

THE PETITION WAS DENIED

For Rehearing of Coos County Case in the Supreme Court

OPINIONS HANDED DOWN IN THREE APPEAL CASES ALL OF WHICH WERE AFFIRMED—SEVERAL CRIMINAL CASES ADDED TO THE CALENDAR.

The Supreme Court yesterday handed down opinions in three appeal cases and denied a petition for rehearing in the case of the Flanagan & Bennett Bank, a corporation, appellants, vs. R. A. Graham, Coos Bay, Roseburg & Eastern Railroad & Navigation Company et al., respondents, appeal from Coos county, in which an opinion was rendered, on January 19, 1903, modifying a decree for the respondent. The opinions follow:

Albert Robinson, appellant, vs. Taku Fishing Company, respondent; appeal from Multnomah county; Hon. Alfred F. Sears Jr., Judge. Affirmed. Opinion by Justice Wolverson.

This was an action to recover damages for injury resulting from defendant's alleged negligence.

The Taku Fishing Company, during the spring of 1901, was engaged in conducting a fish cannery at Snettishom, Alaska. The plaintiff, a tinner by occupation, was employed by the company to work about the cannery as a common laborer, and to perform such services as he may be directed. At the time of the accident complained of, which consisted in the breaking of a guy rope and allowing a huge piling, which was being raised and set in place by means of a block and tackle, to sway and strike the plaintiff, the superintendent was engaged in raising and setting in place some piles, intended as a support or underpinning for a wharf.

Plaintiff had been engaged in building a smokestack on the day of the accident and he was directed by the superintendent to assist in setting the piles. The pile in question had been raised as high as it could when it swung to the right and the guy rope attached on the left, parted near its fastening to the pile, which fell to the ground and upon plaintiff's leg, breaking the lower bones thereof and crushing his ankle. When plaintiff rested his case, the court, upon defendant's motion, granted a judgment of nonsuit, from which this appeal was prosecuted.

The plaintiff specified two grounds for negligence on the part of the defendant—one in furnishing a weak, insufficient and defective guy rope, and the other in devising and providing a hoisting apparatus dangerous in principle and unsuited to the purpose to which it was applied.

The court held that there was lacking sufficient or proximate cause attributable to the breaking of the guy rope to permit the case to go to the jury as to the negligence of the defendant in the particular respect complained of, and the judgment of the trial court was affirmed.

B. B. Sutton, respondent, vs. W. B. Clarke and J. L. Baker, appellants; appeal from Douglas county; Hon. J. W. Hamilton, Judge; affirmed. Opinion by Justice Bean.

This was the second appeal in this case. It was reversed and remanded for a new trial, because some of the material issues were not passed upon by the referee and trial court. A retrial was had without the intervention of a jury by stipulation of the parties, upon the evidence taken at the first hearing, and from the judgment thereon the defendants again appealed.

G. H. McLeod, respondent, vs. Clyde D. Lloyd, appellant; appeal from Lane county; Hon. J. W. Hamilton, Judge; Affirmed. Opinion by Chief Justice Moore.

This was a suit to clear the title to real property of an alleged cloud.

The closing paragraph of the opinion says: "The defendant's deeds not having been recorded within five days after their execution, and these executed to the plaintiff's predecessor in interest having been first recorded, the court, by invoking the maxim that where there are equal equities the first in time shall prevail, properly concluded that the plaintiff's right to the relief sought was thereby established, and, concurring in that view, the decree is affirmed."

Since the publication of the regular calendar of the Supreme Court, several cases have been added, which will be heard this week and next.

Wednesday, March 18, State of Oregon, respondent, vs. Charles Houghton, alias "Chick" Houghton, appellant; appeal from Multnomah county; 12 m. State of Oregon, respondent, vs. George Smith, appellant; appeal from Multnomah county; 12 m.

These are both criminal cases. Houghton having been convicted in the Circuit Court for Multnomah county of robbery and sentenced to a term of eight years in the penitentiary, and in the latter case George White, a negro, was convicted of the murder of his white wife and sentenced to suffer the death penalty.

Wednesday, March 25.—The Union Light & Power Company, appellant, vs. John Lichy, respondent; an appeal from Marion county; 12 m.

Thursday, March 26.—State of Oregon, respondent, vs. Frank McCann, appellant; appeal from Josephine county; 12 m.

This is a case in which two partners, former partners in business, Frank McCann, the defendant, and one David Holliday, became involved in a quarrel, which culminated in McCann's drawing a revolver and taking a shot at Holliday, the ball striking the latter in the head, but by some strange freak of fortune, glanced and did not kill Holliday, although he came near dying as the result of the wound. McCann was arrested, tried and convicted of the crime of assault with a dangerous weapon, and sentenced to a term of nine years in the penitentiary.

WORLD'S FAIR NOTES.

LATEST ITEMS OF INTEREST CONCERNING THE ST. LOUIS EXPOSITION.

Notes from General Press Bureau, St. Louis World's Fair: Arturo Falen, of Buenos Ayres, Argentine, has written the World's Fair management his intention to compose a "Triumphal March" and dedicate it to the Fair.

Prof. Dyar, of the department of biology of the Smithsonian Institute, at Washington, D. C., reports that 763 butterflies will be needed to complete the government exhibit of lepidoptera at the World's Fair, St. Louis. The required specimens are of the European variety, and can be secured in one purchase from the Dresden collectors. The exhibit will be complete within three months.

The Saengerfest Association of St. Louis has made preparations for a reception to be tendered by the singers to David B. Francis, President of the Louisiana Purchase Exposition, on his return to St. Louis from abroad. With pitch torches and a band of thirty pieces they will meet him with songs and show in every way their appreciation of his work.

A wonderful time-saving admission system has been planned for the World's Fair, St. Louis. Automatically registering turnstiles will be used for the first time at any exposition. Each turnstile will be connected by underground electric wires with a corresponding dial in a central office. Every admission through a turnstile will be registered simultaneously on the dial. The dials in the central office will keep a running record of admissions, giving at any minute of the day the exact number of persons that have passed through every gate. At night an adding machine will cast up the totals in less than five minutes.

Charles Stanley, an inventor of San Francisco, is building a huge airship to enter in the World's Fair aerial tournament at St. Louis in 1904. It is the most gigantic airship ever attempted, costing \$200,000, and the inventor proposes to fly from San Francisco to St. Louis in his machine.

DEEDS RECORDED

Realty transfers were filed for record with County Recorder J. C. Stegmond, yesterday, aggregating a consideration of \$15,127, as follows:

Jacob Bouska, et ux, to D. Townes, 144.87 acres of land in T. 9 S., R. 3 W., W. d.	\$ 5,500
M. M. Wood, et ux, to B. W. Bicket, et al., 181.09 acres of land in section 12, T. 9 S., R. 3 W., W. d.	5,000
Moses Sears, et ux, to John R. Campbell, 5 acres of land in the d. l. c. of James Davidson, in T. 7 S., R. 3 W., W. d.	1,500
Wm. D. Chine, et al., to Harry Olinger, a piece of land near the University Campus in Salem, W. d.	1,400
L. W. Guerin, et ux, William H. Preston, et ux, 3 acres of land in the town of Woodburn, W. d. Chas. B. Moores, et ux, to Chas. T. Stanton, lot 13, block 22, in Capital Park addition to Salem, W. d.	675
Elizabeth Amsler, et al., to Jacob Amsler, lots 1, 2, 3 and 4, block 18, situated in Nob Hill addition to Salem, q. c. d.	300
Jacob Amsler Jr., to Louisa Klingele, lots 1, 2, 3 and 4 in block 18, of Nob Hill addition to Salem, q. c. d.	300
M. and A. C. Johnson to H. S. Fischer, .64 of an acre of land in the town of Silverton, W. d.	75
R. Livingstone, et ux, to G. E. Mason, lot 5 in block 1, in the southeast addition to Salem, q. c. d.	1
J. W. Lyons, et ux, to Herman W. Barr, land in T. 7 S., R. 3 W., W. d.	1
Total	\$15,127

SURGEON'S FATAL ERROR

TOOK AN INJECTION OF ATROPHINE INSTEAD OF MORPHINE—IS DEAD.

NEW YORK, March 13.—According to a Paris dispatch to the Herald, Dr. Michaud, a surgeon on the steamer Laos, of the Messageries Maritimes, met a terrible death on the vessel. He was in the habit of injecting morphine. He made a mistake on his last trip, and injected atrophine. He soon discovered his error, but kept perfectly calm, and related his experience to some military doctors on board until his death, which occurred in one hour.

HOP MARKET MYSTERIOUS

Some Dealers Maintain That Bottom Has Dropped Out Entirely

WHILE GROWERS ARE CONFIDENT THAT FANCY PRICES ARE IN STORE FOR THEM AND WILL NOT BE FROZEN OUT BY THE BREWERS.

The hop market is still growing weaker, with no business being done, and it can almost be said that there is no hop market. The price has dropped to 23 and 23½ cents per pound.

Brewers are still holding out and the dealers have absolutely no orders on which to make offers, and consequently are not looking for hops, while a great many growers are still determined to hold for 30 cents, and consequently come to town occasionally, and then leave without even consulting with dealers.

Faber & Neils purchased a lot of hops at Gervais Saturday, but they will not give out the price. However, rumor places it at 23½ cents.

Several growers were seen in the city yesterday, who still have their hops in hand, and all of them were of the opinion that the market was more promising now than at any time during the season, notwithstanding the fact that the dealers are trying to convey the impression that the market has busted and will continue to decline until the end, and they affirm that they will hold out to the end, even if they have to take a lower figure.

The buyers are already in the field looking for early contracts, and 15 cent offers are being made pretty generally, while it is said that 18 cents and better has been offered in a few cases. It is not thought, however, with last season's experience, that a great amount of contracting will be entered into.

The producers' Price Current, in the last issue, gives the following review of the market:

Receipts for week	782 bales.
Receipts from Sept. 1	64,403 "
Receipts same time last year	68,497 "
Exports to Europe for week	398 "
Exports from Sept. 1	32,658 "
Exports same time last yr. 49,229 "	
Imports for week	138 "
Imports from Sept. 1	10,928 "
Imports same time last yr.	5,284 "

No features of special interest have been developed this week. Business has been about as slack as at any previous time for a month past, but stocks are small for the season of year and in so few hands that there is not much pressure to sell. Brewers are still indifferent, and seem inclined to replenish their stocks only when necessity requires. The temper of the English market is firm, but buyers are acting cautiously, and very few orders are coming this way. Among the local holders there is a disposition to ask 20@20c for the choice Pacific Coast hops, and some good lots have sold at 27@27½c. Comparatively few State hops left, and so few yearlings that values for them are largely nominal. We are advised of further contracts made with brewers for the 1903 crop of Pacifics on the basis of about 20@21c delivered. This means at least 18c on the Coast. Growers are very slow to contract at that. In 1902 hops there has been some business this week in California at 24@24½c, and a few sales are reported in Oregon and Washington at 25@25½c—½c less than previous asking rates.

State, 1902, choice, per lb.	35
State, 1902, good to prime	33
State, 1902, common to fair	28
State, 1901, choice	26
State, 1901, common to prime	23
Pacific Coast, choice	29
Pacific Coast, 1902, good to prime	27
Pacific Coast, 1902, good to prime	27
Pacific Coast, 1902, common to fair	25
Pacific Coast, 1901, choice	25
Pacific Coast, 1901, common to prime	22
State and Pacific Coast, older growths	7

The Tacoma (Wash.) Ledger, under date of Friday, March 13, contains a half-column interview with a representative of one of the largest dealers on the Pacific Coast, which contains some interesting and startling news relating to the hop situation.

In the lead to the interview the writ-

er states that the only hops remaining unsold in the United States or England are in the hands of Washington growers, which statement would imply that he is entirely ignorant of the existence of Oregon with from 8000 to 10,000 bales of the best hops on earth, on hand, or has been grossly misinformed upon this subject. Aside from this misleading statement, the article is good and of great interest to the growers of Oregon and is reproduced herewith in full for their benefit, especially those who are beginning to think that the bottom has fallen out of the market:

Combinations of sellers in the United States are too common for comment. Combinations of manufacturers are thick as blackberries in September. But it remains for Washington to bring to light a combination of buyers, declared to be as well organized as any trust. The combined buyers are in New York, and the men they have combined against are the holders of hops in this state—the last hops now unsold of all the crop of the United States, Germany and England. The situation in hop circles has become tense to an extreme within the past week, the hop men being unable to determine why it was, with reliable reports from all over the world that the Washington hops are the last remaining unsold—could not explain to their own satisfaction why it was their offers to sell at 25 cents were not being eagerly taken up. The explanation of the interesting situation is contained in the following interview with a representative of the largest dealers on the coast. He said:

"We are just in receipt of further information from the Rothbarths of England. In a month or two England will be entirely out. Rothbarth himself says in all England the brewers at this moment have not on hand an average of to exceed five bales to the brewer. A bale being 200 pounds, it leaves the big brewers of Ireland and England with not to exceed 1000 pounds of hops on hand.

"But the secret of the squeeze being perpetrated on the West just now lies more particularly in the dealers of New York having oversold themselves. This should have resulted in benefit to us, but the overselling of futures was so great, the men who have done it are combined to a man against us. Here is the situation: These New York dealers have sold to the big brewers all the hops they want at 16 to 17 cents, guaranteeing delivery in April, May and June. They are out now, and desperately desiring of covering themselves. We have been standing pat for 25 cents which we are entitled to under the conditions which prevail. England had but half a crop last year. Now the sellers who have sold 'short' so badly, realized that if they entered this market in competition with each other for what remains of the crop, prices might even reach \$1 a pound. So we find them putting on a bold face and declaring to the world we have 50,000 bales here unsold, when, as a matter of fact, we have but 30,000 by actual count. Further, they refrain from buying themselves, but send their agent out here, who, under the guise of a Salem firm, is picking up odd lots from weaklings, and these hops are being distributed among the brewers by the short sellers I have spoken of, with promises of more just as soon as the market here shall have been broken.

"Meanwhile the short seller in New York aids his agent here by answering to every inquirer that 'We are full up; are only paying 17 cents.' This, so far, has had the effect of scaring some of the holders here to sell to the agent at less than the holding price of 25 cents. To show the actual purpose of this agent, it is only necessary to point out that whenever the crop is offered at the 24 cents he is offering, he immediately refuses, and drops again. Every cent we secure above 17 is a loss to those speculators, who have undertaken to deliver our crop at that price to the brewers. But now is the critical moment. Three weeks more of holding stiff and we shall have the combination at our feet. We can't sell to New York brewers, for they have contracted for their supply, and are yet being supplied by the small sellings of Washington and Oregon hops the agent is securing at an off price. We can't sell to the short-selling dealers, for they realize this would render their Salem agent powerless at once. He is getting desperate as the situation becomes more strained, and three weeks more will see us master of affairs. Germany London and New York are out. This masterly inactivity is a strain on the patience, but will last this trust of buyers so high it will never be attempted again."

Sheriff Linville has the advance note which was given Lynch for Gardiner and Lynch's indorsement on it. He states that he also knows who impersonated Gardiner before the British Vice-Consul and signed Gardiner's name to the articles.

POPE RECEIVES BISHOPS. ROME, March 13.—The pope received today in private audience Bishop Edward Dunne, of Dallas, Texas, who presented the pontiff with a jubilee offering. The bishop was impressed with the pope's vitality, especially when in expressing his affection for the people of the United States. He asked the bishop to convey his blessing to all the faithful in his diocese, saying, "Come again."

The pope also received Mgr. Sharett, secretary of Bishop McDonnell, of Brooklyn, in whose name he presented the pope with \$1000 in gold.

Rebels Were Beaten. Coro, Venezuela, March 12.—The revolutionary forces under General Hiera and General Juan Penaloza, numbering about 1250 men which, during the course of the Anglo-German blockade, were reorganized in the neighborhood of this city, were attacked last Monday by the Government troops under General Castillo, sixteen miles northwest of Caracas and, after a fight lasting three days, were defeated.

Dr. L. L. Rowland was down from his farm near Noble on Saturday and Sunday. His health is better than it has been for some time. Dr. Rowland says things are prosperous in the hills, and there is good health generally in the pure atmosphere that is kept fresh by the winds from the nearby mountains.

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A LOGGER SHANGHAIED

PADDY LYNCH, ASTORIA SAILOR BOARDING HOUSE KEEPER, IN SERIOUS TROUBLE.

ASTORIA, Or., March 15.—"If I don't convict Paddy Lynch of shanghaiing there is no use of anybody ever trying to, as I have the strongest case possible." This remark was made by Sheriff Linville yesterday afternoon, after he had arrested Paddy Lynch, the sailor boarding-house keeper, on a charge of kidnaping. The victim in the case who came so near going to sea against his will was Charles Gardiner, a young man who came out to the coast from Missouri about a year ago and since then has been working in a logging camp across the river, but came to Astoria a couple of days ago and put up at the Occident Hotel. While walking around the streets Saturday morning he met a man, who afterwards proved to be Lynch, and they stopped and entered into a casual conversation. Lynch told him his business and asked him if he would like to go to sea. Gardiner replied that he knew nothing about the business, and did not think that he would like it, and in fact, had never seen a ship. Lynch told him that he was about to go down the river to one and he could come along if he wanted to, and have a look at it.

Gardiner thanked him for the opportunity, and they went down the river in a small boat to the British ship Foyleladia, which was expecting to set out for Chile this morning. They went on board the vessel and while Gardiner was looking around he noticed Lynch going over the side and down into the small boat; he attempted to follow, but Lynch told him to stay where he was, as he would return. It did not take Gardiner long to realize the predicament he was in, but as his name had been signed to the articles before the British Vice-Consul and signed Gardiner's name to the articles.

Sunday morning Rev. William McCormac, the seaman's chaplain, went on board the Foyleladia to hold services and while there noticed a man sitting by himself, crying, and upon questioning him learned his story and believed it. When he came ashore, Mr. McCormac hunted up Sheriff Linville and told him about the man. The sheriff immediately went to the vessel, and upon hearing the man's story, brought Gardiner back with him to Astoria, and arrested Lynch on a charge of kidnaping.

Sheriff Linville has the advance note which was given Lynch for Gardiner and Lynch's indorsement on it. He states that he also knows who impersonated Gardiner before the British Vice-Consul and signed Gardiner's name to the articles.

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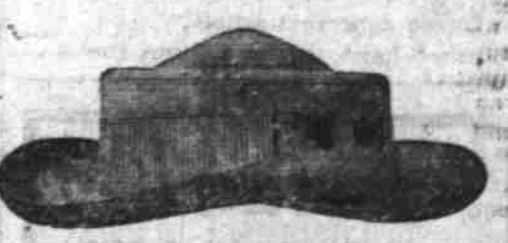
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READ THIS.

Randon, Ore., Dec. 8, 1901.

Dr. E. W. Hall, St. Louis, Mo.—Dear Sir:—I have used your Texas Wonder for kidney and rheumatic trouble. Its effects are wonderful. It has no equal, and I can cheerfully recommend it. Yours truly, HARVEY HOWE.

Spring Styles HATS For Men and Boys

New Arrivals

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To a greater extent than we think. In fact a man may be faultlessly dressed in every other particular, but with an unbecoming or slovenly hat, he might still be mistaken for a tramp. On the other hand, a dressy hat goes a long way toward making one appear stylishly dressed though other features of his makeup may not bear the stamp of the "very latest."

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