

PITTSBURG MILLIONAIRE WINS BRIDE FROM THE MATRIMONI-AL JUNE SHOP, BEING THE ONE WILL HAVE ACQUIRED.

[UNITED PRIME LEASED WIRE.]

New York, Dec. 28 .- Lillian Russell is to jump into the Nat Goodwin nounce the pact between Sir Edward class in the matrimonial race, when Gray and the Russian government, she is, for the fourth time, led to the which, they say, will saddle England altar in May. Alex. P. Moore, editor and publisher of the Pittsburg Leader, Russia may perpetrate in the East. is to be the groom.

When Miss Russell announced her paper may, she gushed like a girl.

our engagement," she said. Then she to avenge the probable death of the sang gaily, like a bride in her teens British consul in the latter city. Ruson the eve of her first matrimonial isian excesses, the correspondent deventure. She refused to discuss her clares, are still reported from Tabthree previous experiences in the field priz, where natives were ruthlessly of matrimony, but told of when the butchered, following the failure of the

Thanksgiving Day," she said. The couple decided to be married in May, but the exact date and place have not yet been determined upon. Asked THE WOMAN'S effect her marriage would have upon

it, Miss Russell said: "I am returning to vaudeville. I

cannot say when I shall retire from the singe, if at all. I may desire to continue my career after my wed-

BOYS CAUGHT WHO ROBBED SHIPP STORE

Reciving advices from the police at have confessed to robbing several row night. telephone boxes in the city and also burglarizing the Watt Shipp store, Chief of Police Hamilton armed with gin late this afternoon. warrants for their arrest - left for that city today.

of several hundred nickles which they had stolen from telephone tel and Portland Hotel, being among still alive. the places robbed.

When arrested there was found on

[UNITED PRESS LBARRD WIRE.] London, Dec. 28 .- Uneasy over apparent damage to British prestige in FOURTH HUBBY THE FICKLE the East, London newspapers today A N. Soliss and J. A. McCulloch (Mcalmost unanimously deplore editorially the advance of Russia, the impotence of Persia to be a buffer be-

STIRRED UP

tween Russia and India. The radical papers particularly de-Affirmed. the consequences of all the brutalities

Telegrams to the Times today from decision was rendered there oral no Teheran declare that Russian infantry engagement to the Pittsburg news- from Jask have been ordered to Butice of appeal was given by the defendant and the clerk was directed to shire, 125 miles from Shiraz, and "I am very happy in the thought of that a puntative expedition is likely concede that the thirty days after the perfection of the appeal expired on July 21, 1911, by which time the tranpresent engagement was settled upon. attack on the Russian consulate there. "It was at a dinner in Detroit on Teheran, he says, is quiet, the people

having been cowed into submission.

TESTIMONY **IS REFUTED**

WITNESS SWEARS POSITIVELY so as to make the transaction a valid THAT LEWIS WAS IN THE tender. The officer stated in sub-HOUSE WHEN HIS SISTER DE- stance that he could not then tell the CLARES HE WAS NOT-LOOKS amount required to cover the filing BAD FOR LEWIS. fees and the charges for making the

the latter, but that appellant was fin-Oroville, Cal., Dec. 28 .- Taking of ancially responsible and good for the testimony in the case of Arthur Lewis, charged with the murder of Little

Helen Rumball, at Gridley, last June, CLASSES IN was closed today, and both sides an-Portland that they had in custody Ar. nounced that they would be ready to chie Taylor and Ftank Davis, who submit their case to the jury tomor-

> A night session was ordered for tonight. Arguments in the case will be-

Coming at the conclusion of a long Members of the Y. M. C. A. have account by Mrs. Emma Rumball as to cers the two boys-for one is but 19, was a flat contradiction of a vital fea- reorganizing their boxing and wrest- business. and the other but a few years over ture of the story she told to save ling club. Already 25 or 30 young 29, were quarreling over the division Lewis, her brother, from conviction, men have expressed their desire to Mrs. Rumball swore that Lewis was become members, and in a short ine not in the house after a time when she regular classes will be organized boxes in Portland, the Imperial Ho- declared the child was seen by her, among them. The officials of the Y. M. C. A. are very much in favor of

On rebuttal Samuel A. Smith, who the movement, and are assisting in lives near the Rumball home, denied every way. Professionalism in any the woman's statement pointblank, de- form will be barred, and the classes

Supreme Court. Hart v. Prather, Malheur County. necessary payment. In this state the Decided December 19, 1911. matter was allowed to rest until August 15 when the clerk endorsed the George R. Hart, contestant and retranscript, "Filed July 24, 1911." On spondent, v. Martin V. Prather, contestee and appellant. Appeal from the motion of the respondent the circuit circuit court for Malheur county, Hon, court dismissed the appeal on the

Dalton Biggs, judge. Argued and sub- ground that the transcript was not mitted at Pendleton, November 3, 1911. filed within thirty days after the appeal was perfected and the appellant Culloch, Soliss & Duncan on brief) for prosecuted a further appeal to this contestant and respondent. Wm. H. court Burnett, J. "If the transcript of ab-

LANGE & MILLY

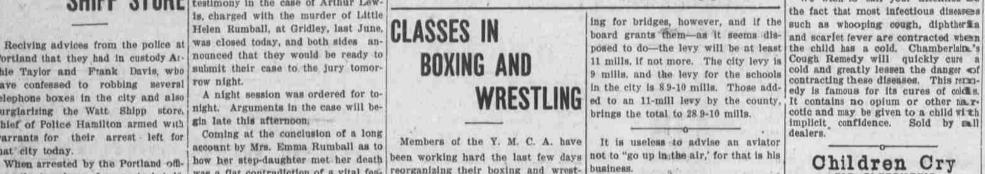
DAILY CAPITAL JOURNAL, SALEN, OBEGON, THURSDAY, DECEMBER 28, 1911.

Packwood, Jr. (Wheeler & Hurley, George E. Davis, John L. Rand and stract is not filed with the clerk of Wm. H. Packwood, Jr., on brief) for the appellate court within the time provided, the appeal shall be deemed contestee and appellant. Burnett, J. abandoned and the effect thereof ter-

minated." L. O. L., sec. 554, sub. 2. This is a proceeding briginating in The "time provided" is determined by the county court of Malheur county the first clause of that section to be on the contest of a will. When the "within thirty days" after the appeal is perfected. These requirements are jurisdictional and failure to comply with them is fatal. Davis v. Columbia prepare a transcript. Both parties Timber Co., 49 Or. 577, 91 Pac. 441; Burchell v. Averill Machinery Co., 5. Or. 113, 105 Pac. 403.

Section 1113, L. O. L., in part reads script should have been filed in the thus: "It shall be the duty of the circuit court. On the 13th or 14th of several clerks of circuit and county July the appellant's attorneys called courts in this state in counties of not at the county clerk's office and were more than 50,000 innabitants, at the shown the transcript by that officer time of the filing of any suit, action Deeming his certificate informal, they or proceeding for the enforcement of dictated another one to his stenoprivate rights, including appeals, * * * grapher and requested the clerk to to exact from the plaintiff or moving have it extended, sign and append it party" certain fees scheduled in that to the transcript which when it should section * * * "and no complaint, tranbe thus authenticated they directed script on appeal, petition, writ of rehim to file as of that date. At the view or any other papers in probate same time the attorneys for the appelproceedings above mentioned shall be lant offered to pay the clerk the filing filed until such payment is made." fees and the fees for making the tran This language is mandatory not only script, but without either specifying upon the county clerk but also upon any amount or producing any money the courts and we cannot disregard it. The county clerk, as the official servant of the county in the collection of fees as part of its revenue, has no power to waive any of the provisions transcript, as he had not computed only so but the appellant and his at-

(Continued on page five.)



The tomato can, but will it?

Rostein & Greenbaum



strains would

their person the revolvers taken fran the Watt Shipp store. This robbery was effected early one morning by the robbers could get access to the His testimony was not shaken. show cases.

According to the Portland advices here and relieved him of \$30, but no scantling in the garret of the Rumsuch robbery has been reported to ball home. It is conceded that the the police.

Belongs in Teddy's Club. [UNITED PRESS LMARED WINE.]

Boulder, Colo., Dec. 28 .-- William Smith, Syracuse, N. Y., returned here Smith does not smoke.

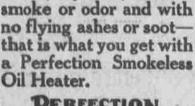
How much can the pullet?

claring that he had seen Lewis go in- will be offered strictly for the exercise to the house from the pasture at the education and amusement of the breaking the front window so that time his sister swore he was absent. young men. A competent instructor will be in charge of the classes, and Lewis is charged by the state with the members will have an excellent the child's actual murder by breaking opportunity to become proficient in the two also held up a conductor her neck while she was tied fast to a these ancient and manly arts.

contradiction of Mrs. Rumball's testimony by Smith makes the case look black for Lewis.

Nebraska to Boost Taft, Lincoln, Neb., Dec. 28 .- Plans for after a two-weeks' hunting trip and the campaign looking to the election says he killed a 250-pound bear with of delegates to the national Republihis fists and a pair of brass knuckles. can convention favorable to President Taft's re-nomination were laid here

this afternoon by members of the Nebraska State Republican League.



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IS SETTLING PRELIMINARIES

Judge Kelly arrived in the city this, morning, and this afternoon convened the law department of the circuit court. The regular term begins Tuesday, and the judge's mission here now is to dispose of all preliminary pleas, and set cases for trial for next week. The afternoon was spent by the judge in listening to and disposing sof motions and demurrers. It was expected that the grand jury, which has been at work several days investigating cases, would report, but Deputy District Attorney Winslow, after conferring with its members, decided that it would not be advisable to submit a report until tomorrow forenoon. The jury, it is understood, has considered most of the cases, and after they report tomorrow there will be but little. if any, work left for it to do.

THE TAX LEVY TO BE NEARLY THIRTY MILLS

After exhausting overy scheme to bring the levy of the county low enough so that that in the city will not reach the 30-mill mark, the board of county commissioners have about abandoned hope, and when the board meets next month to make the levy it will probably 'ring the city levy up to that. At least, they say, it will not fall far short.

The lavy made by the board of county commissioners likt year was 8 7-10, but they fell short. This year the lery will reach 10 mills, provided that he bridges are built. The people at Newberg and Shellburn are clamo

