

MILL COMPANY WAS BUYER

SO HELD JUDGE BURNETT YES-TERDAY IN WHEAT

WHEAT GROWERS WILL RECOVER

Case Was the Outcome of the Flouring Mills Fire in 1899 When Many Hundred Bushels Were Burned.

Mill Owners Claimed that Grain Was Property of Depositors and that They Escaped Responsibility by Reason of Destruction by Elements.

Judge George H. Burnett yesterday rendered a decision in the famous wheat case in which George O. Savage was the plaintiff and the Salem Flouring Mills Co., the defendant, the decision being in favor of the plaintiff. The suit was instituted by Mr. Savage to recover for wheat delivered by various parties to the Salem Flouring Mills Co. during the years 1898 and 1899, and was the result of the fire which consumed the company's plant in this city. The complaint filed by the plaintiff was composed of eleven further and separate actions, representing as many claims, all of which had been assigned to Mr. Savage. It was alleged in the complaint that the contract between the plaintiff and the mill company, with reference to the wheat delivered, was in substance as follows:

"The company was to have the right to mix the delivered wheat with its consumable stock, and to sell the same or grind it into flour and sell and dispose of the flour manufactured from such wheat and return the proceeds thereof and defendant agreed in consideration of plaintiffs leaving such wheat with the defendant and paying the defendant on demand the sum of 2 1/2 cents per bushel therefor, that if (the defendant) would at any time thereafter (damage by the elements excepted) on or before the first day of the next succeeding July, when called upon by plaintiff therefor, pay plaintiff by delivering to him an equal amount of like quality of wheat sacked on board boat or cars at Salem, Oregon; and plaintiff, in case defendant delivered to plaintiff said wheat, was to pay to the defendant the sum of 3 1/2 cents per bushel for sacks; but in case the defendant did not deliver the wheat to plaintiff upon demand before the first day of July next succeeding the date of the delivery of the wheat, then the defendant was to pay plaintiff the full market price of the wheat at Salem, Oregon, at the date of the demand, less 2 1/2 cents per bushel; but in case the plaintiff did not make such demand of defendant before the first day of July next succeeding the date of delivery, then the defendant was to pay plaintiff the full market price of the wheat, at Salem, Oregon, at the date of the demand, less the 2 1/2 cents per bushel.

ATTEMPTED JAIL DELIVERY.

Prisoners at Portland Hatch Up Plot to Kill Jailor and Escape—Discovered in Time

PORTLAND, Oct. 10.—A plot of the prisoners in the county jail to murder Jailor Grafton and escape was revealed today by Martin Lesia, convicted of murder and awaiting a decision from the Supreme Court. When the prisoners were being removed to another corridor after the plans were discovered, John Sullivan, awaiting trial for highway robbery, made a desperate attempt to escape, being badly beaten before he was subdued.

STORM AT COLUMBIA MOUTH

Government Jetty Cannot Stand Force of Elements and a Quarter of a Mile Is Destroyed.

ASTORIA, Or., Oct. 10.—Two sections of the Columbia river jetty were carried away during a heavy storm today, and for a time the lives of six men were imperiled. The breakwater was unable to withstand the force of the elements. The first section went out half a mile from the outer end of the jetty, marooning the two Grosser Brothers, Robert Falcouer, Gus Larson, H. Humphrey and C. Stout. The second break occurred a mile further shoreward. Point Adams life saving crew rescued the six men with difficulty. In all about a quarter of a mile of jetty went out.

ALBANY FARMER SUICIDES.

ALBANY, Or., Oct. 10.—Calvin A. Powell, a farmer, suicided by shooting Sunday night. Dependancy is supposed to have been the cause.

George O. Savage, 2,037 bushels; Lewis Savage, 778 56-60 bushels; Lewis Savage, 136 45-60 bushels; H. C. Fletcher, 1,239 bushels; J. M. Munkers, 229 43-60 bushels; George G. Ferrel, 734 49-60 bushels; F. M. Smith and George G. Ferrel, 721 42-60 bushels; Tilmon Ford, 232-20-60 bushels, Tilmon

ANOTHER HEAVY BATTLE WILL BE PARTICIPATED IN NEAR LIAO YANG

DECISIVE BATTLE BREWING.

ST. PETERSBURG, Oct. 11.—The battle upon which the fate of this year's campaign in Manchuria depends seems only a few days ahead. All that is positively known officially is that Kurapatkin has cast his die at last, about-faced his army and is marching against the enemy. According to unofficial reports Field Marshal Oyama the first sign of Kurapatkin taking the offensive, began drawing in his line and concentrating upon fortified positions north of Liao Yang. According to the latest reports from Mukden, dated at 6 o'clock tonight, the Japanese outposts are being driven in all along the line. The strategy of the forward movement will be concealed to all surmises as to where Kurapatkin intends to strike are guesswork. Officers of the general staff express absolute confidence that Kurapatkin has found a weak point in the Japanese armies.

Must Surrender Port Arthur.

London, Oct. 10.—The Post's Shanghai correspondent says it is stated that Lieut. General Stoesseck has reported that unless relieved before December he must surrender.

While Kurapatkin has continued to advance his entire front against the armies of Field Marshal Oyama he has not met any formidable opposition. However, the expectation is that a battle of magnitude must be fought within a few days. It is believed the Japanese will make a stand at Liao Yang. Several positions east of that place have been abandoned by the Japanese. At St. Petersburg it is surmised Oyama's forces have been weakened by the dispatch of troops to aid General Nogi in reducing Port Arthur, and that this condition has afforded Kurapatkin an opportunity to recover ground he lost during August.

Fleet Going to the Pacific.

St. Petersburg, Oct. 10.—After a fare-

well review of the Baltic fleet at Revel today by Emperor Nicholas, the squadron sailed for Liban, when, it is declared, it will within a few days weigh anchor for a voyage to the Pacific.

Official Relations Strained.

St. Petersburg, Oct. 10.—The strained relations between the foreign office and the admiralty over the question of contraband has reached an acute stage. Foreign Minister Lansdorf is said to consider that he has suffered a personal affront and proposes to raise the issue at the weekly audience with the Emperor tomorrow, and to tender his resignation. Confidence is expressed that the Emperor will decline to accept Count Lansdorf's resignation.

Japs Receive Reinforcements.

St. Petersburg, Oct. 10.—A dispatch from Russian headquarters at Mukden says the land blockade at Port Arthur has been weakened; that the Japanese at Liao Yang have been reinforced by 15,000 men, and that they expect three additional divisions in a few days.

STATE GRANGE

PATRONS OF HUSBANDRY WANT TO MAKE AN EXHIBIT OF OREGON'S PRODUCTS

National Grange to Meet There in November, and There Will Be a Good Many Representative Farmers From Other Farming States of the Union.

Mr. A. F. Miller, of Sellwood, came up yesterday to the interest of the exhibit features of the coming National Grange, which is to meet in Portland on the 16th of November and continue in session for nine days at Armory Hall. The Grange is made up from delegates from all the states having state granges and each state master and his wife are the delegates. However, a large attendance is anticipated besides the regular delegates.

Arrangements have been made with all the railroads entering Portland for special rates to all attending and it is proposed to have two or three excursions out from Portland during the meeting. It is presumed there will be at least 250 of the brightest farmers from all over the Union in attendance, and the state grangers want to show them as much of Oregon as possible. One of the trips planned and one that is sure to fruitfully be from Portland to Albany, thence to Corvallis, where the Agricultural College promises them a banquet, and thence down the West Side to Portland. This is one of the most instructive trips in the valley and is worth while making.

The State Grange is also arranging to hold a small agricultural fair in the Armory for the benefit of the visitors during the grange meeting, and this Mr. Miller here at this time. He is looking after things to exhibit that will show Oregon's resources to the best advantage.

They have already arranged to get the exhibits from Linn, Washington and Benton counties, and probably Marion, which were at the State Fair. They will also have the State Agricultural College exhibit from the experiment farm in the Grande Ronde. The lot of fruit secured by the Lewis and Clark Fair from Mrs. Wanda and Mrs. Jones will also be loaned them for this exhibit.

Mr. Miller has had a good deal of talk with Governor Chamberlain, who is very much interested in the affair, and secured from him a recommendation to the officials at the State farms who are said to have the finest vegetables in the valley to help him out all they can.

Of course, all the things shown there that are not perishable will be turned over to the Lewis and Clark Fair after the meeting of the grange is over. The object of Mr. Miller's visit will be seen to be a very laudable one and no doubt he will get all the encouragement he may require from the citizens of this city and valley.

FISH INDUSTRY.

This Gives Employment to Three Thousand Five Hundred Men Throughout State.

State Labor Commissioner O. P. Hoff has made up some data concerning the fishing business in Oregon, which shows something of the number of men employed and the wages paid in this industry. Commissioner Hoff in his report says: "The fisheries and the hatcheries make up one of the great industries of Oregon. Under this heading may properly be included the oyster oyster business which is growing rapidly. There are about 500 men employed as fishermen or oystermen alone, to say nothing of other occupations followed in connection with these important factors in the commerce of the state.

Not all of those who furnish fish to the canneries are to be counted as laborers or wage earners, as a very large per cent receive a certain price per pound for the fish. In late years since several canneries have adopted the rule of having fishermen own their own boats and nets, this class has materially improved their condition by becoming settled members of society, and more proficient in their vocation, lessening the accidents as compared with the period when fishermen were more of a floating population.

This Bureau sent blanks to every

STATE GRANGE

known cannery in Oregon, asking for statistics, particularly as to wages paid. Twenty-seven reported on wages. These canneries reported a total of 1,257 persons with an average of \$2 per day as a daily average. The classes of work represented and the daily wage is as follows: Bookkeepers 3, wage \$2; Chinese 608, wage \$1.75; clerks 12, wage \$2.50; cooks 2, wage \$1.90; engineers 14, wage \$2; firemen 3, wage \$2; fishermen 3, wage \$2; fish receivers 20, wage \$2; general help 2, wage \$2; general workmen 20, wage \$2.50; Japanese 123, wage \$1.50; laborers 205, wage \$2.50; launchmen 13, wage \$2; watchmen 5, wage \$2; tallyman 1, wage \$2. Districts of Oregon expended for labor and salaries from March 1, 1903 to December 31, 1903, a total of \$21,082. 01."

CONFERENCE WILL MEET HERE.

Third Annual Session of the North Pacific Unitarians Will Hold Their Meeting Here.

The third annual session of the North Pacific Unitarian Conference will be held in Salem, Oregon, beginning Tuesday evening and closing Thursday evening, October 25, 26, 27.

Rev. George W. Stone, Field Secretary for the Pacific coast, will be present, and the committee in charge, consisting of Frank Abraham Powell and W. G. Elliot, Jr., hopes also that Rev. Earl M. Wilbur, Dean of the Theological school in Oakland, California, will attend.

Thursday afternoon delegates will be afforded an opportunity to visit the State institutions and the U. S. Indian School with an intelligent escort; this following upon an address in the morning by Mrs. B. H. Trumbull, Secretary of the Oregon State Conference of Charities and Corrections, upon "The Duty of the Church Relative to the Dependent and Defective."

Entertainment will be cordially provided for all visiting delegates. So far as possible, they are requested to notify Rev. F. A. Powell, 403 Summer street, Salem, Oregon, and they will be met upon arrival of trains or boats. Otherwise, they should report upon arrival at the church, corner Chemeketa and Cottage streets.

The committee expresses the hope that a large number will make it their duty and privilege to attend.

RYAN ARRESTED

MAN ACCUSED OF BUNGOING J. F. ROTH APPREHENDED NEAR ROSEBURG

He is Said to Have Played Important Part in Arranging Foot Race Which Cost Roth \$1,000—Shrewd Work On Part of Sheriff Culver.

Word was received by Sheriff W. J. Culver yesterday that J. C. Ryan, wanted here for larceny by bailer, had been apprehended near Roseburg, and the Sheriff departed on the overland train last night for Southern Oregon, expecting to return with the prisoner tomorrow morning. Ryan is the man accused of handing a "gold brick" to John F. Roth, of Portland, when the latter bet \$1,000 on a foot race which was pulled off near this city about ten days ago. The result of the race proved unsatisfactory as one of the runners stumbled and fell before he had crossed the tape. It was decided, so it is said, that the race should be run over in the near future, and in the meantime Ryan was to hold the stakes, \$2,000 in all. It is claimed he departed, taking the money with him, and a warrant for his arrest was the result.

As soon as the warrant was placed in Sheriff Culver's hands, that officer went to work to locate Ryan, and his efforts were rewarded by the speedy apprehension of the man, as indicated, by the telegram received from the officers at Roseburg, yesterday. Sheriff Culver deserves great credit for the shrewd manner in which he handled the case.

At a late hour last evening Attorney W. H. Holmes, whom Ryan engaged by wire to conduct his defense, applied to Justice H. H. Turner to have his client admitted to bail immediately upon his arrival in this city. Judge Turner has not decided in what amount bail will be fixed.

WYNNE GETS PORTFOLIO

ACTING POSTMASTER GENERAL IS APPOINTED TO THE POST.

WILL HOLD IT UNTIL JANUARY.

WASHINGTON, Oct. 10.—The President today announced the appointment of Robert J. Wynne, Acting Postmaster General, as Postmaster General. Wynne took the oath of office this afternoon. The appointment was not unexpected by those in close touch with the situation. Wynne was appointed First Assistant Postmaster General in 1902. It was he who made the recommendations to Postmaster General Payne which resulted in the sensational developments in the Postoffice Department. It is thought probable that Wynne will be succeeded by George Bruce Cortelyou as Postmaster General about January first.

TREES AND FRUITS.

Something About Nurseries, Vegetable and Fruit Canners and Evaporators in Oregon.

Labor Commissioner Hoff has made up a very interesting statement of wages, number of men employed, etc., and on the estimated value of the product of orchard and vineyard in Oregon. He says: "So far as reported to this Bureau, Oregon's nurseries sold during the past year 2,403,270 trees. Those reporting claim 821 acres. Sixteen of the nineteen nurseries, canneries and evaporators reporting gave the wages paid out during the year.

"The number of persons employed in the concerns reporting was 418 with an average daily wage of \$1.50, classified as follows: Clerks 2, average wage \$2; casing and labeling 4, average wage \$1.50; cookers and cappers 17, average wage \$2; dippers 2, average wage \$1.50; nurserymen 131, average wage \$1; foreman 1, average wage \$2; laborers 97, average wage \$1.50; office help 5, average wage \$1.50; other help 6, average wage \$1.50; preparers fruit 123; average wage \$1; receivers and handlers of fruit 6; average wage \$1.75; salesmen average wage \$1.50; warehousemen 6, average wage \$1.50; men on the road 8, paid by commission. Two of the nurseries report the number of acres reported. The average estimated value of the orchard product in Oregon is \$951,015; average estimated value of the grapevine product in the state \$1,300,724. The total number of acres in blackberry and dewberry vines is estimated at 788; total acreage of currants 185; of gooseberries 223; of raspberries and loganberries 1971, and the number of acres of unclassified small fruits 120. There are 459 unclassified nut trees reported. The estimated number of plum, apple, apricot, cherry and peach trees estimated in the state reaches 6,309,799. Reports place the number of pounds of evaporated fruits produced during the year at 2,917,082.

"Averaging the estimates made as to the number of nurseries in Oregon and allowing for those not reported it is thought that there are 1,114 acres, Marion county claiming just one-half of this acreage, or 557 acres."

BOSTON WINS PENNANT.

Second Time Hub Has Taken the Flag From Manhattan—Two Good Games Close Season.

NEW YORK, Oct. 10.—Boston vanquished New York on the baseball field today, winning the American League championship pennant for the second time. It was a sensational finish to a thrilling struggle which has been going on for several months. It was necessary for Boston to gain but one of today's games to win the pennant. Over 28,600 people saw the victory won.

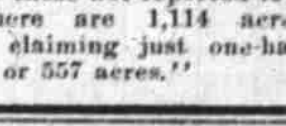
Score—First game: R. H. E. Boston 3 9 0 New York 2 6 3 Batteries—Dineen, Criger; Cheabro Kleinow. Second game: R. H. E. Boston 0 4 1 New York 3 4 4 Batteries—Winter, Doran; Putman, McGuire.

MORE FLOODS IN NEW MEXICO.

SANTE FE, N. M., Oct. 8.—Rain has been falling here again for twenty-four hours causing the rivers to overflow once more. Additional losses have been caused including damaging the water works. The Rio Grande railroad is washed out at Buckman. No trains are in since Thursday. The Santa Fe Central is washed out in several places.

CASTORIA.

The Kind You Have Always Bought Bears the Signature of



QUALITY IS REMEMBERED

LONG AFTER PRICE IS FORGOTTEN

The Vital Part of . . .



CLOTHING

is the part you don't see. The fine hair cloth and shrunken canvas, the careful shaping of shoulders, collars and lapels, may not be so apparent in the finished garment, but they tell in the fit and wear.

Crouse & Brandegee Suits and Overcoats

THE NEW YORK RACKET DRY GOODS SHOES

Everything in Ladies' and Men's Furnishings. Salem's Cheapest One Price Cash Store.

E. T. BARNES, Proprietor

It's a Matter of Business



It's a matter of business with you to get the best you can for your money. Same way with us; and being in the business, we know that in Salem Woolen Mill clothes we have the best that's made, and want you to know it. Just what you'd expect us to say, of course; but remember that we have been at it a long time. It's a matter of business with us. If we can't prove what we say, it means a loss of custom. When you buy a suit or overcoat of us, you are not depending on your judgement alone. You have our guarantee back of your purchase. Our Prices range from \$10. to \$25.

Men's Furnishings

We are leaders in men's furnishings, all the latest novelties in neckwear fancy vests, hats, hosiery, shirts and etc. etc.

Salem Woolen Mill Store
C. P. BISHOP PROPRIETOR