THE LAW MUST BE UPHELD

ROGERS WILL NOT INTERFERE FOR MURDERER NORDSTROM.

Governor Views the Case as a Crisis in State Affairs—Judgment of Court Will Stand.

SEATTLE, Aug. 12.—A signed statement from Governor Rogers appears in the Times today as follows:

"Olympia, Wash., Aug. 12, 1901.—Editor The Times: A recent editorial item in your paper regarding the Nordstrom case causes me to say that under no circumstances will I interfere with the judgment of the courts in this case. As I view it, a crisis has arisen in state affairs in which the question is raised whether murder is to be punished in Washington, or whether the law is to be made an instrument of jugglery for courts and lawyers.

"In England or Canada, whatever we may think of their forms of government, criminal law is enforced and lynching is practically unknown.

"In Whitman County, of this state, according to Judge McDonald, of that county, some 30 murders and lynchings, altogether, have taken place with only one legal hanging, this latter within the last three years. Other counties have records not particularly flattering to our ideas of justice.

"Only recently the Legislature was called in extra session for the sole purpose of removing obstacles which I was advised might allow certain murderers to escape, and thus bring our administration of law into renewed contempt. This purpose having been effected I shall certainly add no new complications.

"The judgment of the court will stand.

"JOHN R. ROGERS."

CHARGED WITH HIRING MURDER.

Chinese Said to Have Bought the Death of Four Countrymen.

VANCOUVER, B. C., Aug. 12.—A Chinese gambler named Ah Wooey was last night committed for trial for the murder of four countrymen. It is charged that he paid for the commission of the crime. These four Chinamen were killed last month in a boarding-house at Ladner's Landing, near Vancouver, by being hacked to death wit han ax by Quong, another Chinese. A third Chinaman came to the police yesterday, saying that he had heard Wooey and Quong discussing the plan of the murder. Wooey offered Quong $100 for killing the men, and finally they agreed that Quong should get $300 if he would dispatch two or more of them. Quong has confessed to committing the crime.

Escaped Convict Seen.

VANCOUVER, Wash., Aug. 12.—Sheriff Marsh received word last Saturday of the probable whereabouts of C. N. Gordon, who escaped from the Vancouver jail July 8. J. K. Manning, of Portland, who owns a mining claim in the Copper Creek District, 35 miles northeast of this city, informed the Sheriff that a man come to his cabin July 12. He was in a famished condition and said Manning was the first man he had seen for four days, and that he had eaten nothing for 48 hours. He at first represented himself to be a prospector, but later informed Manning that his name was C. N. Gordon, and that he had escaped from the Vancouver jail July 8, giving a minute description of how the escape was made.

In this he strangely implicated James Green, the convicted murderer, who claimed at the time to have known nothing of Gordon's escape until after he had gone. Manning says Gordon told him Green helped plan and execute the escape from the start, but that he was afraid of Green and persuaded him to allow him, Gordon, to get out first. Once outside he threw away the wooden tableleg by means of which he had pried open the bars in the windows and this prevented Green from following.

Manning says Gordon stayed in the neighborhood of his cabin for several days and then struck out through the woods to the northeast.

PILOT SERVICE EFFICIENT.

Annual Report of the Board of Pilot Commissioners.

SALEM, Or., Aug. 12.—The annual report of the State Board of Pilot Commissioners was filed in the executive office today. The report covers the year ending June 30, 1901. The report states, among other things, that the pilot service is so efficient that not a single complaint has been received during the year. The receipts for pilotage for the years 1900 and 1901 are as follows:

	1900.	1901.
Inward bar pilotage...	$10,896 43	$15,447 37
Outward bar pilotage .	13,793 70	14,332 61
Total bar pilotage....	$24,689 13	$29,779 98
Up river pilotage......	$ 4,218 41	$ 2,341 40
Down river pilotage...	3,800 92	4,192 55
Total river pilotage..	$ 3,800 92	$ 7,533 95

The following shows the tonnage engaged in domestic and foreign trade in the port for the past two years:

	1900.	1901.
Entered, domestic	202,357	250,580
Entered, foreign	202,325	256,530
Ceared, domestic	176,462	159,595
Cleared, foreign	242,169	319,306

Received at the Asylum.

Andrew Anderson, of New Whatcom, Wash., was brought to the asylum today on a commitment from Umatilla County. He is 29 years old.

Other Notes.

Sheriff Durbin undertook to conduct a sale of lands heretofore bid in by the county for taxes, but there were no bidders. The taxes represented by such lands amount to about $10,000. The sale will be postponed from day to day.

Residents of South Salem were today complaining that a child in that part of the city has smallpox, and that other members of the family are permitted to go into public places. As the family resides outside the city limits, the city authorities are powerless to intervene. And the County Judge is at the coast.

The State Fair Board held a brief business meeting today to pay the wages of laborers on the improvements at the fair grounds. The improvements will be completed long before fair time. Should there be no extremely bad weather to prevent it, the exhibits in the pavilion this year will be twice as large as they ever have been heretofore.

FISHERMEN WANT LAW CHANGED.

Would Prevent Traps Being Driven Outside Harbor Lines.

ASTORIA, Aug. 12.—Senator Joseph Simon arrived from Portland at noon and was taken down to the lower harbor as the guest of the Columbia River Fishermen's Protective Union to make an examination of the location of the fishtraps and their interference with gillnet fishing. The desire of the fishermen is to have a Federal law passed that will prevent traps being driven outside the harbor lines of the river. There is at present such a law on the statutes, but it contains a provision that traps may be driven outside the harbor line if the Secretary of War gives his permission. Permission is frequently secured from the Secretary by influence being brought to bear on him or through ignorance of the situation, and it is to take this authority from the Secretary that a law is desired.

The fishermen believe that by giving Senator Simon an opportunity personally to inspect the traps he may become interested and work for the passage of the desired measure.

End of a Good Fishing Season.

The run of fish has fallen off considerably in the lower river. The presence of silversides and "tullies" coming in at the same time is recognized as a sign that the fishing season is about over. Every interest appears satisfied that it is so, and there will be no general attempt or effort to fish after the closed season begins. Already a number of gillnetters have stopped fishing for the season, and several seiners have stored their web until next year.

Will Enforce Close Season.

Fish Commissioner A. C. Little, of Washington, and his deputy, E. C. McReavey, were in this city today in consultation with Master Fish Warden Van Dusen, with reference to the hatcheries on the streams tributary to the Columbia River, and they also made some recommendations as to competent men to assist in the hatcheries to be built in this state.

This afternoon Mr. Little made a trip of inspection to the state hatchery at Chinook. While here arrangement was made in connection with the officials of this state to have the coming closed season enforced. Mr. McReavey will be in charge of the patrol of the lower river, and Deputy Charles Boardman of the upper river. The patrol will be commenced at 6 o'clock on Thursday morning, August 15. Every violator of the law who is caught will be prosecuted to its full extent.

Various Paragraphs.

The steam schooner Fulton left down the river from Portland on Friday night, and nothing more was heard of her until last evening, when word was received that she was at Tillamook taking on a cargo of lumber. The Fulton arrived down before daylight on Saturday and went outside without stopping. Captain John Peterson, the river pilot, went along to pilot the steamer into Tillamook. He returned overland yesterday.

The Columbia River lightship was brought down from the Tongue Point buoy station today and took on a supply of coal, preparatory to going out to her station off the mouth of the river.

The lighthouse tender Columbine crossed out yesterday, to visit the aids to navigation on the Oregon coast, and will be absent about 10 days.

The residence of J. W. McMullen, on the top of the hill west of Eighth street, was totally destroyed by fire this afternoon, but most of the contents were saved. The fire originated from a defective flue in the kitchen. The loss was less than $1000, with no insurance.

Waterworks for Dallas.

DALLAS, Aug. 12.—Waterworks are now being discussed in Dallas. All admit the necessity, but the point of contention is the ownership. All agree that a thriving town, with large trade and increasing population, should be up to date, and have its waterworks, and that this applies to Dallas, for "she is today the most prosperous town on the west side," as is evidenced by her volume of business. A petition will probably soon be circulated asking the Council to submit the proposition of water bonds to the people.

There is also a plan on foot to establish a wholesale manufactory of sash and doors on the site of the Pioneer Woolen Mills, utilizing the old buildings, which are splendidly adapted to this purpose. The present sash and door factory will, it is supposed, be merged into this enterprise. Water power is available at the site of the new mill. This enterprise will give a market for the fine cedar west of here.

Will Bond the Town.

COTTAGE GROVE, Aug. 12.—A special city election was held here today for the purpose of bonding the town for $15,000 to liquidate the present bonded indebtedness and enlarge the water system. This was carried by a large majority. This amount was voted some time ago, but the proceedings were found to be illegal.

Forest Grove Items.

FOREST GROVE, Aug. 12.—There were 29¾ tons of cherries shipped from here this season. Of this shipment Adolph Anderson, a large grape grower here, furnished 10 tons.

The Christian Adventists commenced tonight a series of revival meetings on the Congregational Square at this place.

To Repair Astoria Custom-House.

WASHINGTON, Aug. 12.—The Secretary of the Treasury today awarded to Ferguson & Houston, of Portland, a contract for repairing the storm vestibule and approaches of the Astoria Custom-House, at $5000.

Admitted to Practice.

WASHINGTON, Aug. 12.—The following attorneys have been admitted to practice before the Interior Department: Jesse W. Allen, Moro, Or.; Henry A. Porter, Everett, Wash.; and Mark P. Mendenhall, Spokane, Wash.

Oregon Notes.

Eugene also wants and needs a bathhouse.

A case of smallpox has been reported at Howell, in Marion County.

A good-sized porcupine, which has been killing numerous chickens, was slain with a pitchfork and stick in Moro, Sherman County.

Crude oil, in small quantity, is now coming up with the water from the spouting well of W. J. Tourney, four miles from Union.

The Baker City Republican, whose editor was recently married, is said to be advocating a gentlemen's private lunch club for Baker.

It is said that the Evangelical Church of Florence is to furnish a gasoline launch for theuse of their minister there in making his journeys up and down the river.

As an example of how the old donation land claims in Polk County are being divided into small farms, the Grant 640-acre claim, which for many years yielded a living for a family of only five, now affords homes for over 60 people, and there is yet much waste land in the tract.

Owing to the great number of buildings being constructed in Pendleton, contractors there are having trouble in securing enough carpenters to do the work. Ten or a dozen could secure permanent employment at once, it is said. The wages paid are $3 to $3 50 per day, according to proficiency.

The Grand Ronde River is lower at present than it has been for many years. Fishermen declare that there is not enough water above Hilgard for a fish to swim in. At Oro Dell the electric light plant has been operated for several days entirely by steam, in spite of the fact that splash boards have been put in to catch the overflow.

The United States Geological Survey party is at work in the Cascade Mountains in the vicinity of Odell and Crescent Lakes at the summit of the Cascades, in Lake County. The surveyors have found Odell Lake to be 4960 feet and Crescent Lake 5025 feet above the level of the ocean. The summit of the mountains where they crossed is 6250 feet above the level.

Some five years ago Mr. Osborne, who lives near Dallas, killed a wild goose and found two large grains of wheat in its craw. He planted them and replanted the product until now he has 2½ acres of fine looking grain. The heads are extra long and the grains large, the yield being perhaps one-third more than ordinary wheat. He has no name for the new variety, but believes it to be a prospective big thing.

The system of telephoning on a barbed wire fence is being tried near Athena, and, to a certain extent, is successful. A strand of ordinary wire is employed and insulators and circuit are in operation between that town and Hillsdale, on the Washington & Columbia Railroad. The Puget Sound Warehouse Company started the project, and it is said the line will be completed as far as Helix. The scheme is still in the experimental stage.

FIRST FRUIT IN OREGON

H. M. WILLIAMSON TELLS HOW THIS INDUSTRY WAS BEGUN.

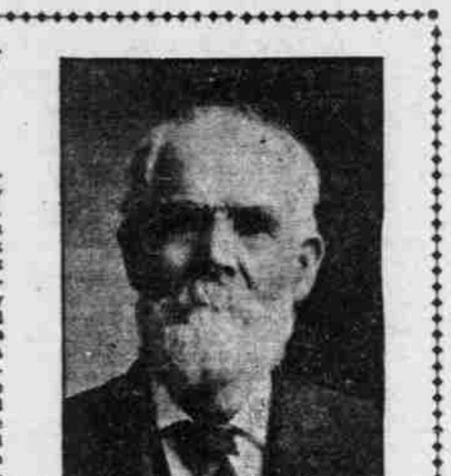
Professor Bailey, of Cornell, Makes the Closing Address at Newberg on "Nature Study."

NEWBERG, Aug. 12.—The last and best-attended session of the mid-Summer meeting of the State Horticultural Society was held here Saturday evening. The first address of the evening was given by H. M. Williamson, of Portland, editor of the Oregon Agriculturist, upon the very pertinent subject, "The Status of Horticulture in Oregon." Dating the beginning of horticultural endeavor in this state when Henderson Lewelling brought a small nursery across the plains with him in 1847, the speaker very entertainingly traced conditions from this standpoint down to the present.

OREGON PIONEER OF 1844.

W. S. Gilliam.

WALLA WALLA, Aug. 12.—Washington Smith Gilliam was born in Clay County, Missouri, February 24, 1839. He crossed the plains to Oregon in 1844, and settled near Dallas, Polk County. He was made Sheriff of Polk County in 1852. While Sheriff he carried out the sentence of the court by hanging one R. W. Everman, who had been tried and found guilty of the murder of C. C. Hooker. He was a member of the Oregon Legislature during the sessions of 1853-4. In 1859 he moved to the Walla Walla country, and settled on a farm on Dry Creek, nine miles above the city, where he resided until five years ago, when he moved to Walla Walla. Mr. Gilliam was a member of the Washington Territory Legislature in 1861-2. He was Sheriff of Walla Walla County in 1863-4.



He told of the first Oregon-grown apples selling for $1 a pound and bringing 15 to 20 cents as late as 1858; of the resulting apple boom, when there were more apple trees set out than there were people to eat the apples; later, of the time when our dried prunes sold for nearly 20 cents a pound, and of the resulting boom in prunes, when the business man, the lawyer, the teacher, the editor and the preacher set out a prune orchard with the intention of clearing annually from $150 to $1000 to the acre; when most any man who could tell fruit trees apart set up a nursery. The picture was painted very graphically and humorously by Mr. Williamson, and was heartily appreciated by the audience, to whose experience he spoke so closely. After referring to the attending disappointment and discouragement, the speaker eulogized Dr. Cardwell, who has so philanthropically devoted time and money to investigation and experiment which have been invaluable to Oregon fruitgrowers in the solving of difficult problems.

It is the belief of Editor Williamson that the status of horticultural conditions is better now than ever before. The booms have given way to steady and healthful development. The Oregon apple again enjoys supremacy, and the prune business is resolving itself upon a stronger basis. Markets are expanding, and the future is bright. The cherry is being developed to perfection; Southern Oregon peaches bring the best prices everywhere, and Oregon strawberries are making a well-earned reputation. The nursery has become one of the greatest industries in the state, and the canning business, which went out with the boom, is returning steadily. The greatest part of the agricultural investments of the state is devoted to fruitgrowing. Where there was disappointment, there is now renewed hope. In closing, Mr. Williamson paid Newberg, with her varied and rich agricultural resources, a glowing tribute, as having developed from the "grubby end" to the choice garden spot of old Yamhill.

Professor L. H. Bailey, of Cornell University, the leading authority on horticulture in America, and whose books on the subject are widely read, gave the last address of the meeting. He expressed surprise at the great state of development attained in the West in so short a time, a state to attain which it has taken the East over a century. He finds the problems here different from those in the East, and the difference itself makes an interesting study. The difference in agricultural conditions is marked by the practice here of Summer fallow, which is the dividing line between pioneer and modern methods of farming.

The real subject of Professor Bailey's talk was "Nature Study," and the movement for its furtherance, which has started in New York under the auspices of Cornell University. He holds that the movement is new in North America, in that it aims to reach out to all people, and is not intended primarily for teachers, as was the Agassiz plan. Its purpose is to aid people to live better and to enjoy more; to help fix early in life a correct point of view; to enable young people to have the power of happiness in themselves; to teach that there is something interesting in everything that is; to develop the power of observation; to arrest among the young people the distaste for the farm.

Professor Bailey traced the history of this educational movement in his state, told of the work of the junior naturalist clubs, in which 30,000 children of New York are interested. The work has now advanced and received such recognition that it has just been admitted to the public schools. For the older people, reading clubs are formed, and much accomplished in waking them up to their surroundings. The tendency of all this work in nature study is not to make teachers or professional scientists, but to aid people to live nobler and happier lives. At the call of E. L. Smith, of Hood River, the audience by rising thanked Professor Bailey for his helpful address.

The meeting was declared adjourned by Dr. Cardwell, who announced the time and place for holding the next meeting as the second Tuesday in January, at Corvallis.

TELEPHONE WAR ENDED.

Suit Between Spokane Companies End in a Compromise.

SPOKANE, Aug. 12.—Spokane's telephone war ended today by the dismissal of the suit of the Spokane & British Columbia Telephone Company against the Inland Telephone Company, now the Pacific States. She plaintiff has wires to British Columbia and claims a contract giving direct connection with the Inland. Two years ago the latter repudiated the contract and cut the wires. A suit for $205,000 damages followed, which was settled today for less than $15,000. W. H. Fernald, who holds a mortgage on the British Columbia system, asked the courts to enjoin the dismissal of the suit, but he was five minutes too late.

SUNDAY-CLOSING TROUBLES.

Arrests in Walla Walla—Brent's Decision Will Be Appealed.

WALLA WALLA, Wash., Aug. 12.—On Sunday Davin & Michellod, saloon-keepers, were raided by a Constable, who found about a score of men, who had entered the back door, drinking beer. The proprietors, being arrested, were fined $40 and costs today, and promised not to do so again.

Adolph Schwarz closed his bar, disconnected the beer pumps and went out of town Sunday. A restaurant in the rear of his saloon, which supplies food to many people during the week, was kept open. Schwarz was arrested today on complaint of Prosecuting Attorney Cain and bound over to answer to the Superior Court for violating the Sunday law.

Prosecutor Cain is preparing an appeal to the Supreme Court from the decision of Judge Brents, which held invalid the section of the law prohibiting keeping open on Sunday all business places except drug stores, livery stables, undertakers and hotels.

KLONDIKE GOLD ON HUMBOLDT.

Reports of Low Water in Yukon—O'Brien Attempts Suicide.

SEATTLE, Aug. 12.—The steamer Humboldt arrived tonight from Lynn Canal with 135 passengers, $400,000 consigned to the Seattle assay office and local banks, and over $100,000 owned by private parties on board. The water in the Yukon is at present high enough for navigation, but some slight fall is noticed. Many predict that the light-draft boats will only be able to make two round trips this year, and that the larger ones will not be able to get back this year. Sandbars are giving much trouble, and boats are almost invariably hung up for shorter or longer periods.

The construction of a road through the Copper River Valley from Valdes is among the possibilities for next season.

George O'Brien, sentenced to be hanged, made a futile attempt at suicide, but was frustrated.

Vancouver Military Notes.

VANCOUVER BARRACKS, Aug. 12.—Captain Frank B. McKenna, of the Twenty-eighth, will join his regiment at the end of his leave.

One hundred and thirty recruits from Columbus, Ohio, are to be sent by way of Seattle to Fort St. Michael, and assigned to that part of the Seventh Infantry stationed there.

Austin F. Prescott, late Captain in the Thirty-fifth Volunteer Infantry, has been made a First Lieutenant, dating from February 1 of this year, and assigned to the Twenty-eighth Infantry.

George E. Kumpe, formerly Lieutenant in the Forty-fifth Volunteer Infantry, has been assigned to the Twenty-eighth Infantry as a Second Lieutenant.

Major John Van R. Hoff has invented a first aid package which he thinks will be more satisfactory than the one now in use, which is constantly being lost or mislaid. Several of the new pouches are to be issued to the men for practical trial.

By the recommendation of the Chief Engineer of the department the following changes in the hospital corps are to be made: Acting Hospital Steward Jesse T. Scow, from Fort Canby to Fort Columbia; Thomas Conley, from Vancouver to Fort Stevens; Fred W. Bossler, from Vancouver Barracks to Fort Lawton; Alfred L. Lamb, from Vancouver Barracks to Fort Walla Walla; John Frierson, Julius C. Hoffman, James B. Kilbourne, Charles F. Menzies, Aguilla Mitchell, George A. McKnight, William Palecek, Frank Starber and Deane Stone are awaiting assignment to Vancouver Barracks.

Second Lieutenant Samuel H. Fisher, of the Twenty-eighth Infantry, has been granted a leave for one month.

Colonel Charles A. Coolidge, of the Seventh Infantry, has been made Special Inspector and will go to Boise Barracks to inspect the Quartermaster stores at the post, for which Captain James M. Anasmith is responsible.

Railroad Gets Land.

WASHINGTON, July 12.—The Secretary of the Interior has approved a number of patents of Oregon lands to the Oregon & California Railroad Company, as follows:

One tract of 41,162 acres in the Oregon City land district; one tract of 9146 acres in the Roseburg and Oregon City land districts; one tract of 5326 acres in the Lakeview, Oregon City and Roseburg land districts, and a fourth tract of 4832 acres in the Oregon City land district.

Notes From Aberdeen.

ABERDEEN, Wash., Aug. 12.—M. H. Williams, agent of the Northern Pacific Railway Company at this place for several years, has resigned to go into business. His successor has not yet been named.

The Northern Pacific Company has started work upon improvements here which will cost $20,000.

Reserve Agent for Colfax Bank.

WASHINGTON, Aug. 12.—The Controller of the Currency today designated First National Bank of Chicago as reserve agent of the Second National Bank of Colfax, Wash.

Washington Notes.

Some specimens of oil rock are said to have been discovered between the mouth of Gray's Harbor and the Straits of Fuca.

A pork-eating cougar, in Lewis County, successfully got off with a hog from among four traps without springing any of them, but was finally treed by dogs and shot with a rifle.

The underwriters are considering changes in their rates at Spokane. The difficulty is with the water supply, the pressure being too low for fire protection when irrigating is in full blast.

Farmer Hibbits, of Stevens County, set his barn on fire while trying to burn out a wasps' nest above his hay loft. The barn, hay and $500 in currency, concealed in the lower part of the structure, were a total loss.

Sidewalks repaired and constructed in Spokane during the past month by the citizens, and without cost to the city, amounted to 6359 feet, or well over a mile. New plank walks laid amounted to 1094 feet, while 639 feet of cement walks were constructed.

Richard U. Goode, United States Geographer, has been in North Yakima for some time, superintending the surveys in the Cascades. The headwaters of the Natchez and other streams are being mapped, and the forest reserve will be properly platted.

There is a scarcity of harvest hands around Pullman. Farmers and threshing machine owners are in town almost daily trying to hire men to help save the immense crop. Wages are higher than in former years, and many crews are running short-handed.

The schooner Wimpe Brothers, named after and built for the firm of that name in San Francisco, was launched from the Lindstrom yards, in Aberdeen, Saturday afternoon. The vessel, which will be four-masted, will cost $52,000 when completed, and will have a capacity for 900,000 feet of lumber. She is 186 feet over all, 38 feet breadth of beam, and 14 feet depth of hold.

MUST PAY ASSESSMENT

CITY AUTHORITIES WIN ASTORIA STREET IMPROVEMENT SUIT.

Property-Owners Cannot Enjoin Collection After Quietly Permitting Improvements—Other Decisions.

SALEM, Aug. 12.—The Supreme Court today handed down five decisions in appealed cases, affirming three, reversing one and modifying one, and overruled one motion. The principal points decided are as follows:

That property owners cannot enjoin collection of a street assessment after quietly permitting the improvements.

That one seeking title to land from the United States cannot claim that he held adverse possession.

That error of the trial court cannot be urged on appeal unless an exception was saved.

That where, in pursuance of arbitration and ward, both parties have acts to perform simultaneously, neither can enforce the award without performing or offering to perform his part.

No receiver is required where the disbursing of a fund is the only duty to be performed.

G. Wingate M. J. Badollet, Clara Fisher, Angus Sutherland, Celestia Gearhart, Fannie McVicar, E. P. Parker, Sadie Schlussel and Birdie R. Schlussel, appellants, vs. the City of Astoria, and E. Hallock, Chief of Police, respondents, from Clatsop County, T. A. McBride, Judge, affirmed; opinion by Chief Justice Bean.

This was a suit brought by the owners of certain real property abutting on Grand avenue in Astoria, to restrain the sale of the property for delinquent street assessments. The suit was begun after the street work had beene completed and accepted by the city. The plaintiffs made no objection whatever while the work was in progress, but in this suit they insisted that the entire proceedings were invalid. The only objection to the proceedings on the ground of jurisdiction was that the grade of the street had not been legally established prior to the proceedings for its improvement. This is the only objection considered by the Supreme Court.

In July, 1891, the City Council passed an ordinance establishing the grade of what was then Seventh street, but is now Grand avenue. It was contended by plaintiffs that this ordinance was void because it was approved by the president of the Council at a time when there was a vacancy in the office of Mayor, and hence no grade had been legally established. The Supreme Court says: "There is no provision in the charter making the establishment of a grade a condition precedent to the right or power of the Council to improve the street, or prohibiting such improvement before the grade is established. If any such requirement is to be found therein, it is by implication and not by direct provision. But it is unnecessary for us to examine that question at this time, for even if it be conceded that the charter contemplates that the grade of a street shall be established before the improvement is begun, and that proceedings for the improvement prior thereto, upon seasonable objection and in an appropriate proceeding, would be held invalid, we are clearly of the opinion that where, as in this case, the Council has attempted to establish a grade, mere irregularity, or even invalidity in the proceedings not amounting to a want of jurisdiction, would not affect its power to subsequently improve the street according to such grade, nor afford ground for an injunction by a property-owner to restrain the collection of an assessment for such improvements after the work had been completed."

Charles Altschul, appellant, vs. Emmett Clark, respondent, from Harney County, M. D. Clifford, Judge, reversed; opinion by Justice Wolverton.

This was an action to recover possession of a tract of land in Harney County. It is stipulated by the parties that the plaintiff holds the record title and adverse possession for the period of more than 10 years prior to the commencement of the action is the sole defense interposed. In 1883 Elonzo N. Fleming settled upon the land and in 1884 filed a preemption declaratory statement for 40 acres thereof. After extended litigation in the Land Department, this entry was canceled. No attempt was made to derive title from the Government to two other parcels of this tract of land. The defendant is Fleming's successor in interest. The plaintiff claims through the Willamette Valley & Cascade Mountain Wagon Road Company. It was stipulated that as to the 40-acre trace there was no approval of the wagon road company's selection, by the Secretary of the Interior prior to June 23, 1899, and as to the other two tracts no approval by the Secretary of the Interior prior to 1893. The Supreme Court holds that by his attempt to gain title from the Governement by preemption, Fleming admitted title in the Government, and is therefore estopped from claiming adverse possession during his proceedings in the Land Department. As to both the 40-acre tract and the other two parcels of land, it is held that the statute of limitations does not run until the title has passed from the Government, it is apparent that it has not yet run as to any of the land. The lower court left the question of whether Fleming intended to admit the title of the Government to the jury, but the Supreme Court holds that this was error. The lower court held that title passed to the wagon road company when the selection list was filed and the fees tendered, but the Supreme Court holds that the title does not pass until the selections have been approved by the Secretary of the Interior. The verdict of jury in the lower court was for the defendant upon his adverse possession. The Supreme Court holds that a verdict should have been directed by the court in favor of the plaintiff.

E. B. Watson, and B. B. Beekman, respondents, vs. Southern Oregon Company, appellants, from Multnomah County, A. L. Frazier, Judge, affirmed; opinion by Chief Justice Bean.

This was an action to recover $6000 for professional services, rendered by the plaintiffs for defendant in three suits brought against it and others by the United States to have certain lists and patents, issued to the Coos Bay Wagon Road Company, vacated and set aside, and certain deeds from the latter company to defendant declared null and void.

The answer admits the employment of plaintiffs, but denies that the services were reasonably worth any greater sum than $500. Upon the trial, the value of the property involved in the litigation between the defendant and the United States became an important question. During the cross-examination of a witness for the defendant, who testified upon that subject, the plaintiff Watson offered in evidence a decree of the Circuit Court of the United States in a suit by Rotch vs. Oregon Southern Improvement Company, foreclosing a mortgage on the some property. Objection having been made, Watson stated in the presence of the jury that he wanted "to show that they mortgaged this property for over $1,300,000 and they got the money on it."

Watson also offered in evidence a transcript of the decree in that suit, by which he said it would appear that the property, including some other property, was valued at $2,000,000, and that defendant had issued bonds upon the basis of that valuation and had actually received thereon from $1,200,000 to $1,500,000. This transcript as well as the decree were held not admissable. No objection was made or exception taken to the statements of counsel as to what they expected to show by the record offered, and no ruling thereon was requested of the trial court. Subsequently the opinion of the United States Court in the case of the United States vs. Coos Bay Wagon Road Company was read by Mr. Watson in making his closing argument. The jury rendered a verdict for the plaintiff for $6000.

On motion for a new trial the court overruled the motion on condition that plaintiffs would remit $1000 of the verdict, which they did. On appeal the defendant assigns as error the statements of counsel as to what they expected to prove by the judgment roll in the Rotch case, the reading by them of the opinion in United States case and the refusal of the trial court to grant a new trial.

The Supreme Court says: "No objectio was made or exception taken to the statements of counsel as to what they expected to prove by the judgment roll, and no ruling was requested of the trial court, so that the record presents no action of the court in relation to the matter subject to review on appeal. . . The opinion in the case of United States vs. Coos Bay Wagon Road Company was read by counsel to the court while discussing some proposition of law, and although it is not apparent from an inspection of the opinion how any question discussed therein could have become material or important in the trial of this cause, yet it does not appear that counsel were acting in bad faith in citing or reading the opinion, or that it could have improperly influenced the jury, or affected any substantial right of the defendant. No questions of fact seem to have been involved, or statements contained in it pertinent to the facts in controversy in this case." It is also held that the overruling of the motion for a new trial was not error.

M. F. Parrish and Byron Simmons, appellants, vs. George P. Higinbotham, respondent, from Sherman County, W. L. Bradshaw, Judge, affirmed; opinion by Chief Justice Bean.

The points decided in this case are that where a question has been submitted to arbitrators, the decision must be within the terms of the order submitting to arbitration, and that before one party can enforce an award in the nature of an executory contract he must allege and prove performance, or offer of performance on his part. In this case the award was within the terms of submission, but the plaintiff did not allege performance.

S. E. Young et al, respondents, vs. John Hughes, as administrator of the estate of Seth R. Hammer, deceased, appellant, from Marion County, R. P. Boise, Judge, modified; opinion by Justice Moore.

This was a suit by certain stockholders of the Gold Mountain & Dry Gulch Gold & Silver Mining Company to establish a lien upon a fund in the hands of the representative of a deceased trustee. The lien was declared by the local court and Amos Strong was appointed receiver to disburse the fund to the persons entitled to it. The costs were taxed against the administrator. The Supreme Court holds that where the disbursement of a fund is the only act to be performed, no receiver is necessary. It is therefore ordered that the receiver be discharged and that the money be paid to the Clerk of the Court for disbursement. It is also found that the lower court erred in the amount upon which the stockholders have a lien, and the sum is reduced from $1261 62 to $1177 12. The costs in the lower court are directed to be paid out of Hammer's estate. The costs in the Supreme Court are to be paid out of the trust fund.

Other court orders today were as follows:

Thomas J. Hanmer, respondent, vs. F. D. Downing et al., appellants, from Multnomah County; on motion for vacation of judgment of the Supreme Court, motion overruled; opinion by Justice Moore.

The decision of the Supreme Court was rendered April 8, 1901, and two days later defendant filed his cost bill. No objections having been filed thereto within the statutory time, the clerk allowed the cost bill and recorded the judgment. On April 27 plaintiff filed a petition for rehearing and this was overruled on June 3. On June 21 plaintiff filed this motion to vacate the judgment in respect to costs and disbursements, and four days later filed objections to the cost bill. The Supreme Court holds that this proceeding was regular and that the judgment was properly entered. Plaintiff contended that the judgment should not have been entered until the petition for rehearing had been disposed of.

P. H. Oviatt, appellant, vs. Big Four Mining Company, respondent; time for filing petition for rehearing extended 30 days.

A. H. Carson, respondent, vs. F. M. Hayes, appellant; respondent allowed 60 days additional to file petition for rehearing.

Curtis E. Bowers, respondent, vs. Star Logging & Lumbering Company, appellants; respondent allowed until September 1 to file brief.

United States Mortgage & Trust Company, respondents, vs. P. A. Marquam, appellant, two cases; appellant given 20 days additional to file abstracts.

W. E. Baines, appellant, vs. Coos Bay, Roseburg & Eastern Railway & Navigation Company, respondents; appellant's time to file reply brief extended to August 31.

Emily J. Schneider, respondent, vs. Anna Danner, appellant; case dismissed on stipulation without costs and all sureties relieved.

Anna Danner, appellannt, vs. Jacob Danner, respondent; same order.

Otto L. Haese was admitted to the bar for nine months on a certificate from the Circuit Court for St. Louis, Mo.

Quotations of Mining Stocks.

SAN FRANCISCO, Aug. 12.—Official closing quotations of mining stocks:

Alta	$0 03	Justice	$0 06
Andes	4	Mexican	17
Belcher	7	Occidental Con	2
Best & Belcher	14	Ophir	87
Bullion	1	Overman	12
Caledonia	31	Potosi	5
Challenge Con	39	Savage	7
Chollar	5	Sierra Nevada	18
Confidence	1 40	Silver Hill	35
Con. Cal. & Va.	2 00	Standard	3 25
Crown Point	10	Union Con	14
Gould & Curry	14	Utah Con	5
Hale & Norcross	27	Yellow Jacket	35

NEW YORK, Aug. 12.—Mining stocks today closed as follows:

Adams Con	$0 25	Little Chief	$0 12
Alice	43	Ontario	8 25
Breece	40	Ophir	75
Brunswick Con	9	Phoenix	8
Comstock Tunnel	6	Potosi	4
Con. Cal. & Va.	1 90	Savage	5
Deadwood Terra	50	Sierra Nevada	8
Horn Silver	1 75	Small Hopes	50
Iron Silver	57	Standard	3 30
Leadville Con	6		

BOSTON, Aug. 12.—Closing quotations:

Adventure	$ 23 50	Osceola	$ 96 50
Bing. Min. Co.	41 00	Parrott	50 00
Amal. Copper	112 00	Quincy	170 00
Atlantic	35 00	Santa Fe Cop	6 00
Cal. & Hecla	710 00	Tamarack	34 75
Centennial	26 50	Utah Mining	28 50
Franklin	17 00	Winona	2 50
Humboldt	25 00	Wolverines	63 00

SPOKANE, Aug. 12.—The closing quotations of mining stocks today were:

	Bid.	Ask.		Bid.	Ask.
Amer. Boy	6¼	8	Morrison	2¾	...
Blacktail	9½	9¾	Prin. Maud	1⅛	1½
Butte & Bos.	⅞	1½	Quilp	...	25
Crystal	4½	5½	Ramb. Car	40½	44½
Conjecture	3	3¼	Republic	3⅞	5
Deer Trail	2¾	...	Reservation	6	6⅛
El Caliph	2½	3½	Ross. Giant	...	3½
Gold Ledge	⅞	1½	Sullivan	7½	8
L. P. Surp.	4⅛	5⅛	Tom Thumb	12	12½
Mtn. Lion	25½	30	Wonderful	2	4
Morn. Glory	2⅛	3⅜			

Finances of Clark County.

VANCOUVER, Wash., Aug. 12.—County Treasurer Parcel today rendered a statement of the finances of the county for the three months ending June 30. The statement was delayed by reason of an unusual amount of work in the Treasurer's office, incident to the collection of taxes. The following is a summary of the report:

Receipts during the quarter	$ 74,738 11
Cash on hand April 1	36,489 63
Total	$111,227 74
Disbursements, all sources	$ 52,729 45
Cash on hand	58,498 29
Total	$111,227 74

The total amount received for taxes, including delinquent rolls, was $58,245 79, of which $47,572 98 was paid on the 1900 roll. The state apportionment of school funds received by Clark County for the quarter was $12,902 36.

GREAT FOREST FIRES

IMMENSE DAMAGE BEING DONE ON COAST OF BRITISH COLUMBIA.

Several Islands Completely Denuded and Flames on Mainland Spread With Fearful Rapidity.

VANCOUVER, B. C., Aug. 12.—The forest fires which annually destroy thousands of dollars' worth of property are now raging on the British Columbian Coast. Reports today from up the coast state that several small islands have been completely denuded of trees, and the wood is so dry that fires on the mainland, once started, spread with fearful rapidity.

WELSH SETTLERS FOR CANADA.

Will Try to Get Colony Now in South America to Emigrate.

VANCOUVER, B. C., Aug. 12.—A special from Ottawa says:

It was decided at a Cabinet meeting today that W. L. Griffith, Canadian immigration agent in Wales, should proceed from Liverpool for the Welsh colony in Patagonia, South America, for the purpose of inducing Welshmen to immigrate to Canada. W. J. Rees, one of the three Welsh delegates who visited Canada in 1899, will accompany Mr. Griffith.

There are about 4000 Welshmen in the colony they intend visiting, and it is reported they are very much dissatisfied with the treatment accorded them by the Argentine Government, and desire to locate themselves somewhere under the British flag. The immigration department hopes to be able to induce a good portion of them to come to this country.

STRIKE WILL BE SETTLED.

Canadian Pacific Trackmen Say Trouble Is About Over.

VANCOUVER, B. C., Aug. 12. — Local trackmen say their strike against the Canadian Pacific will be settled within the present week. In an interview a local strike leader said today:

"Our delegation from the West is now on the way to Montreal, where negotiations are going forward for a settlement. It is probable that it will be settled before the arrival of the Western delegation. It is simply a matter of the two sides getting down to business and talking things over. It is all a question of the recognition of the union principle. The matter of wages can be settled in a very short time, and the other troubles will disappear."

Explosion in a Coal Mine.

VANCOUVER, B. C., Aug. 12. — There was an explosion today in Extension Mine No. 3 on Vancouver Island. The only man known to be below was Quinn, the fire boss, who was probably killed. Search parties have been unable to enter yet, owing to the afterdamp. The mines are not working at present, owing to the San Francisco dock strike, hence the men were not below at the time. The cause of the explosion is unknown.

Chinese Shipping Over the Border.

VANCOUVER, B. C., Aug. 12.—Chinese and Indians are leaving the British Columbia canneries to go to work in the establishments at Point Roberts. Immigration officers report that Chinese in large numbers are slipping across the boundary line.

Oregon Pioneer of 1853.

EUGENE, Aug. 12.—O. F. Knox died yesterday at his residence in Eugene from pneumonia. He was born in Schuyler County, Missouri, in 1845, and came to Oregon with his parents in 1853. After spending the first Winter in Lebanon, the family moved to Cottage Grove, which had been the home of the deceased until he moved to Eugene, a year ago. He left a widow and five children—Mamie, Roy, Duke, Lizzie and Frank.

Northwest Postoffices.

WASHINGTON, Aug. 12.—On August 31 the postoffice at Anidem, Linn County, Or., will be discontinued, mail for that point going to Gates. On the same date the office at Eaton, Alaska, will be discontinued, mail going to St. Michael.

Oregon postmasters appointed: O. E. Peyton, Peyton, vice A. J. Jones, resigned; W. M. Laird, Sitkum, vice F. B. McDowell, resigned.

Pay Day at the Barracks.

VANCOUVER, Wash., Aug. 12.—A month's pay was distributed by the Paymaster, United States Army, to the 1200 or more troops now stationed at Vancouver Barracks, today. The payment amounted to between $20,000 and $30,000.

Alaskan Notes.

It is reported that the Treadwell mines will have a reserve of 4,000,000 tons of ore blocked out before January 1.

G. Guojake, a laborer in the Treadwell mines, was killed by falling down an old stope. He had been told to go for a hammer, and lost his way in an abandoned drift.

Douglas City is soon to have a large salt water natatorium, and on lines that will make it probably the best in Alaska. The salt baths will be heated, and among the attractions will be a large swimming pool.

Contagious Blood Poison

There is no poison so highly contagious, so deceptive and so destructive. Don't be too sure you are cured because all external signs of the disease have disappeared, and the doctor says you are well. Many persons have been dosed with Mercury and Potash for months or years, and pronounced cured—to realize when too late that the disease was only covered up—driven from the surface to break out again, and to their sorrow and mortification find those nearest and dearest to them have been infected by this loathsome disease, for no other poison is so surely transmitted from parent to child as this. Often a bad case of Rheumatism, Catarrh, Scrofula or severe skin disease, an old sore or ulcer developing in middle life, can be traced to blood poison contracted in early life, for it remains smoldering in the system forever, unless properly treated and driven out in the beginning. S. S. S. is the only antidote for this peculiar virus, the only remedy known that can overcome it and drive it out of the blood, and it does this so thoroughly and effectually that there is never a return of the disease to embarrass or humiliate you afterwards.

Like Begets Like.

The Sin of the Parent.

SSS cures Contagious Blood Poison in any and all stages; contains no mineral to break down your constitution; it is purely vegetable and the only blood purifier known that cleanses the blood and at the same time builds up the general health.

Our little book on contagious blood poison is the most complete and instructive ever issued; it not only tells all about this disease, but also how to cure yourself at home. It is free and should be in the hands of everyone seeking a cure. Send for it.

THE SWIFT SPECIFIC CO., ATLANTA, GA.