MADMAN'S THIRD VICTIM

DEPUTY SHERIFF COOL, OF MOSCOW, IDAHO, IS DEAD.

Wounds Received Sunday While Trying to Arrest Murderer Steffen Prove Fatal.

MOSCOW, Idaho, Aug. 5.—Deputy Sheriff W. E. Cool, who was shot by William Steffen yesterday morning, while attempt- Gritman Hospital at 11 o'clock, as Gritman Hospital at 11 o'clock today, as the result of the bullet wound in his hip, the bullet having penetrated the abdominal cavity, thus causing internal hemorrhages. Cool's body will be taken to Genesee for burial.

Cool was a native of Maine, 35 years of age, and had lived in this county nine years. He was married to Miss Meibeleeck, of Genesee, on April 1. Cool was a Mason, a Knight of Pythias and a Modern Woodman, holding an insurance of $2000 in the latter order.

The remains of William Steffen were turned over to his relatives this afternoon. Interment will be made in Pullman Wednesday. Dr. Watkins will be buried under Masonic auspices at 1 o'clock tomorrow forenoon. It is expected his funeral will be attended by the friends and acquaintances from all parts of Washington and Idaho who can reach here in time.

WORK AT BLIND SCHOOL.

Circular of Information on Character, Work and Plans.

SALEM, Aug. 5.—Superintendent George W. Jones, of the Oregon School for the Blind, has issued a circular letter of information regarding the plan of work at that institution for the ensuing year.

The circular sets forth the advantages of the location of the school and after outlining the course of study in the common school branches and in music, has the following as an indication of the more extensive instruction to be given in the industrial department:

"A good gymnasium has been fitted up with modern apparatus, and a systematic course of exercises will be given in it throughout the school term, which is designed to develop the muscles, promote health and vigor, and give ease and independence in bodily movements.

"The board has authorized the introduction of the sloyd system of manual training and has procured a competent teacher to take charge of the work. A great number of models and tools are used in the practice of this system, and its exercises develop the powers of the mind, skill of the hand, delicacy of touch and freedom in movement—matters of prime importance in the education of the blind.

"Piano tuning is one of the most lucrative employments in which the blind may successfully engage, and in view of this fact a tuning department has been established and placed under the management of a skillful teacher. A number of the boys will no doubt take advantage of the opportunity to prepare themselves for this work.

"All pupils are taught hammock and net making and the girls are given instruction in knitting, crocheting, sewing, both by hand and machine, and in the ordinary household duties. Manual work of this kind not only better fits pupils to earn their own living, but the training of the hand is a panacea for the despondency and sadness that so often fill the lives of blind children."

The conditions of admission to the school are thus stated:

"The school is supported by appropriations made by the Legislature, and the advantages it offers are free to all the blind youths of the state and those whose sight is so defective that they cannot obtain an education in the public school. The only expense parents are required to bear is in supplying their children with comfortable clothing in such quantities as to admit of the necessary change for washing and mending, and to defray traveling expenses to and from the school. If the parents, relations or friends of a child are not able to provide these necessary expenditures, the County Coudts are required by law to render such assistance.

"All pupils board and have their home at the institution during the school term. Board, furnished rooms, and medical attendance are free.

"The conditions of admission are:

"1. Insufficient vision to attend the public schools.

"2. Ability to receive intellectual, physical and moral training.

"3. Willingness to conform to necessary rules and regulations.

"4. Good moral character.

"School opens for the reception of pupils September, when all are expected to be present so as to begin the work together and avoid the confusion of coming in later in the term. The session will continue for 38 weeks."

Workers at Deaf Mute School.

The State Board of Education today elected the following subordinate officers for the State School for Deaf Mutes: Teacher, Nellie Cobb, Wellston, O.; boys' superintendent, Augustus Hesley, of Rochester, N. Y.; girls' superintendent, Lucretia Cove; seamstress and music, Mrs. Anna Scovell.

July Report for Insane Asylum.

The report of Superintendent J. F. Calbreath, of the Oregon Insane Asylum, for the month of July, shows the following:

Number of patients June 30	1200
Number received during July	33
Number of escapes returned	3
Number under treatment	1236
Number discharged recovered	7
Number discharged improved	7
Number discharged not improved	2
Number died	12
Number eloped	5
Number remaining July 31	1203
Average attendance	1198
Total expense for articles consumed	$ 6,317 92
Pay roll for month	5,395 44
Total	$11,713 36
Cost of maintenance per capital per month	9 78
Per day	0 31

Received at the Asylum.

Carrie Day, aged 28 years, has been received at the asylum from Cascade Locks, Wasco County.

Applied for Under Arid Land Act.

It was announced in the State Land Office today that the land applied for by W. E. Burke, of the Portland Land Company, under the Carey arid land act, comprises, approximately, sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, and 22, in township 24 south, range 33 east of Willamette meridian. This land lies just south of the center of Harney County.

Payments to State Treasury.

Master Fish Warden H. G. Van Dusen today paid in to the State Treasury $907 30 collected by him for licenses during June and July.

Yamhill County today made a payment of $3000 on its state tax for 1900 and $877 97 to settle the balance due on its bounty tax.

SALMON COMBINE BALKS.

Promoters Do Not Want to Pay Accepted Price for Cannery.

ASTORIA, Aug. 5.—The indications now are that the sale of the Alaska Fishermen's Packing Company's plant to the Pacific Packing & Navigation Company is off, at least at the price originally agreed upon.

When the conference was held in New York the combine promoters accepted the proposition of the local company to sell its Bristol Bay cannery for $200,000 cash and were given until August 10 to pay for it. Last Friday the combine officials sent word that they would not pay cash. They, however, offered $1000 cash, $1000 preferred stock and $1000 common stock in the new concern for each $500 share in the Fishermen's Packing Company, provided 53 shares were delivered by August 10. A message was immediately sent directing them to return the books belonging to the company, but this they refused to do, stating that they had an option on the plant and until that expires they will hold the books.

The Alaska Fishermen's Packing Company has a capital stock of $70,000, divided into 140 shares of $500 each. Of these, 104 shares are held by private individuals, the balance being in the company's treasury. Its plant and outfit cost a little over $70,000 and the company has made money each year since it was organized. The reports from the North indicate that this season will be equally as successful, so many of the stockholders are not anxious to sell.

WANTED FOR FORGERY.

B. R. Moore, of Linn County, Is Said to Have Raised a Check.

ALBANY, Aug. 5.—A young man about 18 years of age, named B. R. Moore, is wanted in this county on a charge of forgery. Moore had been working in J. M. Wiley's saw mills, near Lebanon. When he quit work Mr. Wiley gave him a check for $8 on Jerome Smith. Moore raised it to $80 and then presented it for payment. Smith knew that Moore had been working for Wiley for some time, so paid the order immediately. When the forgery was discovered, a warrant was issued out of Justice Lovelee's Court and the officers are now hunting for him.

Wheat Around Walla Walla.

WALLA WALLA, Aug. 5.—As a rule the farmers are too busy with harvest to talk when they come to town. A few stopped long enough to say "the yield is better than I expected." Charlie Richie, manager of Fred Stein's big ranch, said: "The wheat is going over 35 bushels to the acre, and will probably do better, as we are only cutting the outer edges of the fields with the big combine, which cuts and sacks over 30 acres a day." Joe C. Painter, of Eureka Flat, said: "It is going about 35 bushels." W. H. Babcock, who has some 5000 acres in wheat on the Flat, said: "It is going over 39 bushels. I had a piece of sod that went 31 bushels." Brewster Ferrel, from the foot of the mountains, said: "It is going about as usual, over 45 bushels." Harry Abbott had just finished cutting 280 acres of club that averaged 34 bushels and a fraction. Joe W. Harbert said: "I got 45 bushels of club to the acre." A neighbor of Harbert's said: "I have known Joe to cut 60 bushels to the acre on the same land." The land on which these 45 bushels to the acre are gathered has, most of it, been cultivated for over 30 years.

Smal Hold-Up Near St. Helens.

ST. HELENS, Aug. 5.—Last evening about 8:30 on the road from Houlton to St. Helens, two highwaymen held up S. Saxon and relieved him of $7 in cash. The hold-up was a very bungling affair. The search for money was only partially made when they let their victim go. Mr. Saxon described the two parties very accurately and is of the opinion that he recognized the voice of one of his assailants. The spot selected was a very good one, but it was too early in the evening, being yet daylight. The larger man of the two wore a black sweater and the smaller one a white shirt. They immediately took to the brush, going in the direction of Houlton. At first suspicion rested on two Indian boys who had escaped from school and were traced as far as Houlton, but the dress and size of the men does not correspond.

Hillsboro Brevities.

HILLSBORO, Aug. 5.—The residence of D. M. C. Gault, editor of the Independent, caught fire today from a defective flue leading from a Summer kitchen. Prompt action by the fire department extinguished the flames. The roof only was damaged, the loss being small.

Yesterday was the hottest day of the season on the plains of the Tualatin. The thermometer registered 102 in the shade, and the heat kept up intil after 10 o'clock.

Joseph Meier, a Newton farmer, was yesterday thrown from his buggy while driving down the Minter bridge grade and severely injured, his little boy, who was with him, escaping without injury. This is the third accident Meier has had within a year.

Clackamas County Crops.

OREGON CITY, Aug. 5.—The threshers have started up in several sections of Clackamas County, and good yields of grain are reported. The yield of oats is unusually large. William Barlow had 900 bushels of wheat threshed on his place, the yield averaging 25 bushels to the acre. Deputy County Assessor N. Blair, of Elliott Prairie, reports that considerable grain is being threshed in that section, the wheat averaging 20 to 25 bushels and oats 40. Mr. Blair has traveled over the county considerably in his official capacity, and states that the poorest crops are in the immediate vicinity of his own home.

Attacked by a Hog.

Florence West.

Last Saturday Joe, the 6-year-old son of Frank Fox, of Linneus, was attacked by a hog and bitten in several places.

The boy and a dog were playing in a field near a sow with a litter of young pigs, when the sow rushed at the dog. The animal eluded her and the vicious brute next attacked the boy. Fortunately for the little fellow, his grandmother saw the fracas and at once set the dogs to drive the hog away. When rescued the boy had a number of wounds on his neck and one hand was severely bitten, besides bruises on different parts of his body.

To Speak at Oregon City Institute.

OREGON CITY, Aug. 5.—County Superintendent Zinser has secured the following talent for the annual teachers' institute to be held here during the first week in September: President P. L. Campbell, of the State Normal School, at Monmouth; City Superintendent Frank Rigler and County Superintendent R. F. Robinson, of Portland. An effort is being made to secure Dr. Sheldon, of Eugene, for a place on the programme. State Superintendent Ackerman will also be present.

Wheat in Umatilla County.

HELIX, Aug. 5.—Crop conditions around here are reported as being excellent. Harvesting is now fairly under way. Barley is generally threshed, with good yields and fair quality. While the wheat crop will not be as large as promised earlier in the season, the indications point to an average yield of fair quality. So far as threshed, farmers report from 20 to 30 bushels per acre.

Fined for Violating Game Law.

ALBANY, Aug. 5.—The first arrest this season for violation of the game law was made yesterday morning by the Albany Deputy Game Warden, who caught John M. Neeham while shooting a Chinese pheasant. eH was taken before a Justice, and upon pleading guilty, was fined $15 and costs. A strong effort is being made to stop the early shooting of birds.

Geological Survey in Cascades.

ALBANY, Aug. 5.—Fred G. Plummer and party of surveyors in the geological department of the Government's service, after completing the work up the McKenzie this afternoon, left for Oregon City, from which place they will go into the Cascades, east of there, to continue the work.

Coming Northwest Events.

Southern Oregon district fair, at Marshfield, August 27 to September 1.

Oregon State Fair, at Salem, September 23 to 28.

MURDERED BY WHITE MEN

REPORT THAT UNIMAK ISLAND CRIMINALS WERE NOT INDIANS.

Killing of June 6 Is Said to Have Been Done by Deserters From Fishing Schooner.

SEATTLE, Aug. 5.—Advices from Dutch Harbor, via Sitka, on the steamship Queen, indicate that two white men shot down Con and Florence Sullivan and P. J. Rooney on Unimak Island last June. Owen Jackson, the only surviving member of the ill-fated party, expresses, in his statement of the affair, the belief that natives shot down the defenseless prospectors. Other evidence, however, tends to make two deserters from a fishing schooner responsible for the deed.

Rooney, Jackson and the Sullivan brothers had landed their camp equipage on Unimak Island, June 6. They left the supplies for a few moments. Returning, they saw two men taking their goods away. These men then attacked the unarmed miners with the very guns they had stolen from their camp, and shot down all but Jackson, who escaped and fled through the woods. Subsequently Jackson was rescued in an exhausted and half-starved condition. The Sullivan brothers had about $1500 on them at the time. Jackson believes that the murderers are natives, but he is probably mistaken.

It has since been learned that when Rev. Mr. Scott, with a party of prospectors, was camped on Unimak Island about the time of the murder, two white men, who had deserted from one of Linn & Hoff's fishing schooners, the Arco or Fremont, came to their camp and told a story of having stopped over night at another prospectors' camp, where they found two of them dead and evidences of another having left. These men showed Scott about $1200 in money, a Savage rifle, revolvers and a gold watch. They said they were going back to bury the men. This was the last seen of them by Scott.

The story of the affair—the first detailed account—as told by Jackson in a sworn statement, reached Seattle today on the Queen. This deposition was taken by Deputy United States Marshal John R. Richards, at Dutch Harbor, Alaska, July 17. It was sent to Sitka by the steamer Newport, and thence came to this city by the Queen.

DECLARED PART OF WASHINGTON SUNDAY CLOSING LAW INVALID

Judge T. H. Brents, of Walla Walla.

WALLA WALLA, Aug. 5.—Thomas Hurley Brents, Judge of the Superior Court for Walla Walla County, who recently decided a part of the Washington Sunday law unconstitutional, was born in Pike County, Illinois, December 24, 1840. In 1852 he accompanied his father and family across the plains to Clackamas County, Oregon, being over six months on the way. During the Winter of 1860-1 he herded cattle during the day and read law in the evenings in the Yakima Valley. In 1862-3 he rode express between Canyon City and The Dalles. He was Justice of the Peace and Postmaster at Canyon City, and a member of the Oregon Legislature from that section, voting for the fourteenth amendment to the Federal Constitution. After being admitted to the bar he married Miss Isabel McCown, of Clackamas County, and in 1870 settled in Walla Walla, where he has since resided.

He was elected Delegate to Congress from Washington Territory in 1868, and was twice re-elected, serving on the committees on public lands and postoffices for six years. He declined renomination in 1884. In 1896 he was elected Superior Judge of Walla Walla County on the Republican ticket by 48 majority, Bryan carrying the county by 56. He was re-elected last Fall by a majority of 1025 in a total of 3624 votes.

AFTER LONG-TIME FRANCHISE.

Pacific States Telephone People Want 30 Years in Astoria.

ASTORIA, Aug. 5.—A conference was held yesterday afternoon between Judge Carey, of Portland, representing the Pacific States Telephone & Telegraph Company, and several of the city officials. A proposition was submitted by the company to compromise the suit now pending against it to recover a penalty of $500 for failure to pay the license of 30 cents per quarter on each instrument operated in the city. The franchise which the telephone company now holds extends for eight years longer and covers everything for which electricity may be used.

Under the terms of the proposed compromise the company offers to give up its present franchise, pay the city $500 at once, $250 on the first of each January during the coming 15 years and $400 a year in advance during the following 15 years, providing it is given a 30-year franchise simply for telephone and telegraph lines.

The company also agrees to the restriction that its rates for service shall be no higher than the average price charged in cities of approximately the same population in Oregon and Washington.

An ordinance granting a franchise in accordance with the above provisions was introduced at the meeting of the Council this evening, but will not be voted upon until a future meeting.

FOUND BADLY INJURED.

Walla Walla Cab-Driver Meets With Mysterious Accident.

WALLA WALLA, Aug. 5.—Mike Shaugnessey, a cab-driver, well known in this city, lies at the hospital today, perhaps fatally injured. He has not regained consciousness since an accident yesterday. Sunday was his day off, and a local liveryman secured him to drive a party of harvesters several miles to the country. He took a team and spring wagon for the trip. A few hours later the team came back to the stable without the driver. Search was instituted, and Shaugnessey was found by the roadside three miles from town. Evidently a bad accident had occurred. The man was unconscious and three ribs were broken, one penetrating the lungs. No explanation can be given, and the unfortunate man has not regained consciousness to tell of the trouble.

ALLEGED MISUSE OF MONEY.

Judge Rognon, of Teller City, Indicted and Arrested.

SEATTLE, Aug. 5.—The Teller News received today, via the steamer Queen, just in from Alaska, says on July 18: Judge E. G. Rognon, Judge of the United States Commissioners Court at Teller City, has been indicted by the Federal grand jury and arrested for alleged misuse of Government money. The Judge used Government money for the purchase of supplies and a building which he claimed was for Government use. He claims to have made arrangements whereby the Government is amply protected from loss, and that the matter should have been and would have been settled by a civil suit if it had not been for the activity of his enemies.

FUTURE SUMMER RESORT.

Hot Springs in Linn County, Above Detroit, May Soon be Boomed.

ALBANY, Aug. 5.—A man at the Breitenbush Hot Springs, 16 miles above Detroit, in the Cascades, who was recently at the Byron Hot Springs, in California, pronounces the Breitenbush springs far superior to the famous California springs. There are six springs of a marked difference of ingredients, all of a temperature 240 degrees above zero, and possessing striking medicinal qualities. The title in the property of Mr. Claud Mansfield is being contested before the United States Land Office. A decision is expected in two or three weeks. Mr. Mansfield reports an offer of $30,000 for a half interest in the property in case his title to it is confirmed. In such an event an electric motor in to the springs is thought of.

ALSO PURCHASING AGENCY.

Vancouver, B. C., Assay Office Will Buy as Well as Test Gold.

VANCOUVER, B. C., Aug. 5.—A special from Ottawa says that acting on suggestions received from Vancouver, the government has decided to establish the assay office recently opened in Vancouver as a purchasing agency also. Details have now been concluded, and the system is made as complete and perfect as possible. It is to be arranged immediately that gold will be paid for by the assay office itself, either in ordinary currency, or else by issuing checks on a local bank for the full value of the gold with 1 per cent added as the rebate allowed on all gold upon which the royalty has been paid in the North.

R. McCaffry, manager of the Vancouver office, was this afternoon asked regarding the instructions said to have been issued in the dispatch from Ottawa. He said that the news was correct, that he has received a wire from Hon. Clifford Sifton, Minister of the Interior, stating that complete instructions along the line indicated would be issued at once.

Salmon Run Again Increasing.

ASTORIA, Aug. 5.—The run of salmon is again increasing both as to the mouth of the river and reaching as far as the up-river seining grounds. The traps in Baker's Bay are doing better than at any time this season and the gill-netters are making good catches. The price of fish has been raised by all the buyers from 4 to 5 cents, and this is now the ruling price for all sizes of salmon.

The City Council this evening granted the regatta committee permission to fence in five blocks of Duane street for a street fair during the regatta, and appropriated $200 to light the same.

Ordinances to increase the salaries of the City Attorney, Surveyor and Auditor were defeated.

Frank Hoffman, the man who so brutally beat Mrs. Johns near Cathlamet a few days ago, has not yet been apprehended, although he is reported to have been seen at several places. The County Court of Wahkiakum County has offered a reward of $100 for his capture.

Mrs. Johns has partially recovered from her wounds, but is still in a critical condition.

The experts who have been examining the books of the various county officials, have completed their work. The report will be submitted at the next meeting of the County Court.

A contract was let to Erick Gustafson today for erecting a new residence for Captain George Flavel. This building is to be completed December 31. The price is not made public, but is understood to be about $6000.

Wheat and Fruit at Ashland.

ASHLAND, Aug. 5.—The first new wheat of the season was brought to the flouring mills here Saturday. It came from the Joshua Patterson place, weighed 63 pounds to the bushel and went 22 bushels to the acre. The price paid in Ashland for wheat is 48 cents per bushel, 4 cents higher that at any other point in the Rogue River Valley.

The peach season is now in full swing and shipments both by express and freight are heavy. A very conservative estimate of the peach chop from the Ashland orchards this season places the output at 60,000 boxes, and the prices being realized are very satisfactory to the growers. The berry crop is unusually large, in great demand and bringing excellent prices. An unusual feature of the market is that the growers are unable to supply the demand that comes for blackberries from Northern California.

Ashland Mining Notes.

ASHLAND, Aug. 5.—Most favorable reports reach here concerning developments in the Wabasha mine, on the south slope of the Siskiyous. The mine is owned by H. Matterns, of this city, and Messrs. Bennett & Raynolds, of Minnesota. They have been engaged in development work for the past few months and have succeeded in uncovering a three-foot vein that goes over $40 to the ton.

An exceptionally rich strike is reported from the Ajax mine, on Grouse Creek, a few miles from Cole station, that goes $428 75 to the ton, and the vein is 18 inches wide. This property was purchased a few months ago by a number of the railroad employes who have since been working the mine.

Populist Paper Sold and Moved.

KALAMA, Wash., Aug. 5.—The Cowlitz County Press, published at Kalama, has been sold by Joseph O'Neill to F. A. Dryden, Postmaster at Castlerock, and is being moved to the latter place today. The Press has been the organ of the Populist party in this county and has had three different publishers in as many years, leaving each, in turn, in financial embarrassment. Its politics will now be changed and it will hereafter proclaim the benefits of the gold standard and expansion. There are two factions in the Republican party of Castlerock, and as each faction now has an "organ," a hot fight is looked for in our sister town.

Walla Walla Saloons Were Closed.

WALLA WALLA, Aug. 5. — Saloons again remained entirely closed yesterday, but the cigar stores, confectionery and ice cream stands and novelty stores remained open, doing a little business. None of the larger establishments opened.

It Was Hot at Walla Walla.

WALLA WALLA, Aug. 5.—The thermometer registered 102 degrees today. No sunstrokes or heat prostrations were reported.

WATER RIGHTS DEFINED

TWO CASES BROUGHT UP FROM THE EASTERN OREGON COURTS.

Must Not Turn Stream So as to Injure Others' Land—Flowing Spring May Be Appropriated.

SALEM, Aug. 5.—The Supreme Court today handed down decisions in four Eastern Oregon cases, three of which were affirmed and one reversed. The features of the decisions are:

Damages were allowed for diverting water so as to injure another's land.

The appropriation of water from a flowing spring was sustained.

Whether personal property becomes part of the realty was declared to be a question of intention.

Gamblers must repay double the amount won from a player if suit is brought.

The cases in detail were as follows:

Thomas J. Brosnan, appellant, vs. W. P. Harris, respondent, from Malheur County; M. D. Clifford, Judge; reversed. Opinion by Chief Justice Bean.

This was a suit to restrain the diversion of and interference with the water of a certain spring in Malheur County, known as Fox spring. Prior to August 4, 1899, the land upo nwhich it is situated was unoccupied public land of the United States. In November, 1898, plaintiff cut a ditch some 30 feet long through the rim or embankment inclosing the spring, through which, in April, 1899, he conducted its waters into a "kind of a trail or swale that the snow water had made through there, and run it through this channel" to his premises, a quarter of a mile distant, where the water was used for stock and other purposes, the surplus going to waste. In May, 1899, Brosnan filed what he intended to be a notice of location of all the waters of the spring, but which proved insufficient for want of a definite description, and soon thereafter he contracted with some workmen to enlarge and develop the spring and lay pipe therefrom to his premises, so as to preserve all the water for use during the Summer months, when it was his only natural water supply. Before, however, any of this work was done, with the exception of opening out and enlarging the trench previously dug, the defendant took up the land on which the spring is situated as a homestead, and forbade the plaintiff from taking or using the water therefrom. The defendant, in his answer and testimony, admitted the existence of the spring, and says that at the time he entered upon the premises there was about an inch and a half of water flowing from it through an opening in the rim or embankment down to the plaintiff's premises. The court below decided in favor of the defendant, holding that the waters of the spring were not subject to appropriation, for the reason that there is no natural stream flowing therefrom, and it is not tributary thereto, nor does it form a part of any natural water course. The opinion of Chief Justice Bean says in part:

"The argument is that the waters of a perennial spring are not subject to appropriation unless they flow in a natural channel or form part of a water course. There seem to be but few cases in which the rights of the appropriator of the waters of such a spring, as against a subsequent grantee of the Government, have been considered. If the water rises to the surface so as to form a stream, it may, of course, be appropriated, even by the construction of ditches up to the spring. . . . Where one goes upon public unoccupied land of the United States and diverts the water thereon from its natural source, and puts it to some beneficial use, he thereby acquires a right to continue such diversion and use as against a subsequent settler upon the land, and it is unimportant whether the diversion is from a natural water course or a spring or a well formed by percolation.

"Whatever doubt may exist elsewhere upon the question, it would seem that the right to make such an appropriation of waste, spring or seepage water finds recognition in the legislation of this state (session laws of 1893, page 150). The decree of the court below is reversed and one entered here in plaintiff's favor."

J. L. Alberson, respondent, vs. The Elk Creek Gold Mining Company, appellant, from Union County; Robert Eakin, Judge; affirmed. Opinion by Justice Wolverton.

The principal question involved in this case is concerning the circumstances which warrant the conclusion that personal property has become part of the realty by being affixed thereto. The opinion says:

"Latterly, the strict rule that whatsoever is affixed to the soil partakes of the nature and becomes a part of the realty itself has been much relaxed to meet the requirements of manufacturing industries and trade relations, so that now the question whether an article of personalty, in its original state, has become a part of the freehold, depends upon three conditions—annexation, real or constructive; adaptability to the use or purpose of the realty to which it is attached, and the intention of the party making the annexation to make it a permanent accession to the freehold. . . . In the case at bar there was annexation and adaptability, so that the question of intention only remains, and that is a mixed question of fact and law. The fact comprises the intention, and when this is ascertained the law fixes the status. The intention to be sought is not the undisclosed purpose of the actor, but the intention implied and manifested by his act. It is an intention which settles, not merely his own rights, but the rights of others who have or may acquire interests in the property. They cannot know his secret purpose; and their rights depend, not upon that, but upon the inferences to be drawn from what is external and visible."

In this case, John H. and Frank J. Davey had taken an option on a mining claim and bought mining machinery from Alberson, to whom they subsequently gave a mortgage. Before the mortgage on the machinery was given, they had affixed the machinery to the realty, and before it was recorded they had decided to purchase the realty under their option. After the mortgage was recorded they forfeited their rights under the purchase and the land was thereafter sold to the Elk Creek Gold Mining Company. When Alberson sought to foreclose the mortgage the mining company claimed the machinery.

The Supreme Court holds that when the Daveys decided to make the purchase they thereby manifested an intention to make the personalty part of the realty. But since the mortgage was recorded before the Elk Creek Gold Mining Company secured its interest, they bought with notice, and the machinery will not be considered part of the realty so far as concerns the mortgagee. The decision of the lower court is therefore affirmed.

John Meyers, respondent, vs. John Dillon and Charles Mellquist, appellants, from Union County; Robert Eakin, Judge; affirmed. Opinion by Chief Justice Bean.

This action was brought under section 3528 of Hill's Annotated Laws, to recover double the amount of $260 alleged to have been lost by plaintiff at a game of "twenty-one" carried on at the time by the defendants as proprietors. The jury found that plaintiff had lost $300, and the court entered judgment for $400, from which Dillon appealed.

The Supreme Court, in affirming this judgment, holds that under section 776, subdivision 12, of Hill's code, common reputation was competent evidence of the ownership of the gambling device. It is also held that when a defendant has pleaded guilty to a charge in a criminal action, his plea may be introduced in evidence in a civil action to show an admission of the facts. The jury's finding that $200 was lost by plaintiff is held to be proper and sufficient to warrant the court in entering judgment for double the amount.

L. Oldenburg, respondent, vs. Oregon Sugar Company, appellant, from Union County; Robert Eakin, Judge; affirmed. Opinion by Justice Moore.

This was an action to recover damages to real property. Plaintiff alleges that he is the owner of certain land in Union County, and that the defendant, a corporation, unlawfully placed a dam in the channel of the Grand Ronde River whereby the water was deflected and overflowed his premises bordering on said stream, washing away the earth and destroying his irrigating ditches and carrying off his fences, to his damage in the sum of $5800. The defendant, having denied the material allegations of the complaint, averred that prior to the injury complained of said river had been diverted from its natural bed and overflowed defendant's land, to prevent the washing away of which a temporary dam was placed in the new channel, whereby the water was returned to and flowed in its accustomed bed, and that said dam was carried out before plaintiff's injury occurred, which was occasioned by a freshet in said river. The reply having denied the allegations of new matter in the answer, a trial was had, resulting in a verdict for plaintiff in the sum of $900, and defendant appealed.

The questions which were presented on appeal are numerous, and all arise upon rulings made in the lower court on the admission of evidence. Plaintiff introduced in evidence a deed to property not described in the complaint. Upon discovering that the land described in the deed was not mentioned in the complaint, the court withdrew the evidence and instructed the jury to disregard it. The Supreme Court holds that the error was thus cured.

Plaintiff introduced in evidence a map, and his witnesses testified concerning objects noted thereon. Defendant on cross-examination exhibited another map to test the witnesses' knowledge of the relative location of objects, but this cross-examination was not allowed, and the Supreme Court holds that it was proper not to permit witnesses to testify regarding a map that had not been introduced in evidence.

On cross-examination the plaintiff was asked: "What is the effect of putting a dam across a stream? Does it make the stream run faster or does it deaden the water?" Held, that an objection to this question was properly sustained, for this is not a matter requiring expert testimony, and if the jury were not capable of understanding the effect of a dam, the matter is within the knowledge of the court and should be declared by the court to the jury.

Plaintiff having testified that his land before the damage was worth $200 per acre, and that he had never valued it so low as $20 per acre, the defendant then undertook to show by the County Assessor's records that plaintiff had sworn that his land was worth $1500. The court rejected this evidence, and the Supreme Court sustains the ruling upon the ground that the value expressed on the assessment blank is placed there by the Assessor, while the landowner swears only to the list of his property and not to its value.

Several other assignments of error are considered, but the Supreme Court sustains Judge Eakin in every particular.

Other Supreme Court Orders.

Asa L. Brown et al., respondents, vs. L. B. Baker et al., appellants; ordered that appellants have 20 days additional to file petition for rehearing.

G. D. Trotter, appellant, vs. Town of Stayton, respondent; appellant allowed until August 20 to file reply brief.

City of Philomath, appellant, vs. J. W. Ingle, respondent; appellant allowed to print abstract with brief, and have until October 1 to file the same.

James C. Windle, respondent, vs. Ellis G. Hughes, appellant, argued and submitted.

Title Guarantee & Trust Co., appellant, vs. Caleb A. Aylsworth, respondent; petition for advancement presented and taken under advisement. Appellant's time to file brief extended to September 1.

CUSHMAN AT VANCOUVER.

Talks of Free Delivery Routes and River Improvements.

VANCOUVER, Wash., Aug. 5.—Representative Francis W. Cushman, of Tacoma, spent yesterday and a portion of today in Vancouver and vicinity. Mr. Cushman has been taking considerable interest for several months past in securing the establishment of free rural mail delivery throughout the western part of the state. Petitions for the establishment of two delivery routes in Clark County were sent to the department some time ago, and Mr. Cushman says he has just been advised that a special agent of the department will be here within the next two weeks for the purpose of making an examination of the proposed routes and a report thereon.

Relative to the improvement of the Columbia at this place, which is probably a matter of greater importance to Vancouver people at this time than any other, Mr. Cushman thought the appropriation of $12,000, recommended by the Engineers' Department, for dredging a channel through the bar between Vancouver and the mouth of the Willamette, too small. He agreed with Vancouver citizens generally in the opinion that a much larger sum would be necessary to remove the bar, and will recommend an appropriation of not less than $30,000 for that purpose.

Quotations of Mining Stocks.

SAN FRANCISCO, Aug. 5.—Official closing quotations of mining stocks:

Alta	$0 04	Justice	$0 05
Alpha Con	3	Kentuck Con	2
Andes	3	Mexican	12
Belcher	5	Occidental Con	3
Best & Belcher	14	Ophir	66
Bullion	1	Overman	12
Caledonia	30	Potosi	5
Chollar	5	Savage	6
Challenge Con	31	Seg. Belcher	1
Confidence	1 05	Sierra Nevada	13
Con. Cal. & Va.	1 85	Silver Hill	34
Crown Point	8	Standard	3 35
Gould & Curry	12	Union Con	11
Hale & Norcross	23	Yellow Jacket	26

NEW YORK, Aug. 5.—Mining stocks today closed as follows:

Adams Con	$0 25	Little Chief	$0 12
Alice	45	Ontario	8 50
Breece	1 40	Ophir	65
Brunswick Con	11	Phoenix	8
Comstock Tunnel	6	Potosi	3
Con. Cal. & Va.	1 90	Savage	5
Deadwood Terra	55	Sierra Nevada	12
Horn Silver	1 75	Small Hopes	50
Iron Silver	55	Standard	3 20
Leadville Con	6		

BOSTON, Aug. 5.—Closing quotations:

Adventure	$ 25 00	Osceola	96 00
Bing. Min. Co.	20 50	Parrott	49 50
Amal. Copper	116 00	Quincy	175 00
Atlantic	36 00	Santa Fe Cop	6 00
Cal. & Hecla	745 00	Tamarack	345 00
Centennial	27 00	Utah Mining	28 50
Franklin	17 00	Winona	2 50
Humboldt	25 00	Wolverines	62 00

SPOKANE, Aug. 5.—The closing quotations of mining stocks today were:

	Bid.	Ask.		Bid.	Ask.
Amer. Boy	6	7	Morrison	3	3½
Blacktail	9	9½	Prin. Maud	1	1½
Butte & Bos.	¾	1½	Quilp	15	26
Crystal	...	5½	Ramb. Car	45¾	47
Conjecture	3½	4½	Republic	3	5
Deer Trail	2½	2¾	Reservation	3¼	4½
Gold Ledge	1	1½	Ross. Giant	2½	3½
L. P. Surp.	4⅜	5⅛	Sullivan	7	7½
Mtn. Lion	26½	30	Tom Thumb	13	13½
Morn. Glory	3	3½	Wonderful	3½	4½

Walla Walla Notes.

WALLA WALLA, Aug. 5.—The board of officers buying cavalry horses have purchased 86 head since coming here last week. They have now gone over to Baker City and La Grande. Quartermaster Jacobs advertises for 126 standard artillery horses to be delivered at Fort Walla Walla, bids to be opened August 13. Artillery horses are of a heavier grade than cavalry horses. "Must go over 1200," says Colonel James Jackson.

A new move has been made in the street railway scheme. George Ludwigs, one of the heaviest holders of real estate on Main street, circulated a petition asking the Council to grant Mr. Ballou and associates the right to build and operate a street railway in the city, with the right to lay track in Main street, and in a short time the owners of a large majority of the Main street frontage had signed the petition.

The new City Council will hold its first meeting Tuesday evening. It is understood that early in its career the new Council will pass an ordinance increasing the liquor license. It may be double the present license of $350, or put it up to $600, the figure vetoed last Spring by Mayor Betz. It is certain that if a high license is passed it will not be vetoed by Mayor Babcock.

The teeth will not decay nor the gums become soft if you use ANTISEPTIC 25c SOZODONT For the TEETH and BREATH. By mail; 25 and 75c. HALL & RUCKEL N.Y. City.

Vancouver Notes.

VANCOUVER, Wash., Aug. 5.—The work of preparing the exhibit of Clark County products for the Yakima State Fair is progressing finely under the direction of a special committee of the Vancouver Commercial Club. A fine collection of grains, grasses, fruits and other products is being collected and from present indications Clark County's first exhibit at the State Fair will be one of which every citizen of the county may justly feel proud. The committee promises an agreeable surprise in the artistic arrangement of the exhibit.

A valuable draft horse belonging to the Star Brewery Company, of this city, was drowned in the Columbia, near the ferry slip, on the Oregon side of the river today. The big truck to which the team was attached had been loaded with barrels from the Merchants' Express car and the team was left standing while the driver was engaged in loading another wagon. The team took fright at something and started down the incline which leads to the ferry landing. Before the driver could catch them, horses and wagon had plunged into the river. Jack Bissener, the driver, succeeded, by swimming out to the team, in getting one of the horses out alive, but the other became entangled in the harness and drowned.

Sacred Concert at Vancouver.

VANCOUVER, Wash., Aug. 5.—The sacred concert given at the Presbyterian Church last evening under the auspices of the church choir attracted an immense audience despite the extreme warm weather. The programme was of pleasing character. The vocal solos, "The Heavenly Song" and "The Ave Maria," sung by Miss Edna Taylor, were of high order and much appreciated. Other pleasing numbers were vocal solos by Mrs. Mosely and Messrs. Boehmer and Elwell, a vocal duet by Miss Taylor and Miss Eva Taylor, two quartet anthems by the choir of the church, and an organ voluntary by Mrs. J. H. Elwell. At the close the pastor, the Rev. F. W. Parker, announced that the regular Sunday services at this church would be dispensed with through the month of August, to be resumed the first Sunday in September.

At the Lucky Boy Camp.

LUCKY BOY, Aug. 5.—The five claims composing the Lucky Boy Gold Mining Company have just been surveyed ready for patent. Two surveyors have been busy in the camp the past 10 days, and the different claimants are getting their grounds in shape for patents. The three bricks of the Lucky Boy mill yesterday weighed 681 ounces, being the first month's run of the 15 stamps, the new five stamps commencing work at noon on July 4. This is the best run ever made by the mill.

Jesse Ribelin and partner just passed up to their claims over on the Calipooia, where he has lately found two rich and promising ledges.

Old Offender Sentenced.

SPOKANE, Aug. 5.—Burt Kiefer will spend three years in the state penitentiary for stealing some Danish money from the residence of County Commissioner Bracht. This sentence was pronounced by Judge Richardson Saturday morning. Kiefer had nothing whatever to say for himself. The Danish money was worth about $150, and belonged to Caroline Eyekar, who is working for Mr. Bracht.

This is the second time within a few months that Judge Richardson has passed sentence on Kiefer, and it is probable he will not have another chance for some time to come. The other time he was charged with stealing a pocket-book and pleaded guilty, escaping with a light sentence.

Swindlers at Aberdeen.

ABERDEEN, Aug. 5.—Two slick individuals, giving the names of Ross and McLean, swindled the bank of Hayes & Hayes and several merchants here Saturday night by forged drafts and checks on Portland banks. They got away with money, diamonds and goods to the amount of about $400.

Idaho Notes.

The total Idaho state school apportionment for July is $31,580 04.

A drilling machine has been brought to Nez Perces to bore for a city water supply.

There were 137 double-deck carloads of sheep shipped from Hailey during the month of June last. This was a total of about 35,000 head.

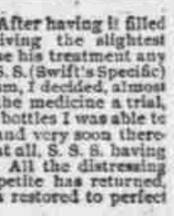
J. T. Sidley and Levi Carter have been granted a franchise for 20 years to operate a waterworks and electric-light system in St. Anthony.

State Engineer Ross, of Idaho, will in a few days begin a hydrographic survey to ascertain the amount of water practically available for irrigating purposes out of the Boise, Snake and Henry's Fork Rivers.

Rheumatism

Rheumatic pains are the cries of protest and distress from tortured muscles, aching joints and excited nerves. The blood has been poisoned by the accumulation of waste matter in the system, and can no longer supply the pure and health sustaining food they require. The whole system feels the effect of this acid poison; and not until the blood has been purified and brought back to a healthy condition will the aches and pains cease.

Mrs. James Kell, of 707 Ninth street, N. E., Washington, D. C., writes as follows: "A few months ago I had an attack of Sciatic Rheumatism in its worst form. The pain was so intense that I became completely prostrated. The attack was an unusually severe one, and my condition was regarded as being very dangerous. I was attended by one of the most able doctors in Washington, who is also a member of the faculty of a leading medical college here. He told me to continue his prescriptions and I would get well. After having it filled twelve times without receiving the slightest benefit, I declined to continue his treatment any longer. Having heard of S. S. S. (Swift's Specific) recommended for Rheumatism, I decided, almost in despair however, to give the medicine a trial, and after I had taken a few bottles I was able to hobble around on crutches, and very soon thereafter had no use for them at all, S. S. S. having cured me sound and well. All the distressing pains have left me, my appetite has returned, and I am happy to be again restored to perfect health."



SSS the great vegetable purifier and tonic, is the ideal remedy in all rheumatic troubles. There are no opiates or minerals in it to disturb the digestion and lead to ruinous habits.

We have prepared a special book on Rheumatism which every sufferer from this painful disease should read. It is the most complete and interesting book of the kind in existence. It will be sent free to any one desiring it. Write our physicians fully and freely about your case. We make no charge for medical advice.

THE SWIFT SPECIFIC CO., ATLANTA, GA.