

# The Daily Capital Journal

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NO. 151.

## END OF A FAMOUS HOP SUIT

That Is, Another, the Third Decision in the Circuit Court, Has Been Reached.

## MAY APPEAL AGAIN

MATTER HAS BEEN IN LITIGATION FOR FIVE YEARS—ONE OF MOST HOTLY CONTESTED CASES EVER TRIED IN COUNTY, IN SUPREME COURT TWICE.

Yesterday afternoon there was returned into the circuit court a verdict in favor of the plaintiffs, Messrs. Catlin & Linn, well-known residents of this city, for the full amount of their claim against Mr. S. W. Jones, a prominent and well-to-do farmer in Brooks precinct. A brief synopsis of the case, taken from the record, shows that on July 10, 1904, Catlin & Linn and S. W. Jones signed a sale memorandum, whereby Jones agreed to sell to Catlin & Linn his rental share of the hops to be received by him from tenants on his various farms, supposed to amount to 15,000 pounds, or thereabouts, at 17 1/2 cents per pound, delivery to be made between the 1st and 10th days of October, 1904. It will be remembered by all persons who have had any interest in the hop trade that the

market in that year greatly advanced and it happened that on October 10, 1904, when Jones ought to have delivered the hops to Catlin & Linn, the market had increased to 31 cents per pound. Catlin & Linn, on October 10, 1904, sent Mr. Earl Race, who was then in their office, to see the defendant for the purpose of ascertaining whether or not the hops were ready for delivery, and if they were, to receive them. The plaintiffs contended that on that day Jones did not have the hops at the warehouse at Brooks, where he agreed to deliver them. It was admitted by all parties that Jones had 40 bales of hops in the warehouse at Brooks on that day, but the total amount to which the plaintiffs were entitled was 69 bales, or, to be more accurate, 14,086 pounds. The plaintiffs asserted that Jones did not have all the hops at Brooks on October 10, 1904, ready for delivery, while on the other hand, Jones asserted that the hops were there. Much testimony was taken upon the question whether or not Jones was ready to deliver the hops.

The case is important on account of the stubbornness with which it has been contested. The action was commenced by Catlin & Linn in 1904. They sought to recover from Jones the difference between the contract price, 17 1/2 cents per pound, and the market price, 31 cents per pound, on October 10, 1904, the date when the hops should have been delivered to them. Upon the first trial the jury, under instructions from Presiding Judge Bursett, after much deliberation, returned a verdict for the defendant. The plaintiffs appealed to the supreme court, and the supreme court, after a careful consideration of the case, decided in favor of the plaintiffs, and reversed the lower court. The principal point decided by the supreme court on the first appeal was that it was Jones' duty to have the hops in the warehouse at Brooks on October 10th, at such an hour as would afford the plaintiffs a fair opportunity to inspect them by daylight, and that it was also Jones' duty to be present at the

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## BENEFICIAL EFFECTS OF RAINS IMMENSE OREGONIAN COMPELLED BY HARD FACTS TO CONCEDE THE VALUE OF JUDICIOUS PRAYERS

(Bulletin issued by Portland Commercial Club.)  
Portland, July 13.—(Special.)—Estimates of the year's wheat crop in the Pacific northwest fix the probable yield at about 55,000,000 bushels, an increase by 15,000,000 over last year. This figure may not be reached if unfavorable conditions at harvest set in but with normal weather it is believed the yield will be large. Recent rains have been of immense benefit to the growing crop. Districts where the grain was practically given up because of the continued drouth have taken heart again and the wheat is filling out in fairly good shape. The value of the rains of the past week to the wheat crop is variously estimated at from \$1,000,000 to \$3,000,000. Increased acreage in many sections of the state makes up in the total yield for a short crop in some districts. As wheat is still sticking around the dollar mark, Oregon's big wheat crop will mean a great prosperity for this section of the United States during the coming year.

Recent rains have also been of great benefit to the fruit crop. There has been a general drenching and hearts of the farmers are light as a consequence. With the exception of some loss to cherries and hay, no damage has been done by the down-pour but incalculable good has been realized. Slight damage to cherries has been more than made up in the good to other fruit crops, such as prunes, pears and apples. Prunes have felt the benefit of the rain to a great extent and a large crop is looked for.

of Half Moon bay, and apparently were drifting seaward. Captain Clark of the United States life saving service immediately started for the San Mateo county coast to attempt their rescue. The tides changed the course of the unmanageable boat and it was swept on the sands at Granada about daylight today.

Totally exhausted by their fearful struggle and exposure the men were unable to find help. They were discovered and brought to this city about noon today.

The J. C. Elliott was washed ashore near the spot where the three yachtsmen landed. She was battered badly by the waves and a thorough overhauling will be necessary.

## AUDITOR REFUSES TO PAY BURNS BILL

(United Press Leased Wire.)  
San Francisco, July 14.—Assistant District Attorney William Hoff Cook today filed with the superior court a petition for a writ of mandate to compel City Auditor Koster to pay money owed for salaries to Special Agent William J. Burns and his employees.

Koster ignored an order to pay the demand issued by Judge Sturtevan, claiming that the city charter contains no provision to compel the disbursement. He announced today that he will not satisfy the claims of Burns and his men, unless compelled by law.

## SUFFRAGETTES DEFY AUTHORITIES

London, July 14.—Seventeen suffragettes jailed for participation in the recent riots at the house of commons today went on a rampage and smashed every pane of window glass in their prison. They were finally quieted when the magistrates threatened them with long terms in jail unless they behaved themselves in a more orderly manner.

## DUTY TEN PER CENT ON SUGAR BEETS

Washington, July 14.—The conference committee today decided to accept the senate rate of tariff of 10 per cent ad valorem on sugar beets instead of the house rate of 25 per cent.

## WOLGAST HAS BEST OF NELSON

(By R. W. Madison.)  
Los Angeles, Cal., July 14.—Fighting like a demon at all stages, beating Nelson at his own game, slugging, and never showing a disposition to get away from his opponent, Ad. Wolgast, featherweight boxer, of Milwaukee, defeated Nelson last night in a 10-round bout at Nasid Junction as decisively as a man was ever licked in the prize ring.

## DRIFTED SAFELY ASHORE

San Francisco, July 14.—After drifting on the open ocean in a small boat without oars or sails for a day and a night, Captain R. H. Lawton of this city, G. C. Preston and J. C. Conwell of Santa Cruz were found early today on the beach at Granada on Half Moon bay, where their battered craft had been washed by the tide.

## TEHERAN RED WITH SLAUGHTER

Hand to Hand Fighting Fills the Streets With Corpses and Gutters With Blood.

## WILL DEPOSE SHAH

REBELS FIGHT FIERCELY, AND THOUGH REPULSED TWICE, CAPTURE ADVANTAGEOUS POSITION IN THIRD CHARGE—LEGATIONS GUARDED.

(United Press Leased Wire.)  
Teheran, Persia, July 14 (11:43 a. m.)—Cannonading today resulted in the heaviest losses in both the royalist and nationalist armies that have been suffered since the rebels stormed the city early yesterday morning. Hundreds of soldiers were killed and the fighting is still in progress. It is impossible to estimate the losses in either army since the fighting began because of the wide area over which the battle has raged.

Three attacks were made upon the intrenchments surrounding Central square during the night. Twice were the rebels repulsed but at last succeeded in overpowering the defenders and gaining a foothold in the garden of the home of Colonel Liakhoff, commander of the loyal Persian consuls. This garden adjoins the barricade and is a position of great advantage of the attacking forces.

## OUR GREAT ANNUAL PRICE-CUTTING SALE NOW STARTS FOR THE MONTH OF JULY

The prices on all classes of goods throughout this big department store will be sliced away down. Every department must be cleared to make room for our Fall stock.



### Advance Styles In Fall Suits

**\$16.50 Suits - \$ 8.90**  
**\$20.00 Suits - \$12.50**  
**\$27.50 Suits - \$14.90**

To introduce this department to the people of Salem and the surrounding vicinity we have secured through our buyer in New York a swell line of advance styles in early Fall suits and to still introduce it more thoroughly we place them on sale at prices far below their regular values. These are high class worsted garments in self-stripes, all the latest shades. Extra long coats and full flare skirts handsomely tailored, silk lined and finished throughout. They are the best values that were ever offered in Salem, \$8.90, \$12.50, \$14.90 and up.

**\$2.00 Lingerie Shirt**  
Waists - 98c

Beautiful Shirt Waists, handsomely trimmed - 98c

### JULY PRICE-CUTTING SALE

Before you buy, go to the other stores and get their prices, then come here and see the money we can save you.

7 1/2c fancy Lawns, yard..... 3 1/2c  
65c full size Bed Sheets..... 39c  
\$1.25 white Bed Spreads..... 75c  
9c Percales, now yard..... 5c  
85c wool Dress Goods, 40 inches wide, in all the latest shades and self-stripe designs, now yd..... 49c  
50c wash India Silk, in every new shade, now yard..... 35c  
Ladies' \$3.00 Oxford Ties now \$1.95  
Ladies' \$2.99 White Canvas Ox-fords now..... 75c  
Remnants of Dress Goods Half Price  
6c Valenciennes Laces, yard..... 2c  
Men's 65c Working Shirts now..... 39c  
Men's 39c Summer Underwear..... 23c  
Men's 59c Leather Gloves..... 25c  
Ladies' Hosiery and Underwear all reduced.  
Ladies' \$1.99 Corsets now..... 49c  
Great bargains now in our Millinery Department.  
85c Lace Curtains, pair..... 49c  
Prices cut away down on Blankets, Pair..... 49c, 75c, 98c and up

All Silk Ribbons, all colors, 4 inches wide, now only - - 10c  
No. 5 All Silk Ribbons, all colors, now only, yard - - - 3c

Ladies' 25c HOSE SUPPORTERS now pair 10c

# CHICAGO STORE

PEOPLES BARGAIN HOUSE

45c CORSET COVERS handsomely trimmed with lace, ribbons and embroidery 25c

## FOUND A WAY TO BEAT THE GATES

Seattle, July 14.—Beating the A.-Y.-P. exposition out of several hundred admissions daily, a crowd of employees on the trunk sewer, just completed through the fair grounds, with their friends, relatives, acquaintances and some strangers, have been making their entrance to the fair grounds through the capacious tunnel of the new sewer, and up through a manhole to the fair grounds.

The scheme of free admission was discovered by Chief Wappenstein's guards after they had been working a week on the case trying all manner of schemes to learn whence came the men who appeared each evening walking up the paths from the northeast section of the grounds brushing dirt from one another's shoulders.

Yesterday afternoon the mystery was solved by the discovery of hundreds of footprints that had beaten down the soft earth around a manhole leading out of the new sewer, where it passes through the woods back of natural amphitheatre. The other entrance to the tunnel is outside the fair grounds on the university campus and the subterranean passage is said to have been freely used by members of several fraternity houses to gain free admission to the exposition. The dirt on the shoulders was explained by the small size of the manhole, where the men brushed against the sides as they came out.

Chief Wappenstein has clamped on the lid and hereafter the underground wayfarer will be barred.

## Out a Day and Night at Mercy of Waves—Steam Yacht Is Also Beached by the Tide.

San Francisco, July 14.—After drifting on the open ocean in a small boat without oars or sails for a day and a night, Captain R. H. Lawton of this city, G. C. Preston and J. C. Conwell of Santa Cruz were found early today on the beach at Granada on Half Moon bay, where their battered craft had been washed by the tide.

The men put off from the steam yacht J. C. Elliott when she encountered a stiff wind flurry early Tuesday morning. Their oars were washed away and throughout the day they drifted in the choppy sea. Late yesterday they were sighted off Martin's beaca, six miles south

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