## MAMMOTH LUMBER CARGO

ELM BRANCH BOUND FOR THE SEAT OF WAR.

#### Sails This Morning Direct for Take June Grain Fleet-More Overdue Ships.

The Pacific Export Lumber Company yesterday cleared the big turret steamship Elm Branch for Taku, with one of those monster cargoes that has made this company famous all over the world. That of the Elm Branch was not quite up to some of the record-breakers that the firm has previously dispatched, but down in the capacious hold, and piled high on deck was enough lumber to foot up 2,794,000 feet nething more than two good-sized sailing ship cargoes. It was valued at \$30, 00, and the bulk of it goes to Taku, but there is also a few hundred thousand feet for Talian Wan, and for Victoria Bay. The steamship Inverness, which has taken the berth of the Elm Branch, at the North Pacific mills, in this city, is now receiving cargo at a rapid rate, and will follow the Elm Branch in a few days. The latter steamer finished coaling yesterday after noon, and will leave down the river at 4 o'clocks this morning. Taku, the port which the Elm Branch is headed, is the place where all of the warships are assembling in anticipation of the final break-up of China, and the big freighter may reach there in time to permit of her crew seeing some of the fun.

### MISREAD THE CABLE. Henny Clement Has Not Arrived, and

'Frisco Speculators Are Troubled. The overdue German ship Henny Clem

ent has not arrived, as was incorrectly reported a few days ago. The error grew out of the misinterpretation of a cable message, and the disastrous results which followed for the San Francisco reinsur ance gamblers are thus related by the

Somewhere on the ocean's breast or in the ocean's deeps is the Henny Clement. Along San Francisco's easy ways of life have been wasted many bottles of wine; have been told many jests, have been suns many songs over the supposed fact that she was rocking at safe anchor in the har-bor of 'Kiao Chau. But she sn't there, and thereby hangs a tale of the sea and the speculation that follows it.

The Henny Clement is a German ship, which put out, something close upon a year ago, from Hamburg, the Hanse town, for Kiau Chau, carrying reminiscences of the mailed fist and Emperor Willie's con-secrated person. She hasn't yet delivered the goods. And that's what's the matter

with the reinsurance speculation, She was a long time out. Then the men who watch the sea began to say things and to gamble on whether she ever would get in. As the days draw on the per-centage climbed. San Francisco began to eit up and take notice, for in San Francisco are many men who try at that game of life and death called reinsurance. These men began to peck in at the office of M. A. Newell, on California street, and ask how he was quoting remanance on that overdue ship. The rate crept up until it stood at 30. That means that any man who put up \$100 could draw down \$1000 in case the Henny Clement should come in. Then out from Liverpool went a dis-

Then out from Liverpool went a dispatch from the consignees of that ship. The dispatch went to Kino Chau and asked "What news Henny Clement?"
Back came an answer over the cable in the A B C code, "Clement aridity," which means, in the A. B. C cipher, "Henny Clement arrived all well Wednesday P. M."

This meant great joy for the speculators who had put up \$100 to draw down \$1000. It meant money in their purses. They had won their long shot bet. San Francisco had played the market with quite a sun at that 10 to I risk. Certainly everything was all right. Men noticed that all the recent overdues had got in except the Annie Thomas, from Cardiff to Acapulan. So a string of men presented their cer-tificates at the office of Broker Newell and those men were promptly paid off, the broker making a handsome discount on the transaction. About \$4000 was the sum paid out in this way by Mr. Newell, the other San Francisco speculators pre-ferring to wait for the coming of their money from London, thus saving the broker's discount.

Then there was fun along the line. Here

was some easy English money, and men spent it as easy money always is spent. The corks were kept in the air. There was much singing of "He's a Jol'y Good Fellow" and "Good Night, Ladies," Anybody who couldn't have detected a general tendency to say "Ha! Ha!" was deaf, dumb and blind.

Next thing over in Liverpool one of Next thing over in Liverpool one of these measiey, close-fixed, calculating chaps got boxd of the A B C code and aroused a dreadful doubt. He said: "See here; there may have been some mistake. If you notice, "Clement ardity" means in the code, "Henny Clement arrived all well, Wednesday P. M., but "Clement arduity" means "Henny Clement has not arrived."

Now there was a kill-joy for you! The

Now there was a kill-joy for you! The effect of this croaking was to have the cable message repeated, and, sure enough,

cable message repeated, and, sure enough, that massage read "Clement arduity." which is to say that the Henny Clement had not arrived at all.

Then there was trouble all along the line. Liverpool and London bad the very dickens to pay. In San Francesco, Broker Newell sent out notices to the men who had drawn down that \$4000 that they must pay it back. They have so far returned about \$3000. But where is the money that has gone for those dinners, those cocktails and that wine? Where are the songs that were sung, the stories that were tails and that wine? Where are the song-that were sung, the stories that were told? Gone forever—and all on account of a misspelled word. "Aridity" a-ways was a bad word to apply to the sea. It belongs at Tucson or Khartoum or some

was a bad word to apply to the sea. It belongs at Tueson or Khartoum or some other dry and dusty place.

And this story recalls the fact that in the recent lively speculation on the Annie Thomas a message came up from Acapulco, "Annie Thomas scarcely overdue." On this the speculators piled their money in. Then, after a time, it turned out that the message should have said, "Annie Thomas seriously overdue." And the Annie Thomas isn't in yet. Neither is the Henny Clement.

# FOUR JUNE SHIPS.

Grain Fleet Is Making Good Progress for First 2 Days of Month. The German ship Nesata is in the stream, with her cargo all aboard, and will leave down today or tomorrow. The East African, which is next on the list, will finish loading tomorrow, making four ships for the first 12 days of the month, which is s remarkably good showing for what is usu-ally considered the dullest month of the year. The Pinmore has finished discharg-ing her ballast, and will commence load-ing wheat again today. She already has 1000 tons of stiffening aboard, so there will not be much time lost in finishing her. The Mabel Rickmers which arrived up Mabel Rickmers, which arrived up late Saturday evening, is at the elevator dock, discharging ballast. The Wendur is discharging her cargo of bags, and it will require a week or 10 days for her to finish, and she will hardly be ready in tin for her outward cargo to be cleared before

# ANOTHER OVERDUE SAFE.

Orealla, Chartered for Portland Loading, Makes a Long Trip. The British ship Orealia, which is under charter to load wheat at Portland, arrived out at Shanghai last Friday, after an unwas 60 long on the way that over a week before her arrival reinsurance was quoted as high as 15 per cent, and undoubtedly British Naval brigade.

30 per cent would have been paid before she finally reached her destination. The British bark Lydgute, now in this port, made a 200-day voyage from New York to Shanghal, and, despite the fact that she is a slow ship, as high as la per cent rein surance was paid on her. This goes to show that come underwriters would make the business more profitable if they had a little more nerve. An even worse case of misplaced money was the case of the bark Dominion, on which they piled 80 per cent reinsurance, and which showed up all right without breaking any long-pas-

Another ship well known in Portland in which the plungers are now buying re-insurance is the Perseverance. Captain McIntyre. This vessel left Probolingo, McIntyre. a port in Java, something over 100 days ago for Newcastie, N. S. W., where she was under charter to load coul for Honolulu. Twenty per cent was quoted on the Pers on May 34, and it is undoubtedly nuch higher at the present time,

#### OCEAN AND LAKE SURVEYS. Congress Provides for Charting the Trackless Tide.

NEW YORK, June II.—A special to the Herald from Washington says: Important work for the benefit of comce in the Pacific is to be performed by the Navy, now that Congress has au-thorized the appropriation of \$100,00 for ocean and lake surveys. Resr-Admiral Bradford. Chief of the Bureau of Equipment, has approved a recommendation submitted by Commander Todd for an elaborate charding of the triangle formed by the Hawalian Islands and the south-ernmost point of the Philippines and the Islands of Japan.

Islands of Japan.

It is also purposed to establish a path between Honolulu and the Philippines to be followed by American warehips so that if they become disabled others following may pick them up. It is understood, of course, that the United States can obcourse, that the United States can ob-tain more expeditious results by co-op-erating with other nations. Japan has ex-pressed her willingness to chart the waters in the vicinity of her islands, and Great Britain has charted to some exent the China Sea and the East Indies

#### STEAMER GYPSY SUNK. O. R. & N. Steamer in Ten Feet of

Water Near Independence. INDEPENDENCE., Or., June 11.—The steamer Gypsy, belonging to the O. R. & N. Co., which reached this city about

noon today, ran on a snag just just below town, and immediately sank in about 10 feet of water. She was loaded with about 50 tons of flour, mill feed and wool, which was taken on at Corral-ils. The steamer is in the middle of the river, and the entire cargo is under water. The loss to the cargo and boat will prob-ably reach about \$1000. The steamer was

INDEPENDENCE, Or., June 1.—The O. R. & N. Company's boats have ceased to make regular trips on the Willamette Hiver above Salem, on account of the low stage of the water. The Altona and low stage of the water. The Altona and Pomona people intend to try and make the trips to this city during the remainder of the present month, if the water does not get too low. On account of there be-ing little snow in the mountains this year, the river is lower at present then it is generally at this season of the year.

Monmouthshire's Passengers. The Oriental liner Monmouthshire, which

sailed from Yokohama May 30, for Portland direct, will be due here about June 17. She brings 60 Chinese passengers en route for Canada, 30 for United States points and 25 Japanese. She brings a full cargo of tea, rice and general merchan

Domestic and Foreign Ports ASTORIA, June 11.—Arrived-Steamer Del Norte, from San Francisco and way ports. Condition of the bar at 5 P. M., ooth, wind northwest, weather clear, Falmouth, Arrived June 9.—German bark Hyon from Portland.

San Francisco, June 11.-Arrived-Schooner S. Danielson from Slusiaw River. Sailed-June 9.-Schooner John A., schoon Cork, June 11 .- Arrived-British ship Crl-

fel, Oregon. Cardiff, Arrived June 10.—British ship Lamorna, Tacoma. Hong Kong, In port April 17 .- British bark Thistle.for Victoria: June 4-British

ship Cedarbank, for Victoria. Shanghai, June 11.—Arrived—Norwegian steamer Eldsvold, from New Whate Deal, June 11.—Passed—British ship Iia-la, from London, for Vancouver. Manila, Sailed May 30.—British bark Stillwater, for Port Townsend. St. Johns, N. F., June 11.—Arrived— Livenian, Glasgow and L. v. rpool, for Hall-ton and Philadelphia

fax and Philadelphia. Cherbourg, June 11.—Salled—Grosse Kurfurst, Bremen and Southampton, for

Gibraltar, June 11.-Sailed-Werra, from

Gibraitar, June II.—Salied—Werra, from Genoa and Naples, for New York.

Moville, June II.—Arrived—Lake Champlain, Montreal, for Liverpool.

Antwerp, Arrived June 16.—Kensington, New York, via Southampton.

Queenstown, Sailed June 16.—Servia, from Liverpool, for New York.

Tacoma, Arrived June 10.—Bark Tidal Wave, from Honolulu.

Port Townsend, Arrived June 10.—Barkentine Newsboy, from Honolulu, Sailed-British ship Lancing, for Port Piric. Tacoma, Sailed June 10.—British steam-

er Breconshire, for Yokohama, San Francisco, June 11 .- Arrived-Steam er City of Puebla, from Victoria; steamer Warfield, from Oyster Harbor. Seattle, Arrived June 10.—Steamer City

of Scattle Dyea. Philadelphia, June 11.—Arrived—Penn-land, from Liverpool. New York, June 11.—Arrived—Europe,

from London: Manitou, from London. Hamburg, June 11.—Arrived—Assyria, from Baltimore. from Baltimore.

Marseilles, June 11.—Arrived-Victoria,
from New York.

from New York.

Glasgow, June II.—Arrived—City of
Rome, from New York.

Liverpool, June II.—Arrived—Cufic, from
New York: Cestriam, from Boston.

Auckland, June II.—Salled—Moans,
from Sydney, N. S. W., for San Francisco via Honoluju.

from Sydney, N. S. W., for San Fran-cisco via Honolulu.

Plymouth, June II.—Arrived—Pennsyl-vania, from Cherbourg and Hamburg, and proceeded.

Gibraltar, June II.—Arrived—Kaiser Wilhelm II, from New York for Naples and Genoa, and proceeded.

Southampton, June II.—Arrived—Kaiser Wilhelm der Grosse, from New York for Bremen, and proceeded. Bremen, and proceeded.

Liverpool, June 11.—The reported sailing
June 2 of the steamer Umbria for New

# IVEY HAS HIS DAY.

Deposes Collector Who Talked to Oust Him.

Alaska Dally Dispatch. Special Deputy of Customs W. P. Mc-Bride last his official head on the arrival of the Cottage City at Sitka. United States Collector Ivey used his official as and at one cleave the name of McBride was separated from the official pay-roll, and the name of Walter McNair substituted. This was the result of McBride trying to work a friend in as Collector at Cape Nome, and it is also hinted that Mc-Bride laid bare a few official secrets in Bride laid bare a few official secrets in order to hurry the acceptance of Collector Ivey's resignation. It is also said that war to the knife has been declared between the ousted deputy and the Collector, and that he has threatened to relate some interesting history to the Treasury Department. Collector Ivey has as yet made no statement and it is hinted that the official. statement, and it is hinted that the official ax, now red with blood, is seeking more

OREGON SUPREME COURT

ORDER ISSUED AMENDING SEV-ERAL RULES.

> Decisions Handed Down Yesterday-Two Multnomah Cases-Lawyers Admitted.

SALEM, Or., June 11. - The Supreme ourt today made an order amending court des Nos. 8, 16, 13, 14, 16 and 32, to take fect July 2, 1900. These amendments effect July 2, 1900. These amendment were made to conform the rules to the were made to concerning appeals. The order made by the court is as follows:

"It is now ordered that the part of rule i, under the captions 'Judgment' and 'Assignment of Errors' (24 Or., 599, 600), ended to read as follows:

JUDGMENT (OR DECREE) "Was entered: (Set out the judgment o secree appealed from, or so much thereo

decree appealed from, or so much thereof as may be necessary.)

"And afterwards, on the .. day of ...., 15..., the .... appealed to the Supreme Court of the State of Oregon, and on the .. day of ...., 19..., filed his undertaking on appeal. (If a supersedeas bond was filed, state the fact.)

ASSIGNMENTS OF ERROR.

"And the appellant herein says there anifest error on the face of the record in manifest error on the face of the record in this: (Here assign and set out briefly and concisely the errors relied upon for a re-versal or modification of the order, judg-ment, or decree, appealed from.) "Note.—This outline is presented for the purpose of indicating the character of the abstract contemplated by the rule, which, like all the rules, is to be substantially

like all the rules, is to be substantially complied with. Of course, no formula can be laid down applicable to all cases. The rule to be observed in abstracting the case is: Preserve everything material to the question to be decided, and omit every-

That rule 10 be amended to read as 'On the hearing in this court, no ques-

tions will be examined or considered, ex-cept those going to the jurisdiction of the court, or when the pleading does not state facts sufficient to constitute a cause of ction or defense, or those arising upon he assignments of error, as contained in "That rule 12 be amended to read as

"The printed abstract provided for by hese rules shall be deemed and considered an abstract within the meaning of section 541, Hill's Ann. Laws of Oregon, as amended in 1899 (Lawe 1886, p. 229.) "That rule is be amended to read as fol-

'In case the appellant shall, without easonable excuse, fall or neglect to serve he rules of this court, the respondent may have the judgment or decree affirmed on motion and notice; and in case of an aban-doned appeal, the opposite party may, by presenting a copy of the judgment or de-cree, undertaking, notice of appeal, and proof of service thereof, have the judg-ment or decree likewise affirmed on mo-tion; and if in either case it appear to the ion; and if in either case it appear to the satisfaction of the court that the appea was taken for delay only, may recover uch damages as the court may order.'
"That rule 16 be amended to read as fol-

'Civil causes on the trial docket will et set down for argument as near as conotice of which will be given to the attornotice of which will be given to the attorneys of the respective parties by the clerk; but the court may, whenever in its judgment a cause is of sufficient public importance, on the apprication of either party, direct it to be set down for argument out of its order. Criminal cases will, upon the application of either the state or the defendant, be set down for hearing as soon as here's are filed unless. earing as soon as briefs are filed, unless otherwise ordered by the court; provided, parties in either civil or criminal cases may, upon stipulation, suomit the same on oriefs at any time. In criminal cases a may, upon time. In criminal cases a copy of all briefs, whether filed by the de-fendant or District Attorney, must be served upon the Attorney-General. "That rule 32 be amended to read as fol

"The foregoing rules governing the service of abstracts and briefs shall not apply to cases for hearing at Pendleton, but such cases may be heard on the transcript or abstract filed within the pur-view of sald section 54i, Hill's Ann. Laws: ""(a) No civil case shall be heard at Pendleton, unless the appeal has been perfected at least 15 days before the first day of the term; but, in all cases where the appeal is perfected less than 15 days before the first day of the term, the same shall be heard at Salem, upon the applica-tion of either of the parties thereto: "'(b) In cases to be for hearing at Pen-

dieton, the appellant must serve a brief, containing a concise statement of the errors relied on, within 30 days after his appeal is perfected, and file the same in the Appellate Court at least 10 days before the first day of the term. The respondent shall serve his brief within 20 days after the service of appellant's brief upon him. and file the same at least five days before the first day of the term; provided, that in all cases for hearing at Pendleton the appellant must serve and file his brief at east 10 days before the first day of the term, and respondent by the first day."

"These amendments shall take effect and be in force from and after the second day

Decisions Handed Down. In the Supreme Court today decisions

were rendered as follows: were rendered as follows:

Charles M. Pierce, "espondent, vs. Rock Creek Gold Mining Company, a corporation, and C. W. James, a Justice of the Peace, appellance, from Baker County,

Peace, appellants, from Baker County, Robert Eakin, Judge: judgment affirmed. Opinion by Wolverton, C. J.

The opinion says:
"This is a proceeding by writ of review, prosecuted for the purpose of reviewing the judgment of the Justice Court for District No. I, Baker County, Or., in a case learning of the purpose of the p cause instituted therein June 7, 1898, wherein the Rock Creek Gold Mining Company was plaintiff and said Pierce was defend-ant, to determine the right of possession to a certain quartz mine, for which the plaintiff herein was seeking to obtain a patent from the general Government. The plaintiff had filed or made the necessary application to the proper officer of the Land Office at La Grande, Or., for a patent, and the defendant mining company, having filed an adverse claim, instituted the action for the purpose of determining the right of possession, as required by the revised statutes of the United States, sec-tion 225, 225. The summons was served in Union County upon Pierce, who appeared specially and moved the court to quash and set aside the service, because it was made in a county other than that in which the court was held. The motion was overruled, and after some proceedings not material to the question involved here, judgment was given by default in favor of the mining company for possession of the claim, which judgment having been an-nulled by the Circuit Court, upon the re-view, the defendants herein appealed. "The solution of the question first raised

the record, as to whether a Justice Court equires jurisdiction in a possessory acsummons in a county other than that in which the court is held, is decisive of the controversy. The matter is governed wholly by statute, wherein we find no authority for the service. By section 2175, chapter 13, of the civil and criminal procedure in Justice Court, such courts are accorded jurisdiction of action to re-cover the possession of mining claims sit-uated within the county where the court is holder; but the provisions governing the acquirement of jurisdiction are the same as obtain in respect to all other civil causes instituted therein. These are found in sections 350 and 3561, Hill's Ann. Laws of Oregon, the latter section being part of the Justice's code."

After reciting several authorities and present their claims. But this is not a proceeding instituted for the benefit of his general recitions, but is a suit brought by plain-tiffs to set aside and have decreed void as to them the chattel mortgages referred to in the pleadings. These mortgages are valid between the parties, and the only

sed, the opinion concludes: The action in the Justice Court is the mining claim is situated, and in this respect is analogous to the case we have ust been considering, where an ordinary sction is commenced in the precinct where the plaintiff resider. The authority of the Sheriff of the county to make the service is the same in both cases. Indeed, the nature of the action contemplates that there is some one in possession of the mine to be made defendant, who should necessarily be served in the county where the action is instituted. The Sheriff of Union County, being without authority to

R. L. Lew and A. H. Sprague, partners, appellants, vs. N. A. Lewis, respondent, appeal from Grant County, M. D. Clifford, Judge, affirmed. Opinion by Bean, J. This was an action brought in a Justice's Court to recover \$25 % for merchandles alleged to have been sold to the defendants in 1888, no part of which has been paid. The answer admits the purchase of goods to the amount of \$11.75 only, and alleges that this amount was tendered to plaintiffs prior to the commencement of the action, and upon being refused was deposited in court. The plaintiffs won the full amount clumed in the Justice's Court, and the defendant appealed to the Circuit Court. When the case was called for trial the counsel for plaintiffs filed a motion for continuance, on the ground that his client and a witness were absent. He supported the motion by an affidavit setting forth the testimony he expected these witnesses to give. The deslieges that this amount was tendered to testify, and the motion for a contin ance was overruled, the case tried and appellant's motion to strike out responduance was overruled, the case tried and a verdict for the defendant rendered. On the same day counsel for plaintiffs moved the court to set aside the verdict and to grant a new trial, on the ground of insufficiency of the evidence to justify the verdict, and that it was against law. Before the motion was disposed of, defendant tendered plaintiffs a judgment for fil 75, or to permit them to take the fil 75 deposited by him. The motion is set aside was overruled and indement enset aside was overruled and judgment en-tered in favor of the plaintiffs for \$11 %, and in favor of defendant for costs and disbursements. The plaintiffs appealed to the Supreme Court, assigning as error (1) he ruling of the trial court in denvis the motion for continuance; (2) in re-ceiving and filing the vertict and not esting it aside on its own motion; (3) in trying the cause without the jurors having been aworn before being examined as to their qualifications to sit as jurors; and without being sworn to try the cause; and (4) in overruling the plaintiffs' mo-tion to set aside the verdict and entering udgment as above stated. The Supreme Court holds that the

The Supreme Court house that the motion for con-tinuance was overruled because the de-fendant admitted the testimony set out in he affidavit, and that the jury was propcely sworn; and that he july was prop-elly sworn; and this is conclusive upon these questions. Held also that the ver-dict was sufficient to support the judg-ment, the court being justified ir pro-ceeding as if the vertict had been amended o conform to the manifest intention the jury, and in entering judgment as

Jed A. Biair, appellant, vs. John Turner and L. Boswell, respondents, from Mal-beur County, M. D. Clifford, Judge, affirmed. Opinion by Moore, J. Intrined. Opinion by Moore, J.
This was a suit brought to enjoin the lefendants from maintaining dams in a non-navigable stream. The transcript shows that plaintiff's predecessors in increst built dams in Mormon Basin Creek, terest built dams in Mormon Basin Creek, in Halheur County, Oregon and made an appropriation of the water in that stream, which was conducted in ditches and used in separating gold from the baser materials in which it was imbedded, after which the water was returned to the creek, carrying with it the takings from certain placer mines. The dams were provided with gates, which, being opened, liberate the water, flushing the creek and carrying away the debris. The defendant Turner built dams in said creek endant Turner built dams in said creek about three miles below plaintiff's dams.
The lower court denied the injunction, and on appeal the Supreme Court sustains that decision. The court holds that regardless of the right plaintiff may have to the water, it does not appear that he is being injured by defendant's dams, and

a court of equity cannot interfere. John Turner, respondent, vs. Jed A. B.air, appellant, and J. D. Locy and A. Anders, defendants from Malheur Coun-ty, M. D. Clifford, Judge, affirmed. Opin-

on by Moore, J.

This was an action for damages for injuries to plaintiff's reservoirs. The circumstances are the same as in the preceding case, except that Blair removed Turner's dam, thereby destroying the reservoirs. Blair contended that the dams were a nulsance. The questions in the Supreme Court areas upon various assignments of error. The court holds, in brief, that it does not appear that Tur-ner's dam was injuring Blair, that he could not, therefore, justify, his remov-ing it, and that no eraor was committed at the trial in the lower court.

L. W. Tellmadge, appellant, vs. A. B. Hooper et al., respondents, from Union County, Robert Eakin, Judge, reversed.

Opinion by Bean, J.

This was a suit to enjoin the prosecution of mining operations on, and to declare forfeited and cancelled, a lease of mining ground. Only one question of law on the merits of the case is passed upon by the Supreme Court. In this it is held that paroi evidence cannot be admitted to vary the terms of a written contract; that in the present case there was no

that in the present case there was no ambiguity in the language of the contract; and that the court erred in admitting oral testimony concerning the maturity of the payment under the lease.

A number of secondary questions, not upon the merits, were disposed of. It is held that under section 541 of Hill's Code, as amended in 1899, an extension of time to file the transcript is within the sound discretion of the court, and his ruling will not be reviewed except in case of manifest abuse thereof. Held, also, that such an extension may be made at any time when the appellant is not in default. On a question of identification of the stenographer's transcript of testimony the stenographer's transcript of testimony the following holding is made: "A stenog-rapher is an officer of the court, charged with the duty of correctly reporting all the proceedings on the trial, and his certificate is entitled to the same faith and redit as that of any other officer.

Solomon Hirsch, Samuel Simon, I. N. Fleischner, Max Fleischner and M. A. Mayer, co-partners, doing business under the firm name and style of Fleischner, Mayer & Comapny, plaintiffs and respondents, and Kuh, Nathan & Fisher Company, (a corporation), and Sweet, Orr & Co., intervening plaintiffs and respondents, vs. The First National bank of McMinnville, Oregon, et al., appel-lants, from Multnomah County, Alfred F. Sears, Judge, on petition for rehearing, decree modified and petition overruled.

Opinion by Bean, J.

The Supreme Court holds to the opinion already rendered, but modifies the decree disposing of the funds in the hands of the receiver. The opinion says: "It ap-pears that after the satisfaction of all ciaims ordered paid by the decree herein, there will remain in the hands of the re-ceiver, or of the Court below, a consid-erable amounts of money—the proceeds of the sale of the property covered by defendants' mortgages which counsel for defendants move be paid to them. The claim of the plaintiffs seems to be that such money should be distributed among Redmond's creditors, according to their respective rights, and that an opportunity

oreditors challenging their valually in this suit are the plaintiffs, and the intervening creditors, Kuh. Nathan & Fisher Company, and Sweet, Orr & Company. As to them the instruments are fraudulent and vold; but, so far as this proceedings is concerned, they are valid for all other purposes. . . The balance on hand ought to be paid over to the defendants. to be paid over to the defendants."

Portland Trust Company, respondent va J. C. Havely and Ann Havely, his wife, appellants, on motion to modify the decree so as to omit the entry of a decre against the personal representatives of H. W. Ross, who was a surety on the undertaking for appeal herein. The motion is denied in an opinion written per curiam aerve the summons upon the defendant in the cause pending in the Justice Court in Baker County, the court did not acquire jurisdiction of the person of Pierce by such service, and, therefore, the judgment rendered against him is a nullity."

R. L. Lew and A. H. Sprague, partners. undertaking as to being joint or several.

The following minor orders were made: E. W. Haines, respondent, vs. E. P. Cadwell et al., appellants, ordered on motion and affidavit that appellant have intil July 7 to file the abstract herein State of Oregon, respondent, va. Andrew Carlson, appellant, ordred that appellant have until September 16 to file his brief

F. O. Downing, appellant, ordered that ap-pelant's time to file his brief herein be exended to June 3. Pacific States Savings, Loan and Build-

ing Company, appellant vs. J. L. Hill re-spondent, ordered that respondent have until September 1, to file his brief and ap-pellant until November 1 to file a reply brief. In the matter of the estate of Elizabeth conser, deceased, Mary E. Warren, re-pondent, vs. T. G. Hendricks, executor,

nt's abstract, overruled, State of Oregon, respondent, vs. ohn Morgan, appellant. Appeal dismissed on motion of Attorney-General, appellant having made default in serving or filing

In the matter of the will of Verona Wichen, deceased, Lydia M. Willis appel-lant, vs. Jeanette Booth, administratrix, respondent, ordered on motion that repondent's time to serve and file her brief be extended 10 days. Admitted to Practice

The following persons who were last week examined by the Supreme Court upon their knowledge of law, were today adsitted to the bar:

Roy H. Hurley, John P. Rusk, W. H. Powell, John M. Peebles, John F. Watts, Herbert S. McCutchan, Eugene F. Barnes, George G. Root, William E. Parker, An-frew L. Kavanaugh, Frank L. Morgan, Drew P. Rice, Fred A. Durham, William D. Smith, F. L. Frazier, James O. Wat-son, Amos W. Dosch, Oro L. Price, Charles M. Kissinger, C. E. Lenon, F. M. Fleming, Clinton E. Woodson, Thaddeus T. Farker, Hiram A. Johnson, Grant Corby, Frances C. Richardson, Edmond L. Ledbetter, J. M. Powell, T. W. Miles, The examination of E. Scott Spelling was sal isfactory, but being a minor for his admission is postponed a on is postponed until he beomes 21 years of age.

#### AT THE HOTELS. THE PORTLAND.

THE PORTLAND.

JA Young, San Fran D C Schweizer, S F M C Barrett & wf. do A B Jacobs, Oregon Cy E Katz. Fhiladelphia Frank Steunenberg. Boise Park John S Lighter, Astoria N F Morgan, San Fr B P Lewis, St Louis R W Skinner. San Fr F H Doyle, N Y F H Doyle, N Y M Skins, Carrol, San Francisco, Dhio C K Garey, N Y E B Lyon, Minnpls

Columbia River Scenery.

Regulator Line steamers, from Oakstreet dock, daily, except Sundays, The Dalles, Hood River, Cascade Locks, and return. Call on, or 'fone Agent for further information. THE PERKINS

and return. Call on, or fone Agent for further information.

THE PERKINS.

W C Guthrie, Chicago Carrie Oumland, La Grande, Or M F Watson, New Whatcom, Wash P McClung, wife and two sons, Fomeroy J T Spencer, Sait Lake Mrs J T Spencer, do A Loenney, Haines M J Church, Island City S L Hunter, Union A MacCorquerdale, O R & N Co G D Hibbard, San Fr Mrs J W Howard, Corvallis Dickenson, Astoria Miss Dickenson, Astoria Mrs G M Coffman, do Mr F Hardesty, do Mr F Hardesty, do Mr Hardesty, do Mrs Chas Bagley, do Mrs Chas Bagley, do Mr Hardesty, do Mrs Chas Bagley, do Mrs J E Rose, do S Panils, Kan City T Geer, Balem B Cook Mission, National Mrs A R Torier, do W Geurkhart, Albany W Moeller, Seattle John McConnell, B C Fred Malther, Pameroy W M Douglas St Paul H Greaves, Oregon Cy E Poty, Oregon City B W Howard, London, Erg W Cobb, Or Henry Marcotte, Andrews, Oregon City B W Howard, London, Erg W Cobb, Or Henry Marcotte, Andrews, Oregon City B W Howard, London, Erg W Cobb, Or Henry Marcotte, Andrews, Oregon Cy E Fred Malther, Pameroy W Moeller, Seattle John McConnell, B C Fred William, Silem Mrs Natron, Salem Mrs V J Kennaler, Mrs Mc Allen, Astoria Mrs V J Kennaler, Mrs Mc Allen, Astoria Mrs W J Kennaler, Mrs Mc Allen, Astoria Mrs W J Kennaler, Mrs Mc Allen, Astoria Mrs W J Charles, Mrs Mc Allen, Astoria Mrs Mc Allen, Astoria Mrs Mc Allen, Astoria M

Hotel Brunswick, Seattle. ropean; first class. Rates, 75c and up. One ck from depot. Restaurant next door. Tacoma Hotel, Am. plan; rates ‡3 and up. Donnelly Hotel, Tacoma; European, 50c and up. J. C. Donnelly, Prop.

Hold-up Men Arrested. last evening Officer Parker ar-on his East Side beat, Conred rested, on his East Side beat, Conred Evans and Henry Bauer, suspicious char-Evans and Henry Bauer, suspicious characters answering to the description given, of two men reported to the police station for several cases of hold-ups during the last two weeks. The police officers are confident of having arrested the right men, as upon search they found in their possession a dangerous-looking iron bar about 15 inches long, perfectly adapted to the uses of thugs.

Man is his own star; and the soul that can Render an honest and a perfect man, Commands all light, all influence, all fate. Nothing to him falls early or too late. Our acts our angels are, or good or ill, Our fatal shadows that walk by us still. -Epilogue in Beaumont and Fletcher's "Honest Man's Fortune."

# ASHANTEE REBELLION

RELIEF COLUMNS ENCOUNTERED SERIOUS RESISTANCE.

Rumor Current That Sir Frederick Hodgson, the Governor, Is a

LONDON, June 11 .- Colonel Willcox, Ir ommand of the Ashantee relief expedi on, cables from Phrasu, under date o une 9, as follows:

"Have just received a message from Colonel Carjer, from Kwisz, reporting that he advanced June 6, effecting a junc-tion with Captain Hall at Bekwal. He count the advanced sund the rebel forces strongly fortified at Dompomssie. The fight continued for a long time, and the enemy were dislodged, but on account of the loss of seven European officers wounded and 50 other casualties, he was unable to advance, and reurned to Kwisa.

There is no news from Kumassi, Koko fu and Adams are in a state of rebellion The Donglassi are probably joining the rebel forces."

he Colonial Office as follows: "Cape Coast, June 8.-Following is the surport of a dispatch received from Cap-ain Hall:

Esumeja, May 24.-Collected the at Esumeja, Ejinassi and Bekwal, May 22. Considered it necessary to find out the strength of the rebel forces to the front ind flank before advancing on Kumassie The plan of the rebel forces was to hold our front at Ejumum and outflank us from Kokofu. A garrison was left behind at Ejinnest. The remainder of the forces were concentrated at Esumeja, where we eft 50 men and a Maxim. Told King at Bekwai to advance to Abadon as soon as he heard rifle fire or encountered ser us opposition. Within half an hour me esistance in a Kokofu village, repulse he natives and burned the village in their sight. The Kokofu main villages were then attacked. Eight thousand held hem for half an hour. Was unable to successfully dvance, but Lieutenant Edwards and six men were wounded. The enemy's loss was consid-erable. Decided to hold Esumeja and to keep communications open for news of he main body."

The Daily Mail has the following dispatch from Accra, dated June 10: "There is no fresh news from Kumasprisoner.

They Exist in India. LONDON, June 12.—The famine in India grows worse. The Standard's Simia cor-respondent, in a mail letter, says: "It would be rach to assume from the almost stationary relief figures that the corner will soon be turned. So devastating his been the cholera outbreak, so enermous the mortality and so blind the terror inspired by this black death that the famine relief camps in Bombay Presidency, which contained thousands of workers, melt away and are left empty in the course of a couple of days. Starv-ing though they be, the people prefer to fly to their own homes and to die in quiet rather than to remain in the famine relef camps, where the cholera is striking ond street; consump down 100 workers daily.

There the famine is at its worst, and now Myers, city.
the cholera has arrived to complete the June 3.—Boy, to the wife of Willis E work. An eye-witness said. 'As we walked Judson, 367 Chapman street

# Clergymen

Use Duffy's Pure Malt Whiskey in their h



Meade Center, Kant.
My Draw Bro.: Your havor
with the enclosed slip in at
hand. The facts are these: My
wife was an invalid for several
years and, on our physician's recommendation, used a certain
preparation with very great
benefit. I am a Presbytestima
clergyman, a Doctor of Divinity,
not of Medicine, but I am set
afraid to say that Duffy's For-

od homes and dead bodies. One of t bravest acts witnessed was a little g about 7 attempting to care for two lit brothers after the mother had given all hope and lain down near them to She was feeding a fire which burned neath a broken pot, in which simm the almost rotten feet and bones of st dead animal. The scene cannot be pain too black. No account we have ever of any famine would picture the state

affairs at Dohad."

The Standavd's correspondent says t mortality estimates are inaccurate, as un-numbered dead bodies are polluting the

LONDON, June 11.—The Viceroy of In-dia, Lord Curzon, has cabled to the Secredia, Lord Curzon, has cabled to the Secre-tary of State for India, Lord George Ham-liten, announcing that a good rain has fallen in Southern India; that there have been scattered showers elsewhere, and that the meteorological reporter foreca ow about 5,802,000 persons receiving re-

## DAILYCITY STATISTICS.

Real Estate Transfers. James A. Gray et al. to Thomas Jenney, lots 1, 2, 3, and 4, block 11, Maberville; May 29.

Augusta Wusterleid and wife to August Dippel, lots 13 and 14, block 5, John Irving's First addition; June 11

James C. Stuart to A. L. Finiey, lot 15, block 2, Richmond addition; June 9 W. C. Westaway and wife to Michael
Devaney, Sexil. Chapman and Mill
streets. May II.
Thomas Scott Brooke et al. to Security Savings & Trust Co. ists 2, 4, 5 and 6, block II4, Portland: April 4
I. G. Davidson and wife to Mrs. Harriet Briggs McNeal, lots 7 and 8, block 2, Orchard Homes; June 9.
Martin Sandberg to August J. Jinger,
lots 23 to 28 inclusive, block 23, Tremont; June 6

Deaths.

June 8 .- Emma Wattle, age 1 month, days, 392% East Oak street; pneumonia June 8.—Gin Fon, age 45 years; 91 Sc

June 6.-Boy, to the wife of Fredri

# DOND'S EXTRACT

Used Internally and Externally

Refreshing and invigorating when used in the toilet, or after shaving. As a remedy it controls all pain, bleeding and inflammation.

CAUTION-Witch Hazel is NOT Pond's Extract, and cannot be used for it. Ordinary Witch Hazel is sold in bulk, diluted, easily turns sour and generally contains "wood alcohol," which is an irritant externally, and, taken internally, is a deadly poison.



Masnus dilling

Pond's Extract is sold ONLY in SEALED bottles, enclosed in buff wrapper, and is

guaranteed strong and pure. This fac-simile will guide you when you call for a bottle at the drug store. POND'S EXTRACT CO., 76 Fifth Ave., New York. POND'S EXTRACT OINTMENT cures itching or bleeding Piles, however severe, and is a specific in all skin diseases.



# Note Fig. 1. It locates the heart.

Weak hearts are as numerous as weak stomachs, There is scarcely a day that we do not read in our daily paper of some prominent person having suc-

d to heart disease. If your heart flutters, palpitates, or gives evidence of growing weakness, begin treatment at once. HUDYAN will cure. HUDYAN strengthens the action. HUDYAN rebuilds the brokendown heart structure.

Do you suffer with irregular fluttering of heart (Fig. 1)? Choking sensation (Fig. 2)? Flushing of face upon slight exertion (Fig. 3)? Ringing in ears and throbbing pain in head (Fig. 4)? Weakness in limbs (Fig. 5)? Cold hands and feet (Fig. 6)? Pain in left side (Fig. 7)? These symptoms all tell you of heart disease. Again, you may notice an irregular pulse, oppressed feeling in chest, dizzy spells, or tendency to faint.

HUDYAN corrects all the foregoing sympto Since the discovery of this valuable remedy fatal-ties as a result of heart failure have been less fre-quent. HUDYAN is for men and women, and

HUDYAN is for sale by druggists-50c a package, or six packages for If your druggist does not keep HUDYAN, send direct to the

HUDYAN REMEDY CO.

Cor. Stockton, Ellis and Market Sts., San Francisco, Cal. Consult free the Hudyan Doctors.

**CONSULT FREE** 

or write to them.