### THE MORNING OREGONIAN, TUESDAY, FEBRUARY 12 1895.

# INDIAN WAR CLAIMS | tanved a special permit to the liwaco to barry 20 tons of freight and 100 passengers

LETTER TO THE OREGON DELEGA-TION IN CONGRESS.

Joint Memorial of Oregon's Legislathre Forwarded to Washington With Lord's Approval.

EALEM, Or., Feb. 11.-A copy of the fol-owing letter was malled from the excutive department today to each of Ore con's delegates in congress. It is Gov-roor Lord's approval of the joint me-morial of the Oregon legislature relative to the payment of certain money to the Indian war veterans by the national gov-ernment. The letter bears the date of February 5, the signature of his excel-lency William P. Lord, and is as follows: "I herewith transmit a copy of H. J. M. No 6 of the legislature of Oregon to concress. This memorial has my earnest aproval. It plainly states established fact. The sum of \$5,011,450 was found by a comssion of the United States to be rightly owing by the government to the citi-nems of the Pacific Northwest for serv-lees rendered and property furnished or destroyed in the Indian wars of 1855 and 1556. It was scaled down arbitrarily al-most one-half in 1850 by the third auditor of the treasury, and there is justly due the citizens of Oregon and Washington the sum of \$3,296,648. Delay in payment is indefensible. I should be gratified to have Oregon's delegation in congress give this memorial careful attention at an early day and parnettly support such measure as it indicates."

The following proceedings were had in te supreme court today: Hanford Towle, appellant, vs. the Tem-

erance House, respondent; appeal from Polk. This was an appeal from an order denying a preliminary injunction and the appeal was dismissed. Opinion per curiam. B. H. Bowman, appellant vs. J. H. Metzger and Eliza Metzger, respondents; appeal from Multnomah. Judgment re-versed and a new trial ordered. Opinion

versed and a new trial ordered. Opinion by Wolverton, J. Wimer Bros. & Co., appellants, vs. George Simmons et al., respondents, ap-peal from Josephine; judgment affirmed. Opinion by Wolverton, J. Morris Allen, respondent, vs. J. S. Ager et al., appellants; appeal from Benton; judgment affirmed. Opinion by Bean, J. C. Motions for rehearing were denied in the cases of Van Bibber vs. Plunkett and Kinman vs. Terry.

Kinman vs. Terry. In M. Wood vs. J. A. Wood, appellants, default was excused, time allowed, and respondent's motion for affirmance over-

ruled. J. W. Brigham, respondent, vs. George L. Hibbard, appellant; ordered on stipula-tion that the appellant have until March 1 to serve and file reply to brief. T. J. Kenny, reip.ndent, vs. Enoch Walker et al.; ordered on stipulation that respondent have until April 15 to serve and file brief.

and file brief. Fred Kranshoos et al., respondents, vs.

Fred Kransnoos et al., respondents, vs. Paul Hank et al., appellants: appeal from Washington: argued and submitted. John Berger, appellant, vs. O. D. Tay-lor et al., respondents; E. B. Dufur for appellant: respondents' attorney not ap-pearing; defendant was excused and ap-pellant allowed time to file brief.

Articles of incorporation were filed with the secretary of state today as follows: St. John Scandinavian Evangelical Lu theran congregation, of Silverton, with \$55 as its estimated property, and G. M. Opsund, K. Furrul and Olaf Olson the incorporators.

corporators. The Oregon Trading Company, of As-toria; capital stock, \$15,000. Isadore Greenbaum, S. Greenbaum, Hyman Pearl and S. Friedman are the gentlemen in-Greened in Unit company, they having taken 751 shares of the 15,000 ordered.

Notarial appointments by the governor today consisted of the following: H. W. Wesco, W. A. Cleland, Ida H. Vaughn, of Portland; H. C. Plummer, of Sherwood; J. R. Dickson, Pendleton Frank W. Fenton, McMinnville; L. J. Da vis, Union; William P. Lathrop and James A. Howard, Pendleton; H. H. Inalls and C. H. Higgins, Astoria, Henry Smith, Beulah, Malheur county; James I. Johns, Arlington; William H. Smith,

A suit in equity for a partition of per sonal property-wheat in the warehouse connected with the Silverton mill-was commenced with the Silverton min, was commenced here today by A. Coolidge and F. McClain, John Porter and H. H. Remington, vs. J. S. Cochran, J. W. Cochran, Harry S. Starratt et al. A receive was appointed for the mill and warehous in the person of L. J. Arams, the forme managet

carry 29 tons of freight and 100 passengers on a trip to this city, and that, inasmuch as the steamer is not yet five years old, it cannot reasonably be assumed that the recent restrictions are just.

The residence of Peter Svenson, at Sven top resonance of reter Svenson, at Sven-son's landing, about 16 miles from this city, was totally destroyed by fire today, together with its contents. No particulars of the affair could be obtained this even-ing, further than that no lives were lost.

Two of the crew of the British bark Two of the crew of the Brilish bark Duncan were pitched out of one of the vessel's small boats last night, when about to row ashore to bring the capital on board. They kept themselves afloat until they drifted down to where the Celtic Queen was at anchor, and were rescued. They were thoroughly chilled, but have recovered from the effects of the immersion.

Johnson & Blei this evening respend their new variety theater, which has been the cause of such a warm controversy on ecount of the opposition from sources here. They obtained their theat-rical license without difficulty, but the main fight is expected to occur when they make application for a liquor license.

COURT AT THE DALLES. The Session Will Probably Not Last

### Longer Than This Week.

THE DALLES, Feb. 11 -- Circuit cour for the February term began this mornin The session will be a very short one, proably not lasting longer than this The law and equity dockets show a list of 57 cases, but a large number of these have been settled or will be continued. Six criminal cases will come before the court, but it is probable they will not all be tried. The following were chosen as the grand jury: Amos Root, W. F. Matlock, E. A. Grif-

fin, M. C. Sellick, J. M. Marden, Charles Frail and W. J. Davidson.

The weather has been much colder for the last three days, and it was feared the sudden change would affect the fruit crop. As far as can be ascertained no damage has yet been done, and, unless the tem-perature becomes much lower, the trees will escape iniury.

The bill which has passed the legislature giving The Dailes a new charter meets with little opposition here. Some persons who were not in favor of all of its provisions attempted to get up a remo strance, but before the movement con se completed the measure was passed. could

#### THROWN FROM HIS HORSE.

Edward Numan Fatally Injured by the Fail.

JACKSONVILLE, Or., Feb. 11-A fatal accident occurred here yesterday evening. Edward Nunan and Walter Williams started on horseback to Medford, accompanied by two young friends from Asbland, in a buggy. When about 1½ miles from town, oung Nunan's horse threw him in such a manner that he struck on his head. There were no external bruises, and the skin was nowhere broken. Nunan got up in a ittle while, and returned to town in the

iggy, but walking nearly half a mile to a home. He appeared not to be serioushurt, but alarming symptoms soon deeloped, and he died this morning at 7 man of great promise and one of the prin-cipal clerks in his father's store.

Work at the Champion Mine.

Work at the Champion Mine. COTTAGE GROVE, Or., Feb. II.-The Champion mine, at Bohemia, owned by A. B. Millard & Co., of New London, Wis., has suspended operations until the road is pussable, when they will erect a 29-stamp mill. Several men have been em-ployed in preparing a millisite and extend-ing the tunnel. The tunnel is cut in quite a distance, and sufficient quarty has been taken out to pay for putting the mill in. The ore is of a high grade, and the mine promises to develop into one of the richest ises to develop into one of the richest

n that section. Notice of Appeal in Brown's Case. ROSEBURG, Or., Feb. 11.-Saturday W. R. Willis and A. M. Crawford filed no-

tice of appeal in the case of the State vs. S. G. Brown, convicted of murder in the first degree and sentenced to be hanged Friday of this week. The matter was taken before Judge Fullerton and he orered a stay of ex cution until the appeal can be heard in the supreme court.

DECISION OF THE LAND OFFICERS AT OLYMPIA AFFIRMED. Commissioner of the General Land

> Office Decided the Tacoma School Section Was Mineral Land. OLYMPIA, Feb. 11 .- The local land offi-

cers today received the decision of the com-missioner-general of the land office af-firming the decision of the local officials in the case of the state of Washington vs. McBride in favor of the latter. The contest involves a valuable school section in conia, which is alleged by McBride to of mineral character, and, on this asmption, he gained a favorable decisio in November last from the registrar and receiver of the Olympia land office. Re-ferring to the specifications of error filed in the specifications of error filed

by the appellant, the commissioner says: 'First, there was no error in casting the burden of proof upon the appellant. Legal application for land, duly received and of record, operates to segregate the land applied for, and the burden of proof is upon whoever attacks it.

nd, the letter of instructions from cretary of the interior to the local land flicers fixed the time within which evilence regarding mineral character of land hould be obtained, and it would have been mproper to have considered evidence obtained from explorations made by the appellant at other times and under other cir-Third, it was improper to consider evidence offered on the part of the appellee, obtained by tests made at other than the time indicated by the sectentary of the in-terior; hence the evidence of F. D. Wil-

son, J. W. Rigney and, perhaps, some oth ers, was improperly considered, and will ignored. 'Fourth, evidence offered for the pur-

pose of proving that the claim was 'salted' rests on the testimony of J. M. Bicom, which is to the effect that McBride ar-ranged with him to 'salt' the claim, and is denied by McBride, and must be adjudged as not proved. The fact that, at the in-stance of McBride, Bloom agreed to do so, under such circumstances, could have no bearing, standing by itself, even were the agreement conceded. Further, it cannot be denied that it is not at all unusual to find more than one kind of gold in the same mining location, so this fact proves nothine

"Fifth, the allegation of error in refus ng to consider the evidence of C. B. Zabriskie is not well taken. He was ;alled by the appellant to prove a conversation with another person in relation to 'salting' claims. It would make no difference what

conversations were held with any one, being strangers to the record, McBride would not be bound thereby. "Sixth, regarding the alleged error in not having considered separately each lo-cation as to the results obtained from the local tests made is a point well taken, as a general principle, but, as both parties in this case proceeded on the assumption that the deposits in the respective locations approximate uniformity of value, action in not considering the results sep-

o'clock, from concussion of the brain. He was a native of Jacksonville, 20 years of age, and the eldest son of J. Nunan, a large merchant here. He was a young ed at considerable length, and the evider of a number of witnesses is reviewed, and the opinion concludest.

"From a former decision of the secre tary of the interior as to the feasibility of procuring water, the feasibility of obtain-ing a dump, and the right of way, and other collateral matters, the com concludes that, even if the average value of the six locations made is but 7 cents per cubic yard, the claim may be operated at a profit, which conclusion renders the

land mineral in character, within the meaning of the statute. The contestant has failed to overcome the presumption attaching to the mineral application, and the decision of the local land officer November 17, last, in favor of McBride, is affirmed, and the contest dismissed."

The estimated value of the land is \$1,000,-60. The state has expended \$3,000. fighting McBride's claim and will imme-diately appeal to the secretary of the in-terior and take the matter to the supreme court if necessary.

M'BRIDE WON AGAIN BECISION OF THE LAND OFFICERS WOR AGAIN BECISION OF THE LAND OFFICERS

No Need of Churches. ATLANTA, Ga., Feb. II.-The Rev. J. B. Hawthorne, pastor of the Pirst Eap-list church, preached a sermon yesterday over the telephone, and all in Atlanta, Athens, Griffin, Macon and Madison, who had telephone connections, listened.

### THE SICK AND THE DEAD

Historian and Litterateur, NEW ORLEANS, Feb. IL-Charles Gav-arre, the venerable historian and litterateur, died this morning, aged 90. He was a native of this city, of noble birth, and famous in this state for having introduced the culture of indigo and sugar cane, and as the first mayor of this city. He wrote a "History of Louisiana," "Influence of Me-chanic Arts on the Destinies of the Hu-man Race," and several other works.

(Charles Etienne Arthur Gavarre was born in New Orleans, January 9, 1855, He was educated at the College of New Orleans. In 1825, the draft of a criminal code having been laid before the state leg-slature by Edward Livingston, Gavarre published a pamphlet opposing some of its provisions, particularly that relating to the abolition of capital punishment. He went to Philadelphia in 1825, studied law and was admitted to the bar there in 1825, returning to New Orleans in 1830. In the same year he was elected to the legisthe same year he was elected to the legis-inture, and was chosen by that body to write an address complimenting the French chamber on the revolution of 1830. He was appointed deputy attorney-general of the state in 1831, and in 1833 presiding judge of the city court of New Orleans. In 1835 he was elected to the United States scate, but impaired health prevented his taking his seat, and he went to Europe, where he remained for nearly an address urging the arming of the slaves and their emancipation, conditional on the recognition of the Confederacy by France and England. Since the war he was for some time reporter of the state supreme court. He wrate a number of historical works, two plays and several literary and political addresses, among which are two lectures on "The Influence of the Mechanic Arts.")

W. W. Stow's Sudden Death SAN FRANCISCO, Feb. 11.-W. W. Stow, park commissioner and a well-known politician, dropped dead in his of-fice at 4 o'clock this afternoon.

CW. W. Stow came of Revolutionary ck. His grandfather streed with the nerican army in the Revolution. Or a maternal side he was of the prominen stock. Whitney family, of New Tork, of which ex-Secretary Whitney is a sepresentative. His uncle, Josua Whitney, was noted in the industries of that start. He was a large owner of timber lanes, and was a heavy shipp?. He also owned large tracts of farming ind, grst mills, etc. Mr. Stow arrived in California in May, 182, having made the journy by way of Nicuragua, and with that state he was er afterward identified. He first settled cratic. Again in 1854 he was elected. and was chosen speaker of the house. He declined other political office, and resumed his law practice, settling in San Francisco.

General Montgomery Corse. ALEXANDRIA, Va., Feb. 11 -- General

Montgomery Corse died here today of old age. He was born in 1816, and served in the Mexican war as captain. In the civil war he was colonel of the Seventeenth Virginia regiment, and was afterwards uted to be brigadier-general.

(Montgomery Dent Corse was born in Alexandria (then in the District of Co-umbia), March 14, 1816. He served as a

THE BROTHER'S STORY

as follows;

baby.

ing up money."

"Then he asked me to go into his roo

9 o'clock. I refused to do that, too. They

he went away. 1 asked my wife if she did not want to go up and make a visit

to my father's. At first she said she was too tired, but we finally went. When we got home, or soon afterward, I heard a quick step in the hallway and then saw

a light in Harry's room. I heard nothing more until 2 o'clock in the morning, when harry came to the door and said: 'Some-

thing has happened. Miss Jing has been murdered. She was found dead in the road near lake Calhoun.' He asked me

to come into his flat and I did so. He got

ADRY BAYWARD TOLD OF HARRY'S CAREER OF WICKEDNESS.

Many Dramatic Scenes in the Court to say anything about it, as it was a famroom Between the Mother and

MINNEAPOLIS, Feb. 11.-Adry Hay When Harry was brought in by the depu

tioned as to whether Adry is insane, he replied:

The direct examination of ex-Mayor Eustis was resumed at the opening of the court, with the story of his interview in the Onelda hank with Harry Hayward about the lassns he had made Miss Ging. Mr. Erwin interposed an objection that the information had been obtained under duress, but this was overruled and the imayor repeated the now familiar story. The cross-examination developed upthing The cross-examination developed nothing but objections from the state which were married and had two children. He was employed in his father's office, where he transacted most of the loan and rental business. Harry was not employed there, but often came there. Harry had told him that last summer and fall he was engaged in loaning money on diamonds. Harry had also told him that he gambled He told him of having some. loaned

"I wish to enter an objection here. This

than some of the attorneys in this case, ing to get a paper.' said the court.

retorted Erwin. jury."

in Santa Cruz county, and in 153 was elected to the legislature from that county as an independent candidate. He was a whig in politics then, and the county was Mr. Stow was one of the coancel for the Central Packin for many part and acted as its agent in various ways up to the hackman could be killed too. I asked to sufficient to sufficient to sufficient the said it would be any to kill afternoon session. Never had there been such a crowd. The courtroom was packed to sufficient to sufficient to pressed. There was an air almost of ter-ror in the atmosphere. The faces of the

> suggested getting her drowned in a lake, but that looked too much like suicide, and

Adry then told how on the morning of

do him up.

ance, the witness said:

omebody. It don't make any difference so long as you kill someone: kill a crip ple; it's better for them to die than live anyway. Go out and kill some one, and

will give you \$100.' I asked him how he would know that I had done it, and he said he would see it in the papers. I said I would not do it. That was the last con-versation I had with him. I did not want

Hy affair, but I went and told Elder Stew Her Two Sons. "Held on, there; we object as imma terial," said Erwin.

ward, brother of the man accused of mur-dering Catherine Ging, was in court this morning before the trial began. His wife sat beside him, with traces of recent lears upon her cheeks, but Adry main-tained a mask of smiles and joviality. When Harry was bounded in by the denue ties, the eyes of the two brothers met, but there was no sign of recognition other than a smile of commiscration on the face of Harry. Dr. Thaddeus T. Hayward, the third brother, was present, and was visibly more cordial to Harry than to Adry. It is understood he will go on the stand and state that his brother Adry is

to my whereabouts would be no good. to my whereacours would be no good. I stayed at home all evening. The next morning Harry saw me out looking for a paper. He smiled and asked me if I thought something had happened. Soon after half past seven, the night of the murder, Harry came to my flat and asked me for 5. I gave it to him and then be mentally incapable and, in fact, insane. When asked this morning whether he would be a witness, he refused to either affirm or deny it, and when further ques-"If he is not, he's been very near it sev

eral times in the past." The direct examination of ex-Mayor

to Europe, where he remained for nearly eight years. In 154 he again entered the state legislature, and was re-elected in 1845. He was appointed secretary of state 1845. He was appointed secretary of state in the latter year and again in 1550, retain-ing the place for seven yearn. In 1853 Judge Gavarre was an unsuccessful in-ing the civil war he espensed the cause of the secoding states, and in 1853 delivered an address urging the string the second of the stand, and a burz of subound d interest west around the courtroom. He stated that he was 33 years old, and Harry was 29 years of age. He had come to Minne-apolia 25 years ago from Maccoupin married and had two children. He was employed in his father's office, where he money for Miss Ging and having gambled with her money. At this point, Mr. Er-win arose and impressively said:

witness has a delusion on this subject and is, in fact, insane." "I don't see that he is any more insane "Then he laid down on the couch with his overcoat over him. I went back to my flat. We got up early the rext morn-

There was a dramatic scene after cour "I take an exception to the court's rul-ing, and to the court's remark before this had adjourned. The mother of the boys one the accused and the other the ac

cuser, was in court and heard the story With that remark he sat down, and the xamination proceeded. Adry continued: "He told me that she had some notes that fell from the lips of her eldest born. She was torn by conflicting emotions, ap-parently not knowing to which of her scured by a mortgage on a flour mill at two sons to turn. Finally she put an arru about the neck of each and attempted to draw them together, tears streaming Hamel, and asked me to go out with him to Hamel and see about it. We drove out and I advised him against the loan. He down her face. But Adry would not thus made it. Three weeks later he came in and said he had been very lucky, as the mill had burned, and he would probably get the money to handle. About the midbe reconciled. He tore himself away from the motherly embrace and with a gasping sob went out of the courtroom while the deputy put the handcuffs on Harry and led him back to the jail. dle of September he asked me if I wanted "Look him in the eye, Harry; look him in the eye," These words came in an excited whis not willing to kill anybody. He said it tras easy to do it, and nobody would be cuspicious of me. After that he said he per from the knot of people around the prisoner, and were spoken by the mother of Harry Hayward during the most ex-ciling moment of the trial today, at the knew a hackman that would do anything afternoon session. Never had there been such a crowd. The courtroom was packed

It would be an awful thing to kill a wom-an, let alone a hackman. After that he vast concourse of people bore expressi as if their minus were laboring under great mental disturbance. Gradually from the time that W.W. Erwin had taken Adry but that looked too much like suicide, and he gave it up. Then he wondered how she would fail if he took her riding in a buggy and they should strike a boulder: whether she would fail in or out. After that he lines and having the horse run away."

out his scheme. Adry explained how his brother had turned black in the face with

AN IRRIGATION QUESTION. Decision Against the Bear Valley Ic-

rigation Company.

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LOS ANGELES, Chl., Feb. 11.-Judge Ross, of the United States circuit court, today handed down a lengthy opinion in the case of James Gilbert Foster vs. the Bear Valley Irrigation Company, in which he decided in favor of the plaintiff, who represented about 4000 persons in and about Redlands, Cal., who were holders of class "A" certificates of the Bear Valley Land & Water Company, of whom the defendant is successor in interest. The The objection was sustained, but Adry was allowed to state that he made a com-munication to Mr. Stewari, and went on

Bear Valley Land & Water Company, went into insolvency and a receiver has been appointed. Prior to this that com-"On the Saturday following, Harry walked along with me as I was making some collections. He said: 'You'd better pany levied 22 per year additional to reg-ular charges upon holders of class "A" certificates. The company did this bebe a little careful where you are for the next three or four days; something may happen.' I talked to him all I could, and told him he must not think of such a cause the corporation had, by tapping additional sources of supply, greatly in-creased the flow in the Redlands canal, from which the certificate-holders took thing. That evening he came to my flat, and said I had better take my wife and go to the theater. I told him I would do as I damned pleased. He said something water. The latter, however, objected to this additional charge and the opinion de-cides that the receiver shall recall the notices sent to class "A" subscribers, might happen, and my wife's evidence as demanding that they pay this additional charge. The court bases the decision on the legal principle estoppel.

Sarah Althea Terry's Estate. SAN FRANCISCO, Feb. 11.-R. Porter Ashe, as guardian of the estate of Sarah Althea Terry, this morning showed that me for S. I gave it to hiv hat and asked me for S. I gave it to him, and then he said, 'You'd better go to the theater to-night. Take your wife and go; comething is going to happen.' He seemed a little excited-it was one of the few times I ever saw him excited. I took him by the arm and tried to restrain him. He broke loose and said. Twe no time to fool now: Tm in the estate is insolvent and is indebted to him for money advanced for Mrs. Terry's maintenance in the Stockton Insane asytenance in the Stockton insane and The property comprises a house and lot in Fresno which is now worth only \$0000 and is mortgaged to the Pacific bank for \$500. Thomas H. Williamd, jr., will contest the account. Ashe asked for an and said. Twe no time to fool now; I'm in a hurry.' My wife sat there rocking the investigation of the statement and that he be reinstated, displacing Williams, Reel B. Terry, a nephew of the late Judge about 9:39 and see if his revolver was under his pillow. I refused, and then he asked me to raise the curtain in my room so that he could see the light about David S. Terry, supports Ashe in his controversy with Williams.

An Insolvent Bank Dividend.

WASHINGTON, Feb. 11 .- The con-troller of the currency has declared a 10 per cent dividend in favor of the in-solvent Livingston National bank, of Livingston, Mont



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its and mistakes and the later puttons weakened the found

ait and mental vigor, and who are, oung in years, wasted in the vital in memory and dull in intellec-nical bring shaky and devoid of ge-

the physical being sharp in a applied by nee. To such men electricity as applied by SANDEN'S ELECTRIC BELT, is wonder. The

I in the immediate effect is produces. The on, continuous infusion of the current grad-ily sets all the weak functions in action, ores new power in them, and in a few days anhead begins to return and sexual forces de-lop, the memory becomes clearer and the in-fect pharper. Manhood in all its elements fol-re the application of this wonderful belt,

DOES NOT THIS CONVINCE?

DUES NOT THIS CONTINUE. DEER PARK, Wash, Jan. 19, 1895. Tr A. T. Sanden-Dear Sir: I will now jet you know what offect your belt had on my cnse i imposence. I was you might as, completely imposent when I started to wear the belt. I telt im pool affects the first wear, and in the re-weaks my powers were almost perfect. I were the belt seven weeks, and it has restored my extual strength completely, and from that time a year and a half ago) it has remained perfect. have been recommending your belt wherever I net a chance, and you will receive many orders. From here. I remain yours respectfully. JOHN FLEUTSCH.

A pocket edition of the celebrated electro-medical work, "Three Classes of Man," Illus-trated, is sent free, sealed, by mall, upon appli-cation. Every young, middle-aged or old man suffering the slightest weakness should read it.

DR. A. T. SANDEN,

253 Washington St., Cor. Third, PORTLAND, OR.

nt out an easy, sure and speedy way min strength and health when every

fast.

#### EX-JUDGE L. O. STERNS DEAD.

#### He Was for Many Years Prominent in Baker County. BAKER CITY, Or., Feb. IL-Ex-Judge

L. O. Sterns died at his home here Satur-day, February 9, 1885. The funeral took place today, under the auspices of the Baker County Bar Association and the Baker County Pioneer Association

(L. O. Sterns was born in Upper Canada in 1832, of American parents, whose ancestors fought in the Revolution and the war of 1812 for the American cause. He was reared in Michigan, and was edu-cated in the state university. He read law with Governor Austin Blair, of that state, and subsequently, in 1853, emigrated to California. He engaged first in school-teaching, then in the more fascinating pursuit of mining. Again he resumed vading law, entering the office of one of 'alifornia's most noted attorneys, Hon. '. Barker, Judge Sterns was admitted to the supreme court of that state in 1852 and in 1989, on motion of Hon. George H. Williams, then United States senator from Oregon, he was admitted to the suprem court of the United States. In 185 he was sected a delegate to the constitutional convention of the state of Nevada, and actively participated in the formation of the constitution of that state. In an edi-torial in the Esmeralda Times, in August of that year he first proposed the present name of that state. He came to Oregon in 1864, and engaged in the practice of his profession and in mining pursuits. Judge Sterns was state senator from Grant county in 1866, and in 1870 was tendered the ap pointment of judge of the circuit court for the fifth judicial district, made vacant by the resignation of Hon. J. G. Wilson, at declined, having a lucrative practice Subsequently he was appointed judge of Baker county, made vacant by the resig-nation of Hon. L. L. McArthur. In Noper, 1870, he was married to Miss Mag gie Mahaffey, at La Grande, and four chil-dren, two girls and two boys, were born to August, 1890, Mrs. Sterns died in 1807, Judge Sterns moved to Washing in and engaged in the newspaper busi-ness at Oaksdale and Colfax, and was married at the latter place in January, 1831. Accompanied by his family, he re-turned to lakker in 1805, and remained there until his death.)

#### THE NUMBER CUT DOWN.

#### Steamer liwaco Restricted as to Her Passenger List.

ASTORIA, Feb. 11 .- The residents of IIwaco, and particularly the officials of the liwaco Haliway & Navigation Company, fire incensed at the action of Captain Edwards, inspector of steam vessels. In cut-ting down the number of passengers and the amount of freight which the steamer llwaco is allowed to carry. Mr. Edwards latest order will not permit the steamer to carry over 18 tons of freight, and with

#### Miners' National District Assembly in Session.

COLUMBUS, O., Feb. 11.-The miners tional district assembly of the Knights Labor met at 10 o'clock this morning, with about 40 delegates in attendance when Master Workman Penna rapped for order. The Knights of Labor assembly constitutes one wing of the United Mine Workers' Union and the Progressive Union is the other. About six years ago the two organizations formed a federa-tion under the name of the United Mine Workers, but, have ever since preserved their separate crganizations, except in

AT COLUMBUS.

joint conventions, and when joint action was required, as in the case of strikes, etc. A large element of the Knights of Labor are dissatisfied with their general officers and are advocating the with drawal of their assembly from the Knights of Labor. The forenaon session was occupied in hearing reports of com-mittees. At the afternoon session, Messra, Martin, Kavanagh, Milloy, O'Beilly and Michaels, the leaders of the secession iovement, were admitted to the convention and given a charge to address the delegates on the question of forming a new organization. Carl Browne, late "licuterant" of "Genenal" Coxey, adressed the miners' local assembly totight

John McBride, president of the Ameri-un Federation of Labor, arrived from ndianapolis last evening, and will remain during the week. He is here to meet the charges of President Adams, of the Ohjo miners. Adams has charged the nutional officers of the Mine Workers' Union with selling out the miners last June, when the national strike was settled. The convention adjourned tonight with-

ut having decided whether or not to withdraw from the general assembly. After discussing the question at great length, it was finally decided to appoint a com-mittee to formulate a plan of action, with instructions to report at a session to be held tomorrow, to which time the con

Debs' Conspiracy Case Delayed. CHICAGO, Feb. 11.-The Dehn spiracy case was again delayed today by the illness of Juror Coe. Judge Grosscup and a physician visited the juror at his iome, and, at the opening of court, the announced that Coe could not be in for at least two weeks. After a engthy consultation with the attorneys the court said that at 2 o'clock 2.,

nnounce a decision as to what action ould be taken.

Au Indianapolis Grocery Burned.

INDIANAPOLIS, Feb. 11.-At 2 o'clock his afternoon fire originated in the whole sale grocery establishment of George W. Stout, on South Meridian street. The fiames were confined to the Stout establishment, which was entirely destroyed. The loss will reach about \$115,000, on which there is \$55,000 insurance. The drug-house of A. Klefer & Co. suffered considerably from smoke and water. This loss is also covered by insurance.

Drowned in Three Feet of Water. that amount no passengers will be al-lewed. The hardship is not so severely felt now as will be the case during the summer months, but occasionally passen-the freight limit is reached before their ar-rival at the dock in liwace. It is claimed in a child aged 5 and with another waik-rive on the ice today carry-rive on the ice today in the opposite side the ice broke, and although the water wan only three feet deep all were drowned.

udge

January 28, at Shimonosiki, Japan, and had proceeded to Kobe for repairs. No one was injured by the collision. Further 1982: CO details are not given, except that the steamer will be delayed three weeks. This will bring her here March 14. The for-warding of the United States mails will be somewhat interfered with, as the postoffice department Saturday ordered all Oriental mails arriving at San Francisco after the sailing of the Oceanic to be sent here for dispatch on the Victoria, sched-

iled to sail February 3. It is possible the company will send back the steamer Ta-oma, which arrived at Yokohama from Tacoma a few days ago. A good share of the Victoria's cargo has arrived here, in-cluding seven car loads of cotton from Cairo, HL OTHER WASHINGTON NEWS.

Too Much Religious Excitement. A case that is exciting considerable in-terest at Oakesdale, Wash., is that of George Newton, a section foreman, on the O. E. & N. Mr. Newton has been attend-ing very regularly the revival meetings and has taken great interest in religion. Of late, however, Newton has shown symptoms of insanity, and has been act-ing very strangely at the meetings, and

has caused considerable trouble to the members of the church. He gave up his situation a few days ago, claiming that the Lord had commanded him to do so.

**Died From Enting Polsoned Plums** SEATTLE, Feb. 11.-Hazel Flynn, the 5-year - old daughter of Thomas Flynn, of Ballard, died this evening from the effects of eating polsoned canned plums Friday evening, Two children of Mrs. Ray and another one of Flynn's children, and the mothers, are also sick from the same cause, but they are not considered in danger. No inquest will be held, as the death is plainly accidental.

#### Coblentz's Shortage.

WALLA WALLA, Feb. 11. - Experi Young filed a report with the directors of the penitentiary today, and left for Olympia, with a duplicate for Governor Me Graw. The exact amount of Coblentz's shortage is \$12,457.54. The investigating ommittee is expected daily.

> ABOUT THINGS RELIGIOUS Immersion in Iced Water.

LANCASTER, Pa., Feb. 11 .- With the

#### hermometer hovering near zero, the Baptist River Brethren, or Dunkards, cut a

## hole in the ice at Conestoga creek, at Earlylile, yesterday, and baptized Miss Groff and Miss Lizzie Stump, of Bareville. The Rev. John Graybill and the candidates stood waist deep in the key wa-ter, asking and answering questions in Pennsylvania German. Then there were prayers, and the final plunge of the candi-dates' heads under the surface of the stream, until their entire bodies were sub-merged. Another prayer was offered that

heir names might be written in the book of life, and the ceremony, which occupied five minutes, was over.

TACOMA, Feb. 11.—The Northern Pa-cific Steamship Company has received a cable from Nagasaki, Japan, announc-ing that the steamer Victoria, due here February 21, was damaged by a collision sioned a brigadler-general in November commanded a brigade in Pickett's on in the expedition against Knox-and was captured at Sailors' creek, brild of the the man beau ville, and was captured at Sallors' creek, Va., April 6, 1865. After the war he reed the business of a banker and broker at Alexandria till 1874.) Ex-Minister Stevens' Funeral.

AUGUSTA, Me., Feb. 11.-The funeral of the late Hon. John L. Stevens, ex-minister to the Hawallan islands, was held this forenoon. The casket containing the remains rested in the study of his inte residence, beneath wreaths of flowers. At 10:00 A. M. there were brief exercises At 10:20 A. M. there were orief exercises at the house. At 11 o'clock a public cere-mony followed at the Winthrop-street Universalist church, of which the de-ceased was a member. The services were conducted by the Rev. N. S. Whitman. The burlal was in the family lot at italweet Hallowell

Archduke Albrecht Dying. VIENNA, Feb. II .- Archduke Albrecht is dying from congestion of the lungs.

PROTEST FROM DR. AMICK He Says Consumptives Should Not the Be Sent to the Pesthouse.

CINCINNATI, O., Feb. 11.-(Special.) -Dr. W. R. Amick, the eminent consumptive specialist of this city, has created a national sensation by his decided opposition to the ord r of the hospital authorities to send the consumptives to the smallvor pesthas his 20 consumptives to the smallpox pesthouse. His experience in the institution ces him that it is unjustifiable and onvin brutal. He has, through his attorneys, entered protest, and in the Cincinnati Tribune presents a formidable array of scientific facts against the contacion theory of consumption, which covers that theory with ridicule. A hot newspaper controversy is the result. The Amick Chemical Company, compounder of the Amick romedies, is mailing to physicians, consumptives and all applicants extra opies of the Tribune containing explanatory charts of his theory.

He Took Strychnine. FAYE1....viLLE, Ark., Feb. 11.-J. L. Dickson, cashier of the McBroy Banking Company, up to the first of January, and whose accounts showed a shortage of \$21,-000, took his life with strychnine, when his bondsmen called to get a statement from him.

He May Recover. SAN FRANCISCO, Feb. II.-H. A. Reid, a Santa Rosa merchant, was almost asphysiated in a lodging-house this morn-ing. The gas was turned on all night, supposed accidentally. He is now at the receiving hospital and may recover

Big Blaze in Kunsas City. KANSAS CITY. Feb. 11.-Reeves & Co's straw-packing factory and the buildings of the Campbell Paint Company and the Creamery Supply Company, on Elev-enth street, burned this afternoon, caus-

from that of his brother and facing him. Harry sat somewhat limp in his chair. I had no nerve, He had found a man, however, who had nerve-an ex-police-man, named C. A. Blixt. Then he showed leaning backward. The scene about him me the bills again, and I made a play to grab them. One of them looked like a \$100 bill. All the rest looked \$1 bills. Late in the day he told Albert Johnson in our office that he was going into the millinery and dressmaking business with a little woman who was smart, and knew all about it. Johnson advised him not to do was much like the corner of a ring in

about it. Johnson advised him not to do in the eye." so, as sooner or later the woman would Harry did not move. His mother shook

him, and he roused himself, and, leaning far over the table toward his brother, his head on his hands, tried to catch his Turning to the question of life insur-

"He said the dressmaker had been up in the New York Life, had passed the ex-amination all right, and there was some brother's eye. Adry was talking so rap-idly that he had not seen him, and Harry could not catch his gaze. He slid back in nistake about the papers, as they had to be sent back. She had made a mistake in taking out a \$5000, instead of a \$7000 policy. He was quite angry, and said: his chair and looked at his mother, as if to say that he was not equal to it. If that eye could have controlled the elder broth er in the past, it had grown powerless. 'Damn her'-hardly ever swore-'the fool; I'll kill her now anyhow, if I don't ever get a cent. I'll make more out of it now The day was filled with exciting inc. dents. Once, when Mr. Etwin asked if he had any affection for his brother, he replied that he had. Then he asked, knowthat she has made such a bull of it." He went into father's office and made out three notes on blank forms. These were signed on a Saturday. Harry told me ing Mr. Erwin's intention, if Mr. Erwin would have gone and told anybody if he had been in his position. Mr. Erwin was a triffe excited, and asked the court if he dressmaker was coming, and said: Till have you sign them as a witness, I said: 'I guess not. I won't have any-thing to do with it.' Then Harry said: might answer, and, to his surprise, the court said he might. Then, for a mon all his pent-up feelings burst forth in a short, scathing sentence, in which he gave 'I'll have Black for one, and Blixt for the other. If you don't want to sign, you'd better get out of here.' "I then left to do some collecting, and went home to luncheon. He told me Mon-Adry to understand that if he thought his

brother was crazy or intending crime, he would have moved heaven and carth to prevent it. It was a startling scene for a day that the notes were signed. Tuesday he wanted me to let him have a large bill moment. The cross-examination of Adry was virulent and exhaustive. for some \$1 bills. I gave him a \$20 and a \$50 bill. The next day he wanted At times the witness grew vexed and flung retorts at the attorney. At no time, however, did he show himself lacking men-tally. He did show some animus against Harry, however, at times, but in all the me to inke 50 \$1 bills to the bank, get a draft, and then change my mind and get other money in their place. He offered me \$1 to do it, but I refused. He was me at to do it, but I related. He was quite angry, and firally I took the money myself, and he came into the office and asked me if it was not time to sacrifice the dreasmaker. I said: 'Harry, you're not going to kill the dreasmaker, are you?' long examination he did not contradict his original story, told in the morning. The attorney put abstruse and complex questions, in efforts to obtain results for

not going to kill the dressmaker, are you?" He said, 'Yes, we arc. She'll have to be the victim this time.' I said, 'Harry, you must not do it; it's awful.' He replied, 'She's got to go this time.' I said, 'Harry, you must not do this. If you don't quit this idea, I'll report you.' His hands were clutching and he looked wild. I am not naturally afraid of anybody, but I was afraid of him then. I moved elowly to where my coat and hat were hanging, and was just making for the door when Harry came after me. I told him I was going for a walk until he cooled off. I went to my rooms and got my revolver. his experts, but he apparently failed. Adry, however, made hardly as good a witness as Blixt, for the reason that he talked too much. He repeated his story on cross-examination almost word for word as given on his direct examination. The most dramatic and affecting scene courred on adjournment. Hardly had the crowd began to move toward the doors than Adry Hayward pushed his way to his mother's side. Mrs. Hayward turned, and the tears sprung to her eyes as she leaned forward into Adry's arms. Tender ly the son kissed his mother, who sobbe went to my rooms and got my revolver. 01111 and finally went back to the office. Harry was still there, but was cooler. I repeated to Harry that he must not think of such

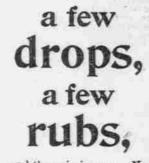
"Adry, Adry, how could you do it?" re ferring to the testimony he had just placed on record against his brother's life. a thing. He said it was nothing to kill

Adry was visibly affected, and placing his hands to his eyes, his other arm en-circling his mother's form, replied: people. He had caused the death of three "I had to, mother; it was my duty,"

"We move to have that struck out," put in Erwin. Then placing his hand upon his shoulde "Denied," said the court promptly.

he endeavored to comfort her. Harry, who stood by during this affecting scene, stepped forward and pushed Adry's hand "He said," the witness continued, "that he had killed two persons in the East, and had killed a third, but he stopped there, and would say nothing more. He also said he caused a fire in the East, where the n the mother's shoulder, exclaiming: "Don't, Adry. Can't you see you are exciting her?"

loss was \$60,000. He said he got 3000 for doing it. I told him that if he killed her she would haunt him. He said: 'People may dream of such things, but if you had any serve you would go out and kill room. Adry fell back, and Mrs. Hayward stood sobbing for a time in Hafry's arms. The usher advanced and led her from the



and the pain is gone. No guess work about

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