

THE CAPITAL JOURNAL

E. HOPPE, Editor and Proprietor

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LAWSUIT POSSIBLE OVER GRAVEL SUPPLY

MINTO BROTHERS MAKE STATEMENT OF THEIR CONTENTION AND CITE DECISION OF THE COURTS

Will the city of Salem have another lawsuit over the Minto gravel bar? The street committee and the mayor of the city are making an effort to secure an unlimited supply of gravel for use on the suburban streets that ask that kind of improvement. It is believed by the mayor and the street committee that they have a right to an unlimited supply of gravel for all city purposes, including the improvement of streets for abutting property, while the Minto heirs believe the right to use gravel from their island is restricted to actual use by the city, but that gravel cannot be furnished to private property owners, or contractors, under the grant of free use of gravel to the city made by the Hon. John Minto. The Mintos rely on the decision of the circuit court, and claim the point involved has once been passed upon by the courts, and need not be gone over again. Harry P. Minto and Douglas C. Minto make the following statement of their contention:

Minto Brothers' Statement.

Salem, Or., April 21, 1909. Dear Sir: I am informed that the Hon. City Council of the city of Salem, under the guidance of the councilmen, are contemplating the construction of a barge or flatboat with the intention of furnishing gravel, to be used in the improvement of streets wherein the cost of such improvement is assessed to the property owners, claiming the right to do so by virtue of a grant to the city of Salem by our father, John Minto, Sr. Believing that the city council would not force this matter into the courts for the second time, if the same was looked into and understood by said council, we will give you the facts, as we have them from our father, and the attorneys who drew the grant. In

years gone by most all street work was done by the city, and expense Minto granted the city the privilege to take such gravel free of charge at a particular point on a surveyed piece by some was met from the general fund of the city. John and M. A. of land. The grant was not intended to go farther than that under any circumstances.

I do not believe that any member of the council thinks our father and mother intended to grant a privilege on their property that, if put into effect, would almost completely destroy the value of same. I will quote from the decision of the circuit court on the above grant, and, if, after looking into the matter, as fair-minded men, you conclude that the court has given you a right not intended in the original grant, then I have nothing further to say, except that the sooner we have the matter construed by the highest court the better.

First, the circuit court held that at the time the grant was made John Minto was the owner of the gravel bar in question; that the consideration was \$1.00; the said rights are personal and restricted to its own use, and that the plaintiff (the City of Salem) should be enjoined from selling or otherwise disposing of to other parties any of the gravel taken by it from said gravel bar.

And finally, I submit to you that this was a gift, never cost the city of Salem one cent, and that it is not right, between man and man, to take advantage of a case of this kind, which is not warranted by the facts or records of the court. I wish to thank you in advance for your consideration in the matter, and beg to remain Yours very truly, H. P. MINTO and D. C. MINTO

Y. M. C. A. MINSTRELS ARE MAKING GOOD

The musical part of the Y. M. C. A. minstrel is attracting much attention. Among those who know what is going to be given there is much favorable comment. The soloists and chorus men are picked from Salem's best talent. Their years of practice and local reputation is a guarantee that the Y. M. C. A. will put on a high-class show next Tuesday night. The music for the occasion has been selected from the best minstrel hits of the past season. The songs are new, never having been heard in Salem.

A show of eleven real minstrel songs will be delighted with "Lovin' Time," "Bedouin Love Song," "Dixie Dan," "Southern Girl," "Somebody Lied," and "Dreaming of You, Dear." The chorus work is a great feature, and easily in a class with the best.

Those who like songs that are teeming with real live feelings, sung to bring out the best harmony, should not fail to save next Tuesday night for the Y. M. C. A. minstrels.

Tickets may be had by calling at either Salem Woolen Mill store, the Plymouth, Savage music store, G. W. Johnson & Co., Patton's, Price shoe store, Commercial book store.

Mrs. Graney Murray Gibson of San Jose is suing for divorce.

Frightful Fate Averted.

"I would have been a cripple for life from a terrible cut on my knee cap," writes Frank D'sberry, Kettler, Miss., "without Bucklen's Arnica Salve, which soon cured me." It falls for wounds, cuts and bruises. It soon cures Burns, Scalds, Old Sores, Boils, Skin Eruptions, World's best for piles. 5c at J. C. Perry's.

CAPITAL NATIONAL BANK

J. H. Albert, Pres. E. M. Croisan, Vice Pres. Jos. H. Albert, Cashier SAVINGS DEPARTMENT Pays Interest on Savings Accounts

Beware of Ointments for Catarrh that Contain Mercury.

Mercury will surely destroy the sense of smell and completely derange the whole system when entering it through the mucous surfaces. Such articles should never be used except on prescriptions from reputable physicians, as the damage they will do is ten-fold to the good you can possibly derive from them. Hall's Catarrh Cure, manufactured by F. J. Cheney & Co., Toledo, O., contains no mercury, and is taken internally, acting directly upon the blood and mucous surfaces of the system. In buying Hall's Catarrh Cure be sure you get the genuine. It is taken internally and made in Toledo, Ohio, by F. J. Cheney & Co. Testimonials free.

Sold by Druggists. Price 75c per bottle.

Take Hall's Family Pills for constipation.

It would be too bad to have Harvey Scott sent to Mexico. The climate is not salubrious.

The Red-Rock of Success

lies in a keen, clear brain, backed by indomitable will and restless energy. Such power comes from one splendid health that Dr. King's New Life Pills impart. They vitalize every organ and build up brain and body. J. A. Harmon, Lizemore, W. Va., writes: "They are the best pills I ever used." 25c at J. C. Perry's.

One good thing about the primary law. A lot of alleged statesmen running for mayor at Portland will realize in what contempt the people really hold them.

Hands and Sore Nipples.

Kodol gives the stomach a chance to regain its lost strength and health and after a little while you need not take Kodol longer, but take it while you do need it and if it fails to benefit you your money will be refunded. Sold by all druggists.

As a result of a poker game at Reno, Nev. John Harmon, a mine owner, is \$17,000 poorer than he was yesterday.

COUNTY CLAIMS ALLOWED

BY COMMISSIONER'S COURT FOR THE REGULAR APRIL TERM.

Table listing names and amounts for claims allowed, including Ballett, S., care of poor \$ 5.00, Johns, Mrs., do 5.00, Wilson, Ella, do 5.00, Gobin, Libette, do 5.00, Lambert, Margaret, do 5.00, Niemeyer, Mr. and Mrs. H., do 8.00, Hoeller, Mr. and Mrs. W., do 6.00, Scharback, Sebastian, do 3.00, Poerenboom, Theo., do 10.00, Fernch, Wm., do 5.00, Sportsman, W. H., do 10.00, Scobie, Mrs., do 10.00, Boys' and Girls' Aid Society, do 10.00, Str'pling Hulda, do 8.00, McLouglin, Mrs. E. C., do 10.00, Patten, J. H., do 7.00, Snodderly, Flora, do 30.00, Riggs, Hilleary, do 5.00, Shields, John, do 6.50, Shields, Margaret, do 6.50, Murray, John, do 8.00, Snyder, Silvestro, do 5.00, Stroud, Clara, do 5.00, Cornley, Mrs. Jacob, do 10.00, Stewart, Mr. Wm., do 10.00, Van Doren, Mrs., do 10.00, Scharback, Sebastian, do 2.00

Table listing names and amounts for Circuit Court, including Gans, G. G., hallif \$ 48.00, Gillette, C. W., juror 6.00, McKee, Chas. A., do 7.50, Downig, W. H., do 6.20, Howd, W. H., do 5.40, Spauld, Jacob, do 6.60, Pearson, W. O., do 6.20, Goin, A. N., do 10.40

Table listing names and amounts for Insane Account, including Tamesie, A. E., examination \$ 5.00, Armstrong, E. C., fruit insp. \$100.00

Table listing names and amounts for Court House, including Keene, W. M., janitor \$ 50.00, Matlock, C. O., caretaker of lawn 50.00, Powell, Henry, nightwatch 50.00, Assessment and Collection of Taxes, Shelton, Roscoe, services \$ 70.00, Gehlhar, M. H., work on cash register 57.75, McGlechrist, James, services 54.00

Table listing names and amounts for Roads and Highways Account, including Abaque Lumber Co., lumber \$ 4.15, Adams, J. D. & Co., plow, etc 30.00, Balmsen, Geo., labor 2.25, Barkmeyer, H., teaming 21.00, Barnick, Leonard, do 3.00, Beckwith, J. T., inspecting roads 18.89, Bevens, W. J., labor 11.00, Reer, R. A., do 3.00, Bowen, G. D., teaming, etc 5.25, Broeker, P. E., repairing bridge 50.00, Bruner, David, labor 22.50, Bronger, A. L., crowbar etc 1.90, Brokaw, John H., teaming 1.50, Broyles, Jenn, labor 7.00, Bushaw, John, teaming 3.00, Byers, W. H., surveying 2.00, Carter, I. B., teaming 7.50, Claggett, C. W., do 6.00, Claggett, Arch, labor 3.00

Table listing names and amounts for Pools, including Clough, A. M., coffin and box 8.00, Roads and Highways, Cook, J. D., labor 3.00, Cole, N. E., do 21.50, Coresran, D., do 9.75, Crossan Lumber Co., lumber 10.66, Cutsforth, Clyde, labor 8.25, Cutsforth, Frank, teaming etc 62.25, Cutsforth, Reuben, labor 3.00, Cutsforth, I. E., teaming 14.50, Curtis Lumber Co., solkes 4.50, Calver, W. J., making resurvey, etc 5.00, Nails, Bolts, Cash Advanced, etc. 221.25, Davidson, W. F., as per report 47.50, Du guire, Peter, labor 22.50, Du Guire, Peter, do 20.25, Downing, E. C., teaming, etc 3.75, Dubray, Frank rep. bridge 1.50, Ehlen, H. C., labor 10.00, Eastburn & Spear, lumber 23.77

Table listing names and amounts for Dynamite, including Ebner, J. W., dynamite, etc. 107.50, Edwards, Howard, teaming, etc 4.50, Fisher, A. J., making profiles, etc 5.00, Fryer, G. J. H., teaming etc 25.00, Geer, C. W., do 10.50, Gosser & Griggs, sharp grad-er 2.50, Gow, James, labor 8.75, Goulet, W. H., insp. roads etc 46.50, Gregerson Bros., powder, etc 6.25, Gundersen, Jam, labor 1.50, Haganauer, Fred, do 1.50, Harris, D. A., teaming, etc 7.50, Hauser Bros., powder, etc 141.45, Herren, J. H., chairman 22.00, Herrick, B. B., Jr., surveying-etc 64.00, Henner, J. A., teaming 4.50, Herres, L. M., do 27.50, Hill, T. J., do 4.00, Hightbotham, R., do 4.50, Home, A. G., services 7.50

Table listing names and amounts for continued list, including Hono, Henry, labor 5.25, Holmes, Dick, do 87, John Hughes Co., slate, lime etc 39.59, Hughes Co., John, oil, etc 8.05, Hunt, T. J., teaming 5.25, Hunt, Wm., do 5.25, Jaquobaud, Charles, labor 3.25, Jackson, Geo. C., do 5.00, Jans, A. P., teaming 3.00, Jefferson, J. A., teaming 19.00, Jefferson, W. J., powder, etc 20.20

Table listing names and amounts for continued list, including Jefferson, Chester, labor 3.00, Jones, John, labor 95, Johnson, F. O., teaming, etc 12.00, Keene, H. A., teaming 12.00, Keppinger, Jos., teaming 15.25, Kimsey, J. E., teaming 3.00, Lais, John G., lumber 5.28, Landon & Son, shovels and axes 3.00, Larson, Theo., labor 3.00, Larson, Orlaf, do 2.85, Lewis, Lester, do 3.00, Low, W. S., hivery rife 35.50, Manning, S. A., road plow 27.50, Morley, Roy, teaming, etc 3.75, Mason, H., do 3.00, Morley, C. E., do 4.50, Mortensen, lumber 8.35

Table listing names and amounts for continued list, including McIlwain, C. E., teaming 1.50, Mellwain, Wm., do 24.25, McKee, Chas., stamps, etc 3.00, Neal, W. W., labor 4.90, Neft, Henry, do 4.00, Newton, Geo., do 2.25, Nicholas, J. M., teaming 9.00, Oimstead, C. E., labor 6.00, Orren, P., do 6.00, Painter, R. C., teaming 8.00, Patten, J. H., labor, etc 21.25

Table listing names and amounts for continued list, including Pomeroy, Grover, teaming 7.00, Rands, R., do 3.00, Ravet, Henry, do 15.00, Renseden, Geo., labor 4.50, Renseden, Claud, do 3.00, Reid, J. M., do 2.25, Rexford, Peter, labor 28.50, Reeves & Mason, blacksmithing 6.50, Roos, T. L., teaming 6.00, Roselle, John, labor 4.90, Ross, J. T., labor 4.50, Ross, Vert C., do 4.50, Runner, A. H., teaming, etc 5.25, Russell, S. H., labor 10.50, Rudshouser, John, labor 4.50, Ryn, J., labor 12.00, Sappingfield, H. A., work on bridge, etc 7.50, Schar, Alphis, teaming 6.00, Schar, Julius, teaming 3.00, Schindler, Joseph, sharpening laves, etc 2.75, Schollard, Wm., viewer 32.50, Schultz, L., teaming 3.00, Schworm, L. F., labor 1.50, Schmidt, Herman, labor 3.00, Ship, Watt, powder, etc 92.20, Sheldon, Hal, teaming 5.25, Shrunk, A. W., labor 1.50, Siegmund & Pugh, blacksmithing 3.00, Simmons, Grover, labor, etc 6.25, Simmons, Lawrence, do 8.25, Smith, Ivan J., teaming 21.00, Smith, Harry H., labor 8.00, Smith, Wm. H. H., do 12.00, Smith, Jos. L., team 1.50, Spaulding Logging Co., Chas. K., lumber 2.46, Statesman Pub. Co., advertising 2.00, Steelhammer, H. E., bolt, etc .60, Steinbrenner, J. C., teaming 3.00, Sweigle, Geo., teaming, etc 16.00, Taylor, W. A., viewer 28.00, Taylor, Geo., teaming 1.75, Teashey, R. M., labor 3.75, Thomas, R. D., teaming 3.00, Thornsbury, A. H., do 28.10, Tomkins, Howard H., damage claim 110.00

Table listing names and amounts for continued list, including Vorhees, Harry, del. poles 17.55, Vorhees, Harry, teaming 33.00, Wade-Pearce & Co., plow, scrapers, etc 42.25, Watter, V., lumber 7.20, Weeks, Silas, teaming 6.00, Whitney, Chas. A., labor 28.50, Wilson, Chas. M., do 3.00, Wolfe, Geo., teaming 12.00, Woods, Lon, do 10.50, Woodworth, E. A., labor 5.55, Woolery, Walter, teaming 15.00, Young, L., labor 7.50, Ziellinski, John P., do 3.00, Ziellinski, John P., teaming 8.00

Table listing names and amounts for Special Tax Road District No. 11, including Clement, S. W., labor 4.50, Korb, J. S., teaming 6.00, Hickox, E. B., labor 3.75, Adkins, A. E., do 4.50, Special Tax Road District No. 20, including Byrriers, Jake, sharpening drill 1.05, Backrackman, R. E., teaming 12.00, Cade, Rade, labor 5.25, Fredtze, J. T., teaming 12.00, Schindler, Joseph, sharpening drills .75, Starr, Albert, labor 6.00, Whitteman, Claude, do 4.50, Whitteman, A. L., do 4.00, Taylor, W. A., viewer 4.00, Schollard, Wm., do 4.00, Herren, J. H., chairman 2.60, Herrick, B. B., Jr., surveyor, etc 5.00

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Build Up The System. A "run down" condition is due in a great many cases to the failure of the digestive organs to get proper nourishment out of the food taken. To people suffering from ill health owing to this cause, DR. D. JAYNE'S Tonic Vermifuge insures a quick return to health and strength. Unlike ordinary tonics which supply only temporary stimulation by furnishing food material in pre-digested form, Jayne's Vermifuge brings about lasting results. It tones up the stomach and digestive organs and puts them in a normally healthy condition. Then the digestive organs supply the body with the proper amount of nourishment, and in this way restore permanent health and strength. Sold by all druggists in two sizes, 50c and 55c. Dr. D. Jayne's Expecto-rant is an effective remedy for coughs, whooping-cough, croup and colds.

Service and Safety. Two elements of bank work stand out above all others—service and safety. When we come to consider corporations and the oppression they are said to work on the individual, we discover that the bank is distinctive—a thing apart. In no possible way can it corner the market. For even the money it holds and loans out belongs to the people and must be produced on demand. It may influence supply and demand through the granting of credit, but is itself influenced by supply and demand, and moreover by its own credit issues. It is peculiarly a servant. Not only is it the servant of all the people, but of the individual—your servant. Not only is it a peculiar corporation, but it serves all other corporations. In serving the individual, the ways are so numerous that we can briefly characterize them as the needs and wants of men who trade. Safety applies to everything connected with this bank. It has physical equipment which is safe. Its dealings with depositors demand safe methods. It makes safe loans. Its whole make-up as an organism, with well proportioned parts, is safe. And it not only strives to serve but strives to be safe. These two elements are what have attracted our splendid list of customers. This bank has succeeded on its merits. It has succeeded through helpfulness alone. It offers to you the same service and safety it is giving to others. Will you give us the opportunity to "show" you? UNITED STATES NATIONAL BANK SALEM, OREGON.

Full Bearing Orchard Tracts. SIZES TO SUIT PURCHASER. Winter Apples and Royal Ann Cherries. RICH BOTTOM SOIL. 3 MILES NORTH OF SALEM. Enquire of owner at Capital National Bank.

Monuments For Memorial Day. To induce early buying of work to be set before May 30, I will, until April 24, quote SPECIALLY REDUCED PRICES on any Monument, Marker or Tablet in my large and select stock of native and imported granite and marble. The choicest material, best workmanship and artistic design. Especial attention to lettering. We are equipped with the latest electric tools, enabling us to do deeper and smoother lettering than can be done by hand. All monuments set on solid concrete foundations. We know how to do strictly high-grade work, and do it. We do not pay commission to agents, cemetery superintendents or others. Hence, can and do supply more and better work in this vicinity for the money than outside firms or other representatives. Our offer of special price for work bought by April 24 is bona fide and you cannot afford to miss the opportunity. Salem Granite and Marble Works. 239 Liberty Street. WILTON W. MARTIN, Prop.