ing elder of this district, and the peo-

Dr. Rockwell has been for several

formerly paster of the Centenary M.

E. church of Portland, to which Dr.

arrive this week, and will occupy the

pulpit next Sunday morning and even-ing for the first time. On Tuesday

evening a farewell reception will be

given to Rev. and Mrs. Heppe, the re-

tiring pastor, at the home of Mr. and

TREES AND PRUITS.

Something About Nurseries, Vegetable

and Fruit Canneries and Evaporators.

In Oregon,

up a very interesting statement of

nurseries, canneries and evaporators re-

he year.

year at 2,917,082.

"Averaging the estimates made as

of this acreage, or 557 acres."

porting gave the wages paid out during

Mrs. C. D. Minton, on Center street,

# MILL COMPANY

SO HELD JUDGE BURNETT YES-TERDAY IN WHEAT

Mills Pire In 1899 When Many Hundred Bushels Were Burned.

Mill Owners Claimed that Grain Was pany to the parties, who delivered the Property of Depositors and that wheat, but in his decision Julge Bur-They Escaped Responsibility by fendant does not state facts sufficient Reason of Destruction by Elements.

parties to the Salem Flouring Mills would be no defense in this action." Co. during the years 1898 and 1899, and The cout also holds that in he transwas the result of the fire which con- actions mentioned and described in somed the company's plant in this city. the pleadings the defendant was not to Mr. Savage. It was alleged in the housemen. complaint that the contract between reference to the wheat delivered, was is as follows: in substance as follows: .

grind into flour and sell and dispose between them: of the flour manufactured from such and defendant agreed in con sideration at his pleasure, and of plaintiffs leaving such wheat with (damage by the elements excepted) on ceeding July, when called upon by delivered." 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 defendant did not deliver the wheat to plaintiff upon demand before the less 2 1-2 cents per bushel; but in case of defendant before the first day of July next succeeding the date of delivery, then the defendant was to pay thme 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.

The plaintiff also alleged that a demand was made upon the defendant by the several claimants for the return of but that the defendant refused to deliver or pay for the same. It was further alleged that at the time such was unable to withstand the force of is what brings Mr. Miller here at this pendent and Defective." demands were made the market value the elements. The first section went time. He is looking after things to The plaintiff asked to recover from the the jetty, marooning the two Gesser sources to the best advantage, mill company a total amount of \$3,980.54 Brothers, Robert Falconer, Gus Larson, They have already arranged of the wheat was 50 cents per bushel. being at the rate of 50 cents per bushel for the entire amount of wheat represented by the eleven claims which were as follows:

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 Powell, a farmer, suicided by shooting George G. Ferrel 721 42-60 bushels; Sunday night, Despondency is supposed Tilmon Ford, 232-20-60 bushels, Tilmon

LONG AFTER

FORGOTTEN

The Vital Part

PRICE IS

Ford, 979 50-60 bushels, J. O. Estes, 636 57-60 bushels; P. E. Commons, 243 58-60 bushels.

WAS BUYER The case was heard on July 5, 6, and 7, last, before Judge Burnett, without a jury in pursuance of a stipulation of the parties and the consent of the eourt, the plaintiff being represented by W. M. Kaiser and W. T. Slater as attorneys, and Tilmon Ford as counsel, and the defendant company by Attor-WHEAT GROWERS WILL RECOVER neys Sandesron Reed, of Portland, and J. H. McNary, and taken under advise-

ment. The point in question was the Case Was the Outcome of the Plouring ownership of the wheat at the time of the fire. In making its defense, the ownership of the wheat at the time of mill company laid considerable stress upon the clause 'damage by the elements excepted" contained in the receipts or contracts delivered by the comnett holds that the answer of the deto enable court to determine herefrom wheher the loss of the buildings and contents was occasioned by the "ele-Julge George H. Burnett yesterday ments' or by the act of some one using rendered a decision in the famous the "element" of fire as a means of wheat case in which Geoge O. Savage

The Junge said "The mere allegation was the plaintiff and the Salem Flour- that 'a fire occurred' without any ing Mills Co., the defendant, the decis- further showing, is quite consistent ion being in favo of the plaintHr. The with a wilful and avowed firing of the suit was instituted by Mr. Savage to re-cover for wheat delivered by various board of directors, which, of course,

The complaint filed by the plaintifi was a warehouseman wihin the meaning composed of eleven further and sepa- and intent of the statutes of the State rate actions, representing as many of Oregon made and provided for he claims, all of which had been assigned regulation of warehouses and ware-

Relative to the question of owner the plaintiff and he mill company, with ship, Judge Burnett's opinion, in brief,

"In eases where grain is delivered The company was to have the right by an owner to another and it appears to mix the delivered wheat with its con-either by express agreement of the sumable stock, and to sell the same or parties or from the course of dealing

"1. That the party to whom it is wheat and eturn the proceeds thereof delivered has the right to dispose of it

"2. That in settlement of his oblithe defendant and paying the defend- gation, he may, at his election, return ant on deman! the sum of 2 1-2 cents a like quality and quantity of other per bushel therefor, that it (the de- grain or pay in money for the grain fendant) would at any time thereafter delivered to him, the transaction constitutes a sale of the grain and the title or before the first day of the next suc- passes to the person to whom it was hibit features of the coming National to December 31, 1903, a total of \$21,-

ATTEMPTED JAIL DELIVERY.

PORTLAND, Oct. 10.-A plot of the besides the regular delegates, prisoners in the county jail to murder Jailor Grafton and escape was revealed all the railroads entering Portland for Pacific Unitarian Conference will be first day of July next succeeding the today by Martin Leasia, convicted of special rates to all attending and it is held in Salem, Oregon, begining Tuesdate of the delivery of the wheat, then murder and awaiting a decision from proposed to have two or three excurday evening and closing Thursday eventhe defendant was to pay plaintiff the the Supreme Court. When the prisoners sions out from Portland during the ing, October 25, 26, 27. full market price of the wheat at Sa- were being removed to another corridor meeting. It is presumed there will be lem, Oregon, at the date of the demand, after the plans were discovered. John at least 250 of the brightest farmers tary for the Pacific coast, will be pres-Sullivan, awaiting trial for highway from all over the Union in attendance, ent, and the committee in charge, conthe plaintiff did not make such demand robbery, made a desperate attempt to and the state grangers want to show escape, being badly beaten before he them as much of Oregon as possible. W. G. Eliot, Jr., hopes also that Rev. was subdued.

> STORM AT COLUMBIA MOUTH Government Jetty Cannot Stand Porce of Elements and a Quarter of a Mile Is Destroyed.

tions of the Columbia river jetty were the wheat or its equivalent in money, carried away during a heavy storm today, and for a time the lives of six men were imperiled. The breakwater ors during the grange meeting, and this Duty of the Church Relative to the Deout half a mile from the outer end of exhibit that will show Oregon's re-H. Humphrey and C. Stout. The second ward. Point Adams life saving crew Marion, which were at the State Fair. Otherwise, they should report upon arrescued the six men with difficulty. In They will also have the State Agriall about a quater of a mile of jetty cultural College exhibit from the experi- and Cottage streets.

ALBANY, Or., Oct. 10.-Calvin A.

## ANOTHER HEAVY BATTLE WILL 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 Kurovatkin has east his die at last, about-faced his army and is marching against the \* enemy. According to unofficial re- \* ports Field Marshal Ovama at the \* first sign of Kuropatkin taking the \* absolute confidence that Kuropat- " lost during August. kin 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 Stoessel has reported that unless relieved \* before December he must surrender.

While Kuropatkin has continued to advance his entire front against the armics of Feild Marshal Oyama he has not met any formidable opposition. offensive, began drawing in his \* However, the expectation is that a batline and concentrating upon forti- tle of magnitude must be fought within fied positons north of Liao Yang. a few days. It is believed the Japan-According to the latest reports ese will make a stand at Liao Yang. from Mukden, dated at 6 o'clock \* Several positions east of that place tonight, the Japanese outposts are " have been abandoned by the Japanese. being driven in all along the line. At St. Petersburg it is surmised Oya-The strategy of the forward move- " maya's forces have been weakened by ment will be concealed so all sur- the dispatch of troops to aid General mises as to where Kuropatkin in- Nogi in reducing Port Arthur, and that

> Fleet Going to the Pacific. St. Petersburg, Oct. 10-After a fare-

Pacific Unitarians Will Hold

Rev. George W. Stone, Field Secre-

sisting of Frank Abram Powell and

Thursday afternoon delegates will be

State institutions and the U. S. Indian

following upon an address in the morn-

School with an intelligent escort; this

Entertainment will be cor lially pro-

far as possible, they are requested to

The committee expresses the hope

ROTH APPREHENDED NEAR

ROSEBURG

Word was received by Sheriff W. J.

Culver yesterday that J. C. Byan, want-

Sheriff departed on the overland tain

Part of Sheriff Culver.

the past six years he has been presiding elder of the Portland district, and was "I well review of the Baltic fleet at Reval today by Emperor Nicholas, the squadron sailed for Liban, when, it is declared, it will within a few days Heppe now goes.

weigh anchor for a voyage to the Pacific.

Heppe now goes.

Rev. W. H. Sellock, the new pactor for the M. E. church in this city will

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 Lamsdorff 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 resig nation. Confidence is expressed that the Emperor will decline to accept Count Lamsdorff's resignation.

Japs Receive Reinforcements,

St. Petersburg, Oct. 10,-A dispatch tends to strike are guess-work. Of this condition has afforded Kuropatkin from Russian headquarters at Mukden wages, number of men employed, etc., ficers of the general staff express an opportunity to recover ground he says the land blockade at Port Arthur and on the estimated calue of the prohas 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.

DEAVORERS WILL GATHER

Will Have a Very Interesting Program, in October.

Hurd, president of the local union, that wage \$1; receivers and handlers of 28,600 people saw the victory won. the Christian Endeavorers of the city are arranging for a large institute and rally to be held on Tuesday and Wednesday, October 25 and 26. The Wage \$1.50; men on the road Wednesday, October 25 and 26. The Representation of the local union, that 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 Retarior Dincon Crigary Chapters institute will open on Tuesday evening, nurseries report the number of acres. with a reception and social given by the average estimated value of the the executive committee of the local orchard product in Oregon is \$951,015; societies will be held under the charge The total number of acres in blackberry of Rev. W. C. Gilmore of Hubbard, Dis- and dewberry vines is estimated at 788;

total acreage of currants 185; of goose-In the afternoon of the same day 223; of raspberries and loganberries a large open parliament will be held, 1971, and the number of acres of unthe theme to be discussed being "How classified small fruits 120. There 125, to secure more efficient committee work in our societies." This session will be The estimated number of plum, apple, in the nature of an open forum at which all Christian Endeavorers are apricot, cherry and peach trees estimatexpected to be present and to be pre-pared to take an active part in the discussions. In the evening a large rally evaporated fruits produced during the washed out at Buckmans. No trains are will be held to be addressed by Rev. D. A. Thompson of Portland. An into the number of nurseries in Oregon teresting and profitable rally is assured to the number of nurseries in Oregon to all who may be privileged to attend, and allowing for those not reported it is

vidled for all visiting delegates. So MARYSVILLE, Mo., Oct. 10 .- W. J. Bryan in an address tonight referring They have already arranged to get notify Rev. F A. Powell, 403 Summer to the national campaign, said he hoped the exhibits from Linn, Washington street, Salem, Oregon, and they will be his friends would believe him when he break occurred a mile further shore and Benton counties, and probably met upon arrival of trains or boats, said he was supporting the Democratic nominee by every means in his power. rival at the church, corner Chemeketa He said he was supporting Parker because in all the things where Parker

> PROHIBITION POLITICIAN DEAD. PAWTUCKET, R. L. Oct. 10,-Henry McCall, Prohibition candidate for the Vice Presidency in 1900, is dead.

INTERESTING SERVICES. New Presiding Elder of the District

Occupies Pulpit of the M. E. He Is Said to Have Played Important Part In Arranging Poot Race Which

The pulpit at the First M. E. church n this city was filled on Sunday morning and evening last by Rev. L. E. Rockwell, who is the new presiding elder of the East Portland district, including Salem, to succeed Rev. D. A. Waters, who has received an appointment to University Park, Portland.

well, to the congregation with which he

ishing business in Oregon, which shows John F. Roth, of Portland, when the excellent lessons for every day life. omething of the number of men em- latter bet \$1,000 on a foot race which His remarks in regard to Willamettte something of the number of men employed and the wages paid in this was pulled off near this city about ten 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 pro
so it is said, that the race should be churches of West Portland, and replied perly be included the oyster oyster bus- run over in the near future, and in the that he would like to have been over 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.

If you want to be suze that the inside of your clothing is right as well as the outside, you should buy

are about 500 men employed as fisher-taking the money with him, and a warrant for his arrest was the result.

As soon as the warrant was placed in the school and with the students. He should buy ness which is growing rapidly. There meantime Ryan was to hold the stakes, them, but would prefer to be presiding 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 sion of the man, as indicated by the Metholist University at Byracuse, N.Y.,

as was Moses to lead the Children Israel through the Wilderness.
Dr. Rockwell is certainly a warm friend of the University, as was Dr. Waters, and will be able to do much for the old school during his term of presid-

ple are to be congratulated on his ap-ACTING POSTMASTER GENERAL IN APPOINTED TO THE POST. years a member of the board of trusts ees, and has been a zealous worker. For

WILL HOLD IT UNTIL JANUARY

Wynne's Recommendations Brough Out Sensational Developments in Postoffice Department.

Appointment Not a Surprise to Knowing Ones-George Bruce Cortelyou Will Likely Succeed Him in January It Is Now Said.

WASHINGTON, Oct. 10 .- The President today announced the appointment of Robert J. Wynne, Acting Postmaster General, as Postmaster General. Wyane took the oath of office this afternoon. The appointment was not unexpected by those in close touch with the situa-Labor Commissioner Hoff has made sistant Postmaster General in 1902, It was he who made the recommend and on the estimated calue 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

So far as 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 Cortelyon as Postmaster General about January year 2,403,270 trees. Those reporting first,

BOSTON WINS PENNANT.

Second Time Hub Has Taken the Flag "The number of persons employed From Manhattan-Two Good in the concerns reporting was 418 with an average daily wage of \$1.50, classi-Games Close Season. fied as follows: Clerks 2, average wage \$2; casing and labeling 4, average

NEW YORK, Oct. 10 .- Boston vanwage \$1.50; cookers and cappers 17, quished New York on the baseball field and Expect a Large Attendance— wage \$1.50 nurserymen 131, average championship pennant for the second Will Hold Grand Rally Last Week wage \$1; foreman 1, average wage \$2; time. It was a sensational finish to a laborers 97, average wage \$1.50; thrilling struggle which has been going office help 5, average wage on for several months. It was neces-\$1.50; other help 6, average wage sary for Boston to gain but one of to-The Statesman is informed by C. T. \$1.50; preparers fruit 123; average day's games to win the pennant. Over

Batteries-Dincen, Criger; Chesbro

Batteries-Winter, Doran; Puttman,

MORE PLOODS IN NEW MEXICO.

been fulling 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

in since Thursday. The Santa Fe Cen-

the A S'TO E IA

tral is washed out in several places.

SANTE FE, N. M., Oct. 8 .- kain has

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

ASTORIA, Or., Oct. 10 .- Two sec-

ALBANY FARMER SUICIDES.

to have been the cause.

### 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,-PATRONS OF HUSBANDRY WANT 257 persons with an average of \$2 per day as a daily average. The classes of TO MAKE AN EXHIBIT OF ORwork represented and the daily wage is EGON'S PRODUCTS as follows. Bookkeepsrs 3, wage \$2; Chinese 608, wage \$1.75; clerks 12, wage \$2.50; cooks 2, wage \$1.50; engin-National Grange to Meet There in No- eers 14, wage \$2; firemen 3, wage \$2; vember, and There Will Be a Good fishermen 3, wage \$2; fish receivers Many Representative Farmers From 20, wage \$2; general help 2, wage \$2; general workmen 20, wage \$2.50; Jap-

Other Farming States of the Union,

Mr. A. F. Miller, of Sellwood, came up yesterlay in the interest of the ex- labor and salaries from March 1, 1903 Grange, which is to meet in Portland 1082. 01." 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

One of the trips planned and one that Earl M. Wilbur, Dean of the Theologicis sure to fructify is from Portland to al school in Oakland, California, will at-Albany, thence to Corvallis, where the tend. Agricultural College promises them a banquet, and thence down the West afforded an opportunity to visit the 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 ing by Mrs. B. H. Trumbull, Secretary to hold a small agricultural fair in the of the Oregon State Conference of Armory for the benefit of the visit Charities and Corrections, upon "The

ment farm in the Grande Ronde. The Clark Fair from Mrs. Wands and Mrs. duty and privilege to attend. Jones will also be loaned them for this

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

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 encourage ment he may require from the citizens of this city and valley.

FISH INDUSTRY.

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

State Labor Commissioner O. P. Hoff row morning. Ryan is the man ac. Both sermons by Dr. Rockwell were has made up some data concerning the cused of handing a "gold brick" to strong efforts, and carried with them

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 proficiet in their vocation, lessening the accidents as compared with the period when fishermen were more of a floating population.

In this Bureau sent blanks to every large earners, as a very large per cent receive a certain price to hypothesical 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 wire to conduct his defense, applied to Justice H. H. Turner to have his client 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 wire to conduct his defense, applied to Justice H. H. Turner to have his client indicated by the fish crease.

W. H. Holmes, whom Ryan engaged by wire to conduct his defense, applied to Justice H. H. Turner to have his client indicated by the fish crease.

We would be on the same solid financial basis.

This Bureau sent blanks to every the deserves great credit for the shrewd manner in which he handled the case.

At a late hour last evening Attorney wire to conduct his defense, applied to Justice H. H. Turner to have his client indicated by the few years ago when it was in financial straits, with a big debt hanging over in which he handled the case.

It has been proficied in their vocation, lessening the accidents as compared with the more proficied in their vocation, lessening the accidents as compared with the defense, applied to Justice H. H. Turner to have his client indicated by the few years ago when it was in financial basis.

The specaker and Williamette University and the few years ago when it was interesting to

## ASSOCIATION OF CHRISTIAN EN-

IN THIS CITY.

anese 123, wage \$1.50; laborers 205, wage \$2.50, launchmen 13, wage \$2; watchmen 5, wage \$2; tallyman 1, wage \$2. Districts of Oregen expended for CONFERENCE WILL MEET HERE. Third Annual Session of the North

trict president.

Mr. J. A. Rockwood, state president thought that there are 1,114 acres, of the Christian Endeavorers will be Marion county claiming just one half present and deliver an address,

IT IS IMPERIALISM.

Bryan, the Voluble, Says It Is the Paramount Issue Yet in His Opinion.

was weak, according to his view, Rooselot of fruit secured by the Lewis and that a large number will make it their velt was weaker. He still considered imperialism the paramount issue,

MAN ACCUSED OF BUNCOING J. F.

Cost Roth \$1,000-Shrewd Work On At the morning service, Dr. Waters ed here for larceny by bailee, had been apprehended near Roseburg, and the

presided and spoke a few words of farehas been indirectly connected for the last night for Southern Oregon, expect past six years, and eulogized Dr. Rocking to return with the prisoner tomor- well.

It's a Matter of Business

Bears the

Kleinow.

Second Game:



It's a matter of business with you to get the bast 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 overcost 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, hoslery, shirts and etc. etc.

Salem Woolen Mill Store C. P. BISHOP PROPRIETUR

CLOTHI

Crouse & Brandegee Suits and Overcoats

For Sale by THE NEW YORK RACKET

DRY GOODS Everything in Ladies' and Men's Furnishings. Salem's Cheapest One Price Cash Stare.

E. T. BARNES,