deck the fields. The departments in which they have excelled have been as different as the needs of their time. But in one marked particular there is no variance, no divergence. In the supreme quality that makes them truly great, the stars in heaven are not more alike to the unaided eye. One faculty they all have, all must have. It is this, more than all else which distinguishes them from their fellows, and without which no man ever attained greatness. It is nothing more and it is nothing less than the capacity for great work, faculties trained to hard labor, the power to do. Their tastes, their desires, the circumstances that surround them, determine the direction of their power, but the force that impels them onward is the trained faculty for hard, effective work.

"If Shakespeare had not written, if Washington had not fought, if Edison had not invented, who would have heard of them? What avail their genius? But to write books, to fight battles, to develop new inventions is to work, and can be done only by work. A great book, a great battle, a beneficial law, a great invention, is the product only of great labor.

"But if genius is only capacity for great labor, whence comes that? How does its possessor acquire it? By labor, by plodding, by wit. Genius is acquired by work. It is work. Mental toil begets mental strength. Mental strength increases with vigorous use. Mental toil is, alike, the father the child of mental greatness. There is no royal way to acquire intellectual or moral strength. All must attain them in the same manner, must pay the same price, and in the same coin. Infating the currency will not help you to procure these commodities. Genius is not knowledge, it is capacity, faculty. Knowledge may supply your weapons, the labor of acquiring knowledge will give the faculty to wield your weapons. But knowledge that is poured into your open mouth, or that is hung about you like a garment, is not yours; it is acquirement without the power to use it. In the real work of life it will be as useless to you as would be the sword and armor of Achilles to Mrs. Lease. You must develop and acquire the strength to wear and wield your armor, and you can do it in but one way. You cannot inherit it. The intellectual mantle of the father rarely falls upon the son. The children of the great seldom have been worthy of the parent. Your own knowledge will supply you with numerous examples.

"If intellectual greatness could be inherited, what a grand body of men and women the English peerage should be! From the time of the conquest, the most distinguished men of every time and every pursuit, have been drafted from the people into the peerage. It should be an aristocracy of intellect. Yet the real leaders of Old England, the men of giant mould, her Shakespeares, her Miltons, her Pitts, her Burkes, her Disraelis, her Gladstones, were all from the ranks of the people from where it was supposed the brain had been culled to adorn the peerage. The intellectual qualities of your parents will not aid you, unless their example may stimulate to vigorous exertion. Great wealth, distinguished friends, powerful relatives, cannot help you. Nay, they are too often the greatest enemies to your progress. They destroy the very atmosphere most needed to nourish you. The necessities of youth, sometimes furnish the golden opportunities. The young man surrounded by want, must strive. His very needs inspire him. Struggle and achievement give him strength. In the conflicts that are forced upon him, he acquires strength, self denial, self reliance, high aspiration, the habits, virtues and faculties that fit him for success. Like the Indian child cast into deep water, he must swim. If under these circumstances he earns and wins success, it is well. Give him due praise. But the young man, who surrounded by wealth, never had a need the willing hands of others did not supply, who knows not

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unsatisfied want, will find mental success much more difficult. If he is not content to live and die in inglorious ease, living upon the labor of others, but is possessed of a noble desire to do and be a man, he has much to contend against. His surroundings are almost fatal to great mental attainments. If, in spite of these, he wins, he is worthy of all praise. We are so constituted that struggling, wrestling with the storm, is absolutely essential to intellectual vigor. It is nature's law, and will not be set aside. The young sapling growing in a secluded spot, sheltered from the storm, fanned only by gentle breezes, watered by rippling brooks, surrounded by merry songsters, and sweet music of merry songsters, does not become the pride of the forest. A passing breeze strikes it to earth, and a murmur of the brook marks its untimely fall.

"The best equipment for life consists in well trained faculties. The best capital, outside of unquestioned integrity, is the power and the will to do successful work. If you fall in life, it is because you do no labor that others want. Your success in life will be measured by the value of the work you do. The words of all others in our language that the people like to hear are "I can and I will." If there is a word in the English language more reprehensible than "I won't," it is "I can't." Were I given the power to strike from the vocabulary of our language a single phrase, "I can't," would disappear with lightning rapidity. And I would permit no synonym or substitute. "I can't" is a bound captive, dragged at the chariot wheels of every bold adventurer. "I can and I will" is a conquering hero. At its approach the mighty bow in reverence. Kings delight to do it honor. Before it armies retreat; the walls of strong cities totter and fall; the doors of locked treasures open wide, and fame yields up her most precious gifts.

"Brain must be developed as brawn is, by using it. The muscles of the arm grow equally with a like amount of exercise, in swinging either the woodman's axe or the blacksmith's hammer. So mental work, whether at mathematics, or science, or language, will develop mental muscle. Do not stop to taste this or that study to find what is most palatable, but what your brain finds to do, do it with all your might in the developments of faculty.

Too often we are seeking more honorable employment. There are no degrees of honor in honest work, except the energy and fidelity with which it is done. A faithful hod carrier is more honorable than a recreant president. I would bestow a greater meed of praise and a higher reward upon a plowman who turns his furrows true and deep, or upon that young man or young woman who, in a long school house, within a mountain gorge, faithfully and patiently develops the mind and character of rustic youths, than upon the eloquent minister whose life dishonors his teachings, or the ablest of lawyers who betrays his client, or the most brilliant statesman, who neglects the welfare of his country.

"You will see that your intellectual development is entirely in your own hands. You can make or mar it. Old as this lesson is, it cannot be repeated too often. No one can lend material assistance. Fond parents, enlightened teachers, distinguished friends, expenditures of wealth, cannot bring you culture or mental power. All these can do is to bring you the opportunity for self development. They may point you the way, but you must walk therein. If you would ascend the hill of fame, you must climb for yourself.

"Whoever possesses a healthy body and a healthy brain, possesses all the means by which genius has achieved its most glorious victories.

"That man's bread must be earned by the sweat of his brow, is as true of his intellectual as of his physical nourishment. Fraud, conceit and falsehood sometimes gain a fleeting victory, but in the end lasting triumph comes only to honest labor.

"It is the man of work, the man who can, at the proper time, lay aside his love of ease and pleasure, who can place every faculty of his being under subjection, and wield them all with concentrated power and energy, to do a master's will, to whom the earth will deliver the keys that unlock her long kept secrets.

"Unlike indulgence in other pleasures, intellectual pleasures never bring satiety. So long as life and health endure, these never wane. The happiest beings on earth today are those who are intellectually the busiest. And the brightest reward of all, is in the fact that as age or sickness weakens the frame and dulls the sense, and the pleasure of physical life becomes less, the enjoyment of mental life increases with added years.