

LILLIAN RUSSELL TO MARRY

PITTSBURG MILLIONAIRE WINS BRIDE FROM THE MATRIMONIAL JUNK SHOP, BEING THE FOURTH HUSBY THE FICKLE ONE WILL HAVE ACQUIRED.

[UNITED PRESS LEASED WIRE] New York, Dec. 28.—Lillian Russell is to jump into the Nat Goodwin class in the matrimonial race, when she is, for the fourth time, led to the altar in May. Alex. P. Moore, editor and publisher of the Pittsburg Leader, is to be the groom.

When Miss Russell announced her engagement to the Pittsburg newspaper man, she gushed like a girl. "I am very happy in the thought of our engagement," she said. Then she sang gaily, like a bride in her teens on the eve of her first matrimonial venture. She refused to discuss her three previous experiences in the field of matrimony, but told of when the present engagement was settled upon. "It was at a dinner in Detroit on 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 as to her theatrical future and the effect her marriage would have upon it, Miss Russell said: "I am returning to vaudeville. I cannot say when I shall retire from the stage, if at all. I may desire to continue my career after my wedding."

BOYS CAUGHT WHO ROBBED SHIPP STORE

Receiving advices from the police at Portland that they had in custody Archie Taylor and Frank Davis, who have confessed to robbing several telephone boxes in the city and also burglarizing the Watt Shipp store, Chief of Police Hamilton armed with warrants for their arrest left for that city today.

When arrested by the Portland officers the two boys—for one is but 15, and the other but a few years over 20, were quarreling over the division of several hundred nickles which they had stolen from telephone boxes in Portland, the Imperial Hotel and Portland Hotel, being among the places robbed.

When arrested there was found on their person the revolvers taken from the Watt Shipp store. This robbery was effected early one morning by breaking the front window so that the robbers could get access to the show cases.

According to the Portland advices the two also held up a conductor here and relieved him of \$30, but no such robbery has been reported to the police.

Belongs in Teddy's Club. [UNITED PRESS LEASED WIRE] Boulder, Colo., Dec. 28.—William Smith, Syracuse, N. Y., returned here after a two-weeks' hunting trip and says he killed a 250-pound bear with his fists and a pair of brass knuckles. Smith does not smoke.

How much can the pullet?

ENGLAND IS STIRRED UP BY RUSSIA

[UNITED PRESS LEASED WIRE] London, Dec. 28.—Uneasy over apparent damage to British prestige in the East, London newspapers today almost unanimously deplore editorially the advance of Russia, the impotence of Persia to be a buffer between Russia and India.

The radical papers particularly denounce the pact between Sir Edward Gray and the Russian government, which, they say, will saddle England the consequences of all the brutalities Russia may perpetrate in the East.

Telegrams to the Times today from Teheran declare that Russian infantry from Jask have been ordered to Bushire, 125 miles from Shiraz, and that a punitive expedition is likely to avenge the probable death of the British consul in the latter city. Russian excesses, the correspondent declares, are still reported from Tabriz, where natives were ruthlessly butchered, following the failure of the attack on the Russian consulate there. Teheran, he says, is quiet, the people having been cowed into submission.

THE WOMAN'S TESTIMONY IS REFUTED

WITNESS SWEARS POSITIVELY THAT LEWIS WAS IN THE HOUSE WHEN HIS SISTER DECEASED HE WAS NOT—LOOKS BAD FOR LEWIS.

Oroville, Cal., Dec. 28.—Taking of testimony in the case of Arthur Lewis, charged with the murder of Little Helen Rumball, at Gridley, last June, was closed today, and both sides announced that they would be ready to submit their case to the jury tomorrow night.

A night session was ordered for tonight. Arguments in the case will begin late this afternoon.

Coming at the conclusion of a long account by Mrs. Emma Rumball as to how her step-daughter met her death was a flat contradiction of a vital feature of the story she told to save Lewis, her brother, from conviction. Mrs. Rumball swore that Lewis was not in the house after a time when she declared the child was seen by her, still alive.

On rebuttal Samuel A. Smith, who lives near the Rumball home, denied the woman's statement pointblank, declaring that he had seen Lewis go in to the house from the pasture at the time his sister swore he was absent. His testimony was not shaken.

Lewis is charged by the state with the child's actual murder by breaking her neck while she was tied fast to a scantling in the garret of the Rumball home. It is conceded that the 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 the campaign looking to the election of delegates to the national Republican convention favorable to President Taft's re-nomination were laid here this afternoon by members of the Nebraska State Republican League.

OREGON SUPREME COURT DECISIONS

Full Text Published by Courtesy of E. A. Turner, Reporter of the Supreme Court.

Hart v. Prather, Malheur County. Decided December 19, 1911.

George R. Hart, contestant and respondent, v. Martin V. Prather, contestee and appellant. Appeal from the circuit court for Malheur county. Hon. Dalton Biggs, Judge. Argued and submitted at Pendleton, November 3, 1911. A. N. Solias and J. A. McCulloch (McCulloch, Solias & Duncan on brief) for contestant and respondent. Wm. H. Packwood, Jr. (Wheeler & Hurley, George E. Davis, John L. Rand and Wm. H. Packwood, Jr., on brief) for contestee and appellant. Burnett, J. Affirmed.

This is a proceeding originating in the county court of Malheur county on the contest of a will. When the decision was rendered there oral notice of appeal was given by the defendant and the clerk was directed to prepare a transcript. Both parties concede that the thirty days after the perfection of the appeal expired on July 21, 1911, by which time the transcript should have been filed in the circuit court. On the 13th or 14th of July the appellant's attorneys called at the county clerk's office and were shown the transcript by that officer. Deeming his certificate informal, they dictated another one to his stenographer and requested the clerk to have it extended, sign and append it to the transcript which when it should be thus authenticated they directed him to file as of that date. At the same time the attorneys for the appellant offered to pay the clerk the filing fees and the fees for making the transcript, but without either specifying any amount or producing any money so as to make the transaction a valid tender. The officer stated in substance that he could not then tell the amount required to cover the filing fees and the charges for making the transcript, as he had not computed the latter, but that appellant was financially responsible and good for the

necessary payment. In this state the matter was allowed to rest until August 15 when the clerk endorsed the transcript, "Filed July 24, 1911." On motion of the respondent the circuit court dismissed the appeal on the ground that the transcript was not filed within thirty days after the appeal was perfected and the appellant prosecuted a further appeal to this court.

Burnett, J. "If the transcript of abstract is not filed with the clerk of the appellate court within the time provided, the appeal shall be deemed abandoned and the effect thereof terminated." L. O. L., sec. 554, sub. 2. The "time provided" is determined by the first clause of that section to be "within thirty days" after the appeal is perfected. These requirements are jurisdictional and failure to comply with them is fatal. Davis v. Columbia Timber Co., 49 Or. 577, 91 Pac. 441; Burchell v. Averill Machinery Co., 55 Or. 113, 105 Pac. 403.

Section 1113, L. O. L., in part reads thus: "It shall be the duty of the several clerks of circuit and county courts in this state in counties of not more than 50,000 inhabitants, at the time of the filing of any suit, action or proceeding for the enforcement of private rights, including appeals, . . . to exact from the plaintiff or moving party certain fees scheduled in that section . . . and no complaint, transcript on appeal, petition, writ of review or any other papers in probate proceedings above mentioned shall be filed until such payment is made." This language is mandatory not only upon the county clerk but also upon 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 of the law prescribing his duty. Not only so but the appellant and his at-

(Continued on page five.)

CLASSES IN BOXING AND WRESTLING

Members of the Y. M. C. A. have been working hard the last few days reorganizing their boxing and wrestling club. Already 25 or 30 young men have expressed their desire to become members, and in a short time regular classes will be organized among them. The officials of the Y. M. C. A. are very much in favor of the movement, and are assisting in every way. Professionalism in any form will be barred, and the classes will be offered strictly for the exercise education and amusement of the young men. A competent instructor will be in charge of the classes, and the members will have an excellent opportunity to become proficient in these ancient and manly arts.

JUDGE KELLY 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 of 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 every 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 bring the city levy up to that. At least, they say, it will not fall far short.

The levy made by the board of county commissioners last year was 8 7/10, but the fall short. This year the levy will reach 10 mills, provided that no bridges are built. The people at Newberg and Shellburn are clamor-

ing for bridges, however, and if the board grants them—as it seems disposed to do—the levy will be at least 11 mills, if not more. The city levy is 9 mills, and the levy for the schools in the city is 8 9/10 mills. Those added to an 11-mill levy by the county, brings the total to 28 9/10 mills.

It is useless to advise an aviator not to "go up in the air," for that is his business.

The tomato can, but will it?

PRE-INVENTORY SALE OF HOME FURNISHINGS

Now is the time to make your purchase in this line Liberal Discounts on every article in our immense Stock of

- Furniture
 - Rugs and Carpets
 - Draperies
 - Heaters, Cook Stoves & Ranges
 - COOKING UTENSILS
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 - CROCKERY and GLASSWARE
 - WALL PAPER
 - PICTURES and FRAMING
- A few contract goods only excepted.

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COMPLETE HOUSE FURNISHERS

We wish to call your attention to the fact that most infectious diseases such as whooping cough, diphtheria and scarlet fever are contracted when the child has a cold. Chamberlain's Cough Remedy will quickly cure a cold and greatly lessen the danger of contracting these diseases. This remedy is famous for its cures of colds. It contains no opium or other narcotic and may be given to a child with implicit confidence. Sold by all dealers.

Children Cry FOR FLETCHER'S CASTORIA

When you have abillous attack give Chamberlain's Tablets a trial. They are excellent. For sale by all dealers.

Journal Want Ads Bring Results

CASTORIA

For Infants and Children. The Kind You Have Always Bought. Bears the Signature of *Chas. H. Fletcher*

To Cure a Cold in One Day. Take Laxative Bromo Quinine Tablets. Druggists refund money if it fails to cure. E. W. Grove's signature is on each box. 25 cents.

MADAME DEAN'S FRENCH FEMALE PILLS.

A Safe, Certain Remedy for Dyspepsia, Headaches, NERVOUSNESS, BILIOUSNESS, CONSTIPATION, GRAVEL, GOUT, RHEUMATISM, NEURALGIA, MIGRAINE, BRUISES, SWELLINGS, PAINFUL MENSTRUATION, AND ALL AFFECTIONS OF THE BOWELS. Sold in Salem by Dr. S. C. Stone

Rostein & Greenbaum's Greatest Clearance Sale.....

This Store has always catered to the farmers' and workingmen, and is regarded by them as a place to save money. During this sale you will find liberal reductions from our already reasonably low prices on

Dry Goods, Clothing, Furnishing Goods and Shoes

All Broken Lines Far Below Cost to Clean Up

Lace Curtains

75c Lace Curtains, now pair 60c
\$1.25 Lace Curtains, now pair \$1.00
\$1.55 Lace Curtains, now pair \$1.25
\$2.50 Lace Curtains, now pair \$1.90

Bed Spreads

(All Large Sizes)
75c Bed Spread, now 60c
\$1.25 Bed Spreads, now \$1.00
\$1.75 Bed Spreads, now \$1.25

Petticoats

75c Petticoats, now 60c
\$1.50 Petticoats, now \$1.00
60c Knit Petticoats, now 40c

Ladies' and Children's Underwear

25c Ladies' Underwear, now 20c
50c Ladies' Underwear, now 30c
75c Ladies' Underwear, now 50c
\$1.00 Ladies' Union Suits, now 70c
\$1.50 Ladies' Union Suits, now \$1.10
25c Children's Underwear, now 20c
50c Children's Underwear, now 40c
All odds and ends of 50c and 60c Children's Wool Underwear, to close out, at a garment.

25 Cents

Men's Work Gloves

25c Leather Gloves, now 20c
50c Leather Gloves, now 40c
75c Leather Gloves, now 60c
\$1.00 Leather Gloves, now 80c
\$1.25 Leather Gloves, now 90c

Shoes

About 200 pair Men's Shoes and Oxfords to close out at \$1.25 and \$1.50

Shoes

About 200 pair Children's Shoes, to close out at 50c, 75c, \$1.00, \$1.25

2 Hour Specials

To make this the greatest sale we ever had we will offer each day a different special of some staple article far below wholesale cost for two hours.

From 8:30 to 9:30 a. m.
From 4:30 to 5:30 p. m.
The article will be displayed each day in our north window.

December 29

65c Embroidery Flouncing 25c yd
25c " Bands . 10c yd

Shoes

250 pair Ladies' Oxfords and Shoes to close out at 75c \$1.00 and \$1.25

Shoes

About 25 pair of Ladies' French heel Shoes, to close out at pair 25c

240 and 246 Commercial Street

Men's Pants

\$1.00 Men's Pants, now \$.85
\$1.25 Men's Pants now \$1.00
\$1.50 Men's Pants, now \$1.25
\$2.00 Men's Pants, now \$1.50
\$3.00 Men's Pants, now \$2.25
\$4.00 Men's Pants, now \$3.00
\$2.00 Corduroy Pants, guaranteed not to rip or tear, now \$1.50

Men's Suits

Best all wool suits, regular \$15.00 values, now \$10.00
All wool suits, regular \$12.00 values, now \$8.50
Regular \$10.00 values at \$7.00
Regular \$7.50 values at \$5.00
All odds and ends in suits.

1-2 Price

Boys' Suits

\$2.75 Boys' Suits, now \$2.15
\$3.50 Boys' Suits, now \$2.75
\$4.90 to \$5.90 Boys' Suits, now \$3.25
All odds and ends in Boys' Suits
Less than half price

Men's Underwear

50c derby ribbed underwear 35c
50c heavy fleeced underwear 35c
\$1.00 wool underwear 85c
\$1.50 wool underwear \$1.15
\$1.00 derby ribbed union suits 80c

Men's Hats

\$1.25 Men's Hats now \$1.00
\$1.50 Men's Hats, now \$1.25
\$2.00 Men's Hats, now \$1.50
\$2.25 Men's Hats, now \$1.75
\$2.75 Men's Hats, now \$2.00



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Clean, dry heat, with no smoke or odor and with no flying ashes or soot—that is what you get with a Perfection Smokeless Oil Heater.

PERFECTION
SMOKELESS
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The Perfection is the most reliable and convenient heating device you can find. It is always ready for use. There are no pipes or flues or wires to bother you. You can pick it up and take it wherever extra warmth is wanted.

Every mechanical improvement that experience could suggest was already embodied in the Perfection Heater. This year we have tried to add to its appearance. The drums are finished either in turquoise-blue enamel or plain steel, as you prefer; nickel trimmings; as ornamental as it is indispensable to comfort.

A special automatic device absolutely prevents smoking. All parts easily cleaned. Gallon fuel; lasts nine hours. Cool handle; damper top.

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