THE WHEELER'S FATE

Derelict Barge Pounded to Pieces in the Breakers.

COLORED COOK WAS DROWNED

Craft Was Abandoned by the Tug Vosburg Seven Days Ago-Struck the Beach Near Yaquina Bay.

NEWPORT, Or., Dec., 4.-The lumber sarge C. H. Wheeler, bound from Nehalem to San Francisco, with \$62,000 feet mber, went ashore two miles south Yaquina bar about 10 o'clock this Vosburg, November 27, has been making her way up the coast ever since. She was signted early this morning by the life crew, directly opposite the station, being about three miles off shore, signaling for a tug, but there was none here to go to her assistance. She had mainsail, foresail and lib set, and was slowly making her way north, but drifting in-shore all the time. About 9 A. M. she was close to the outside line of the break-ers. The crew then lowered the mainsall in hopes of bringing her around on another tack. Falling in this they attempted to make for the bar, and sall her into the bay, but their attempt was futile, as they could not steer her. The wind was light and the tide ebbing. Their iast hope had vanished, and before them was nothing but the white lines of the breakers, and the chance of a watery grave. They soon passed over the first line of breakers, and then big waves rolled upon them, carrying away the mainmast

Coles Swept Overboard.

The colored cook, J. W. Coles, was swept overboard, and was seen clinging to wreckage a short time afterward, but evidently did not survive long. Such a fury of waves beat on shore that Captain Wellander knew that an effort to launch the surfboat would be futile. Life-savers ran the beach apparatus out on the beach to a point where it was believed the barge would come ashore after passing the line of breakers. On the outer reef the barge seemed to be in a calm place, with head to sea. It was thought the anchor had been let go, and that she would ride there in safety for a time at least. In a few minutes it was clear that she was still drifting, and finally she swung broadstde o the sea, A large comber rolled over her, throwing her on beam ends, and every-thing above decks went by the board. One of the men clung to some wreckage and came ashore half a mile above the place of the wreck. The other two stayed with the main deckload, which followed in the wake of the derelict, about two miles to the southward, where she struck. It was a very close call for these two, as they could be first on one end of the lumber as the sea would throw it high in the air, and then would scramble for the other end. They were almost exhausted when the life-saving crew, who dashed into count of their experience:

Story of a Survivor.

The Wheeler, in tow of the tug Vosthe hawser parted, as we sur posed. We showed lights, put up a piece of the mainsail to keep her head to the sea, and at the same time one of the crew got a bright light to show the position of the barge. We saw the lights of the tug for about 15 minutes after break-ing adrift. After getting up sail we worked the vessel up to the wind, but could make no headway, and drifted west for about 25 hours. Friday at northwest for about 25 hours. Friday at 11 A. M. we tacked about and made an easterly course until Saturday morning, when we struck a heavy southeast gale. There was a heavy sea running all the time, but we took very little water aboard. We drifted north-northwest until Sunday morning then about \$ A. M. the inday morning, then about 8 A. M. the wind shifted and we steered east-southeast, continuing on this course up to Monday morning, when we got a heavy gale
from the southward, later changing to
southwest. Tuesday night at 1 A. M. we
got a wind in shore and stabled.

The Consul then demanded that JapanThe Consul then demanded that Japan-"bout-ship," but were unable to work her around. All this time the wind was blowing so hard that we were unable to carry and the next Japanese steamship to ensail. About 12 o'clock the wind calmed ter paid only the usual charges. Yaquina Bay. It was then that we de-cided to try and make this bay, as it was impossible to keep her off shore any longer. We tried to head the vessel for the entrance, but she was quite unman-ageable and would not answer her helm and drifted over the south spit.

In the Breakers.

"After getting into the breakers, we shipped a tremendous sea, and the main-mast and rigging were carried away, with a large portion of the deckload. A few minutes later another sea swept the rest of the deckload overboard. Coles and Seaman Yederman were carried overboard by the first sea. Yederman drifted ashore, clinging to a plank, and was picked up by the life crew. Coles, who had a life-preserver on, drifted around with the wreckage, and that was the last seen of him by us. I and T. Peterson were swept overboard by the second sea that boarded the vessel, but managed to keep on top of the great mass of lumber that fear of the great mass of lumber that formed a kind of raft in the lee of the vessel as she drifted down the beach in the surf. until nearly opposite the life station, where we were rescued from our perilous

position by the life crew. Spoken by the Robert Dollar.

'Yederman is badly bruised and cut about the head and legs. We escaped with some slight bruises. The life-saving crew did everything possible for our com-fort. About 12 M, on Tuesday the steamer Robert Dollar, going north, answered the distress signal which we have kept flying since we were cast loose. She came up close to our lee and told us to get a towline ready. We attempted to pass a line to the Dollar by making a small line fast to a barrel and letting it drift to the steamer, but the barrel drifted to wind-ward, while the steamer lay to leeward. After waiting a short time and failing to get a line, the steamer departed, leaving us to our doom. That was the only sail we sighted. It seems that the Dollar could have got our line if she had gone to windward. I cannot imagine how we ever got to shore, as the sea kept breakng continually over us, and tossing our raft about in the air in an indescribable

From the moment the vessel was sighted the life-saving crew was in readiness to give all the assistance possible, and but for their promptness, Seaman Yederman's life would have been lost, as he was help

less from the cold battering of the surf when he drifted into shoal water. The crew severely condemns the captain when he drifted into shoal water.

The crew severely condemns the captain of the tug for descriing them. They say for San Francisco.

he had taken on a fresh supply of coal at Coos Bay, while aboard the Wheeler was another hawser better than the one

ASTORIA, Dec. 4.-When the news reached here this morning that the dere-ict lumber-iaden barge C. H. Wheeler had been sighted off Yaquina, her prin-cipal owner, C. H. Wheeler, the Nehalem millman, was in Astoria, and made arrangements to have the tug Samson go to her relief, but before she could be got ready to start, word came that the harge had gone into the breakers and had been

CLARA BROWN WRECKED. Small Sternwheeler Goes Ashore Near Al-Ki Point.

SEATTLE, Dec. 4.-The steamer Clara Brown, one of the largest sternwheelers on the Sound, was driven ashore at Al-Ki Point last night at 7 o'clock, during the gale which raged all night. In trying to round the point on her usual trip to Seattle from Tacoma, the steamer repeat-edly broached to, and was in imminent danger of foundering. She was completely unmanageable. She finally drove up on the beach half a mile south of the point. The passengers jumped overboard and made their way through the The beach was fortunately sandy. morning. The Wheeler, which was lost gale has continued all day and the weath-in a storm off Cape Blanco, by the tug er side of the boat has been battered in. er side of the boat has been battered in. She is full of water, but she will probabiy be saved unless the gale be

DAMAGES AGAINST BUNKER HILL & SULLIVAN MINING COMPANY.

He Fell Down a Shaft and Was Severely Injured-This He Contended Was Due to Negligence.

After an hour's deliberation, the jury returned a verdict of \$10,000 in favor of Gunder Kettlesen, whose suit against the Bunker Hill & Sullivan Mining Company was tried in the United States District Court yesterday.

The plaintiff was injured by failing down a 90-foot chute in the company's mine near Wardner, Idaho, and brought suit for 180 000 days ages setting up the

suit for \$40,000 damages, setting up the contention that the defendant was negli-gent in not providing him with the necessary apparatus for carrying on his work, and that his injuries resulted from the defendant's negligence. The plaintiff's claim for damages was based on the contention that the chute was from 80 to 90 feet in length, and that the incline was very steep and dangerous. Kettlesen was

KETTESEN GETS \$10,000 employed for nine weeks in Gibbons' home when Mr. and Mrs. Ferris lived there, testified that Ferris and his wife were very affectionate. They were like two children, Gibbons took Mrs, Ferris into a room one day, and she afterward came into the kitchen crying. He scolded her for not keeping accounts straights, and said she did not keep papers right.
When Attorney Spencer began to cross-examine the witness, she said: "There is

no use cross-questioning me, I ain't going Mr. Spencer asked her how she cam-

to be a wilness, and she answered that she was sent for to come to Mr. Hitchings' first time I have been in court, and it will be the last time. I wouldn't have come if I hadn't thought it wouldn't have come if I hadn't thought it was a criminal case. Nigger wenches in this country don't tell iles."

Clarence Stanley Ferris was the last witness on his side of the case. He testi-fied that Gibbons introduced him to his adopted daughter, Margaret Allen. They kept company for two years and were married October 18, 1999. They got along as harmoniously as a man and wife could get along. On the morning of December 7, 1900, he came home. He was employed very sleep and dangerous. Kettlesen was very badly injured by his fall, and it was conceded by both sides that his injuries were of a permanent nature.

The defense denied any position. were of a permanent nature.

The defense denied any negligence, conmuch worse. It is not thought that her tending that the plaintiff received his in- she came in several times and caressed

brought by May Osmun, and finally was compelled to pay a judgment of \$10,500.

Judge Bloomfield and John Ditchburn appeared as counsel for Coulter. The trial will be concluded today.

COUNTY TO HAVE 14 PRECINCTS There Will Be 14 Road Supervisors

Increase in Expense \$2250. The latest decision arrived at by Judge Cake and the County Commissioners in regard to redistricting the county, is to have 14 election precincts, and 14 Road Supervisors. The territory will be dividoffice. She said: "I received a paper and thought I had to go, the same as I believed I had to come here. This is the visor earns about \$750 a year, this will

In the city limits, where there have been 54 precincts, there will in the future On the West Side there will be changes in all of the wards, and on the East Side there will be two new precincts

CONVICTED OF ROBBERY.

John O'Brien Found Guilty of Stealing a Watch from Joe Labelle. John O'Brien was tried and convicted in Judge Frazer's Court yesterday on a charge of robbery of a watch from Joe Labelle, on November 9, at midnight on

Burnside street, between Second and

Labelle testified that he missed his watch, but he was under the influence of liquor, and did not know who took it from him. George Mitchell, a fruit vendor, testi-

fied that he saw the tussie, and he posi-tively identified O'Brien as the robber. Police Sergeant O. P. Church gave evidence concerning the arrest of O'Brien STILL FIGHTING LOGGING SEIT.

Third Trial of C. O. Bergman vs. Inman, Poulsen & Co., Begun. The third trial of the suit of C. O. Bergman vs. Inman. Poulsen & Co., to recover \$3500 for logs, was begun before Judge George and a jury yesterday. Bergman claims a lien under the V ington law on some logs, which Inman, Poulsen & Co. obtained from a third party. The case has been in court since 1893, and has been to the Supreme Court

and back on points of law, and is still being stubbornly fought.

Milton W. Smith, W. L. Brewster, and David Stewart, of Chehalls, appear as counsel for Bergman, and H. M. Cake counsel for Ber for the defense.

SUES LODGE FOR \$2000. Louise Weissenfluh Brings Action

Agninst A. O. U. W. for Insurance. Louise Weissenfluh yesterday com nenced suit in the State Circuit Court against the Grand Lodge, Ancient Order of United Workmen, to recover \$2000 insurance on account of a beneficiary certificate executed to her husband. Albert Weissenfluh deceased.

and that the payment of insurance has been refused. William Reid appears as attorney in the case.

WON SUIT THE THIRD TIME. North Pacific Lumber Co. Secures Another Verdiet in Its Favor.

The jury in the case of Balfour, Guthrie & Co., against the North Pacific Lumber Company returned a verdict for the defendant in Judge Cleland's Court yester-The suit was to recover \$3250 reclama-

tion on account of two cargoes of lum-ber shipped to Chile several years ago, some of which was said to be of inferior quality. The case has been tried three times, and each time the defendant won. It was sent back from the Supreme Court ently on a technical point, for third

Articles of Incorporation.

Articles of incorporation of the Sigler Company were filed in the County Clerk's office yesterday. The incorporators are B. D. Sigier, A. J. McDaniel and A. T. Smith. The capital stock is \$10,000. The objects are to deal in provisions and prod-Incorporation articles were filed for the

by S. B. Watrous, J. T. Walls and H. Distribution of Catlin Estate.

W. W. Catlin, administrator of the estate of Guy Catlin, deceased, filed his final report in the County Court yesterday.

The balance on hand for distribution is
\$649. The heirs are the administrator,
who was a brother of the deceased, and
two sisters, Sarah C. Smith, of Adrian.

Mich., and Helen M. Catlin, of Boston Sues for Divorce.

Mary E. Everest has sued Martin Ever-est for a divorce, because of desertion. They were married in 1885, in Washington

WADE'S BAD NAME AT HOME Served a Term in the Workhouse, and Is a Tough.

The Newcastle News, of Newcastle, Pa., in its issue of November 27, has this to say about John Wade alias Ewing, arrested with W. H. Dalton charged with the murder of James B. Morrow, on the East Side, last month: "Wade was a resident of Wampum, Pa., until a little more than a year ago. He has been on the Pacific Coast about one year, and what his vocation there has been is a matter of question with his acquaintances and se with whom he associated in his me town. After Wade was arrested ome town. After Wade was arrested Portland, it became necessary, considering the feeling that was evident, to remove the prisoner to the County Jail, where he will be detained under a special guard in order to ensure him from mo-lestation. Later, he will be taken to Vancouver, Wash., where he will be guarded from mob violence by United States regulars. The prisoner's father is known here as 'Spikey Wade,' and he and the other members of his family in Wampum are employed in coal mines in

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Wade spent in this community he be well-known to the criminal author-For his last offense here, he was given a term in the workhouse, after

completing which he returned to Wam-pum and left for the West."

The Portland police authorities say that it will not be necessary to take Wade to Vancouver, and that there was no decision reached to take such a step.

Delayed by the Gale.

The gale which raged at the mouth of the river Tuesday was the worst that has occurred in many years, and the wind blew so hard on the bay at Astoria that the steamer Gatzert was unable to cross She left Astoria at 11:39 P. M. and after proceeding as far as Tongue Point was obliged to put back. The beacon lights were out and the wind was blowing at a furious rate, making progress impossible without grave danger. The Gatzert lett last night from Astoria for Portland.

Cancerous are most fre-quently to be

they are liable to appear upon other parts of the body. When they begin to spread and cat into the flesh, sharp, piercing pains are felt as the underlying tissue is destroyed and the tender nerves exposed. Cancerous sores develop from very trifling causes; a carbuncle or boil, swollen giand, a little watery blister on the tongue or lip, a wart, mole or bruise of some kind comes an indolent, festering sore, which in time degenerates into cancer.

Ten years ago I had a sore on my left temple, which the doctors pronounced a cancerous ulcer; it would itch, burn and bleed, then scab over, but would never heal. After taking S. S. S. awhile the sore began to discharge, and when matter had passed out it got well. I took in all about

thirty bottles, continuing it for some time after the sore had healed, to be sure all the poison was out of my systen years. JOSEPHUS REID, Gant, Audrian Co., Mo.

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Say Passenson, Cat. Dec. 1, 79.

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Cashier 306
FENTON, J. D., Physician and Surgeon 509-10
FENTON, DR. HICKS C., Eye and Ear. 511
FENTON, MATTHEW F., Dentist. 509
GALVANI, W. H., Engineer and Draughts. GAVIN, A., President Oregon Camera Club GEARY, DR EDWARD P., Physician and Surgeon GIESY, A. J., Physician and Surgeon... 769-716 GILBERT, DR J. ALLEN, Physician, 401-402 GILLESPY, SHERWOOD, General Agent

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HOLLISTER, DR. O. C., Physician and McFADEN, MISS IDA E., Stenographer. . 201 McKENZIE DR. P. L. Phys. and Sur.512-13 METT, HENRY ... 218 MILLER, DR. HERBERT C. Dentist and

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RYAN, J. B., Attorney-at-Law. 515
SAMUEL, L., Manager Equitable Life. 396
SHERWOOD, J. W., Deputy Supreme Commander K. O. T. M. 517
SMITH, G. S., Cashier Equitable Life. 396
SMITH, GEO. S., Cashier Equitable Life. 396
SMITH, GEO. S., Cashier Equitable Life. 396
SMITH, GEO. S., Cashier Equitable Life. 396
STUART, DELL, Attorney-at-Law. 617-618
STOLTE, DR. CHAS. E., Dentist. 704-705
SURGEON OF THE S. P. RY. AND N. P.
TERMINAL CO. 706
STROWBRIDGE, THOMAS H., Executive
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CONTINE SAVINGS ASSOCIATION, Minneapolis; J. F. Olsen, State Agent. 211
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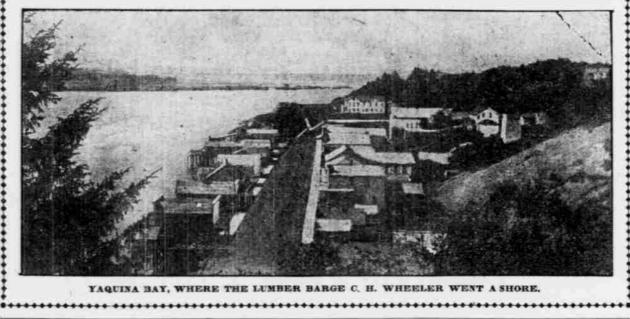
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acter of the beach where she came No other sternwheel steamer on Sound would have weathered what the Clara Brown did last night. Her firmness, her depth of draft and her strength kept the vessel from going bodily over or foundering in the heavy seas into which she constantly tumbled despite every effort to keep her on an even keel. The Clara Brown, Captain Charles Cadwell, left Tacoma early last evening on her usual run to this city, knowing a gale was coming, but not realizing what the fury of the gale would be. It was blowing moderately on the Sound from the southeast, which rather speeded the the life-saving crew, who dashed into the surf above their waists, throwing the unfortunate men a line. The third seaman was more dead than alive when picked up by two surfmen. He sustained several external injuries, none serious. The sailors found het coffee and warm The sailors found hot coffee and warm clothing awaiting them at the life-savers' quarters. The Wheeler was drove well the shere and breaking into surf white up on shore, and part of her cargo can be saved. The survivors were: T. Peterson, San Francisco; A. Peterson, Aberdeen, Wash.; M. Yderman, Nehalem. The lost, J. W. Coles, of San Francisco. Seaman A. Peterson gives the following account of their experience: the boat on her course and up to her work. The Brown draws about 31/2 to four feet of water, a much greater depth give him \$500 if he would do the job.

> RUSSIAN TONNAGE DUTIES. New Schedule of Charges at Vladi-

vostock Withdrawn. TACOMA, Dec. 4.-Oriental advices say that the Russian authorities at Viadivo-stok have withdrawn the new tonnage duties recently imposed there on all forpaid harbor charges amounting to 30 kopecks per mast. In October the Japanese steamship Yamashiro Maru was com-pelled to pay 1500 rubles as additional tonnage duties before she was allowed

got a wind in shore and sighted Yaquina headlight about 7 P. M. Provisions were exhausted by this time and we tried to

down and we made sail and tried to head off shore, but in spite of all our efforts, the vessel kept drifting in closer until off were required to pay the new tonnage du-According to dispatches received at Yo-kohama a number of American vessels ties at the same time. It was expected that the money would be returned and American steamers placed on the same

footing as those of Japan. TWO BARGES MISSING.

Ten Lives Are Imperiled in the Bay of Fundy.

ST. JOHN, N. B., Dec. 4.—The tug Gypsum King, Captain Blizzard, arrived here this afternoon with one steel barge in tow and reported that two other barges, the Gypsum King and the Gypsum Queen, broke away from the tow this morning about six miles off Point Le Preaux, in the Bay of Fundy. There are grave fears that the barges with their crews of five men each are lost, though the captain has hopes that, as they are schooner rigged and fitted with sails, they may have been able to make through the storm.

Domestic and Foreign Ports. ASTORIA, Dec. 4 .- Arrived down at 11 A. M.

San Francisco, Dec. 4.-Arrived-Steamer Se. quoia, from Portland; steamer Lakme, from Columbia River; schooner Alcalde, from Gray's Harbor. Sailed-Steamer Columbia, for Astoria; steamer Newburg, for Gray's Harbor;

toria; steamer Newborg, for dray's Harbor; steamer Tellius, for Ladysmith. Tokohama, Nov. 26.—Arrived—Thyra, from Portland, Or., and San Francisco for Hong Kong, Salled Nov. 29.—Empress of India, from Hong Kong for Van-

from New York.

Southampton, Dec. 4.—Safled—Kalser Wil-helm der Grosse, from Bromen for New York. Tacoma, Dec. 4.—Arrived—Steamer Washtenaw, from San Francisco. New York, Dec. 4.-Arrived-Oceanic from

Mrs. Kelsay, a colored woman, who was threatened them."

retired at 4:30 o'clock yesterday afternoon. Thomas O'Day, of Portland, and F. C. Robertson, of Spokane, represented the plaintiff, and Rufus Mallory, of Portland, the defendant.

SENSATION IN FERRIS CASE. Gibbons Said to Have Offered \$500 for Poisoning Plaintiff.

The sensational feature of the trial of the \$20,000 damage suit of Clarence Stanley Perris against Thomas Gibbons was the of Edward Murray that Gibb offered him \$500 if he would polson Ferris. Murray, from the year 1886 to 1900, was a conductor in the employ of the City & and a brute. Suburban Railway Company, and is a friend of Ferris. He is at present working as a conductor on a Seattle street railway. He testified that he and Gibbona had a number of drinks together in a saloon, and Gibbons asked him if he wanted to make some easy money. Gibbons said he would fix up a buttle for him to give Ferris a drink, but to be careful not to drink any of it himself, and agreed to

burg, left Coos Bay Monday, having put in there on account of a stress of weather. When about 70 miles off shore, at 7 P. M. and the 27th the horse of shore, at 7 P. M. arive a sefety from serious description. of counsel for the defendant, witness told Davis and Gibbons were keeping her there. here from Scattle. He was asked if his wife had not commenced divorce proceedings against him in this county, and the uestion was objected to.

The evidence of Mrs. Ferguson, called by the plaintiff, was very favorable to the defense. Mrs. Ferris was brought to Mrs. Ferguson's home in the month of December, 1990, by Mr. Gibbons, and mained there from Saturday until Monday. This was just after Mrs. Ferris left her husband. The witness said: "Margaret said she wanted a divorce. She said she could not live with her hus-

band; but that Mr. Gibbons did not wan her to get a divorce, and said he would not have anything to do with her if she got a divorce from her husband. She was ery nervous and excited at the time. Mr. Spencer-Didn't she state, as a rea-son why she could not live with Ferris, that he locked her up in a closet, and threatened to kill her if she didn't deed her property to him?

Didn't she also say that while she was at McCartney's house her husband tele-phoned to her and threatened to take her away in the burry-up wagon?"

"What other reason did she give for being afraid of him?"
"She said he threatened to kill her if she didn't turn over her money and property to him, and that she was afraid to take medicine from him, for fear he would

poison her." Mrs, A. Weisenbach, an aunt of Mrs-Ferris, testified that Gibbons spoke against Ferris, and said if Mrs. Ferris had been sane a little longer she would have ob-ained a divorce from Ferris. Gibbons, she testified, said on a certain occasion that if his girl died he would kill that

Mrs. Gibson, another aunt, testified that Gibbons influenced the girl's mind so that she was somewhat afraid of her husband, and Gibbons also intimated that Ferris was responsible for his wife's insanity. Mrs. Gay, a nurse, testified that Ferris was affectionate to his wife.

S. F. Clarke testified that he met Gib-

bons one day on Fourth street. referred to the death of the baby of Mr. and Mrs. Ferris, and said it would be better if Mrs. Ferris was also dead. Isaac Allen, whose son, Scott Allen, is the father of Margaret Ferris, testified Danish bark Princesse Marie. Left up at 1 the father of Margaret Ferris, testified that when Margaret's mother died. Gibber at 5 P. M., rough; wind southwest, weathons and his wife got the child. sort of willed it to them. Mr. Allen said they did not wish the child afterward, and was proceeding to say that it was because Gibbons sent them word not to do so, when an objection was made by Mr. Spencer. Judge Sears sustained the ob-

jection, and the witness was then ex-

Mrs. Wylle a sister of Mr. Ferris, was the next witness. She testified that after Hong Kong, Dec. 3.-Sailed-Duke of Fife, Mrs. Ferris left her husband and went to the home of the McCartneys, she went to Cochin, Dec. 4.—Sailed—Yangste, from Sent- see her. Mrs. Ferris promised to return tle. Hiogo, etc., via Suez.

Cherbourg, Dec. 4.—Arrived—Patricia, from Piymouth for Hamburg.

New York, Dec. 4.—Salled—Cevic, for Liverpool; Philadelphia, for Southampton; Zeeland, for Antwerp, via Cherbourg; Majestic, for Liverpool, which is subsequently admitted ther with a stick of wood, but the subsequently admitted ther wood, but she subsequently admitted that Rotterdam, Dec. 4. - Arrived - Statendam, Stanley was only playing. When the baby rom New York.

Queenstown. Dec. 4.—Arrived—Celtic, from Kew York for Liverpool. Sailed—Ultonia, from Liverpool for Boston.

Southampton. Dec. 4.—Sailed—Kalser Wil
Southampton. Dec. 4.—Sailed—Kalser Wil-

> Mr. Spencer-Didn't you tell McCartney your brother was going to kill bim and that time spoke well of Coulter.
> Gibbons for harboring her?
> Various other witnesses were examined to prove the good reputation of the plain-

The lawyers for both sides say that the she was gone. He stated that on the day matter was fully and fairly handled by Judge Beilinger, and that his charge to the jury indicated a thorough grasp of the facts and law in the case. The jury you don't he will poison you. I am the to Mrs. Ferris: 'You must mind what I tis alleged that he became a member tell you. You must leave that man; if you don't he will poison you. I am the 22, 1961, and died on March 7, following. only one who has ever done anything for When he charged Gibbons with having

made thise statement Gibbons denied it, saying: "I will never come between the bark and the tree." Ferris further said: "Gibbons poisoned her mind against me." The witness told

of the death of their child. He suid he left it playful and well when he went to work in the evening. At 3 o'clock in the morning Gibbons telephoned to him that the baby would be dead if he didn't hurry home. He said he couldn't leave the bridge, because he could not get a man to take his place, and did not get home until 7 o'clock. Gibbons called him a murderer

his wife had, was expended in repairing her property, and \$1800 was paid for two lots, on which they built a house. He never squandered a cent, and the deed to the home was in her name. When his wife left him, he said he telephoned to her, and she said she didn't leave of her own accord, but Gibbons was the cause of it. She promised to return the next day, and when she did not come, he telephoned again. She informed him that Lawyer He next saw his wife at the insane asylum ented and did not recognize him.

Ferris, on cross-examination, denied Kaser. Capital stock is \$100,000. having ill-treated his wife Mrs. Ferris is now said to be recovering For the defense, W. O. Stitt, a neighbor of Ferris, testified that he heard Ferris swear at his wife, and tell her she was all the time wanting something. The trial will be resumed today.

OFFERS \$400 TO D. M. WATSON. County Will Take Some Wells, but Rejects Others.

D. M. Watsen, who contracted to furnish the County Poor Farm with a supply of 12,000 gallons of water daily from wells, was offered \$400 by the County Court yes-terday for the wells that were accepted. The full contract price was \$1175, and the County Court holds that Watson has only supplied 4000 gallons of good water daily The water in the lower wells is declared untit for use, and they have been rejected. One of these is located near the cemetery and two others close by a creek in which it is said there is sewage. When the court convened yesterday morning for the transaction of county business. Judge Cake said: "It has been decided by the board not to consider the wells at the foot of the hill, but those at the top of the hill will be considered. Mr. Watson's con-tract was to furnish us with 12,000 gailons daily, and it is estimated that he has fur-nished about 4000 gailons, which we are now using and willing to pay for. We will pay him \$400 and allow him the right of proceeding further and carrying out his

contract. This latter means that Mr. Watson is allowed to sink more wells. C. J. Schna-bel, who appeared as counsel for Waison, "The court has made certain findings, but the only evidence was that of

Mr. Watson. "You understand," replied Judge Cake, "that this is not a lawsuit. If he wants to accept, all right; if not, he can take he matter to another court. This court takes the view that the water in the lower wells is not fit to be used."

WANTS \$10,500 DAMAGES. David Coulter Sues H. D. Winters, for Causing His Arrest. The trial of the suit of David Coulter against H. D. Winters for \$10,500 damages

was begun yesterday afternoon before Judge Frazer and a jury. Coulter keeps a grocery store in Winters building at Grand avenue and East Davis street. Winters several months ago had him arrested on a charge of larceny of 50 cents' worth of wood, and after a hearing in the Police Court the case was dismissed. Coulter claims damages on the ground that his reputation has been eriously injured.

John Manning, counsel for Winters, admitted the arrest and acquittal, and con tended that the charge had not been ma licious. Frank Phillips testified that Winters on one occasion told him that he had everything go his way, except the man who ran the store. When he got him out, t would be all right. This conversation referred to Coulter.

R. J. Sthier, Thomas Driscoll, AnniDriscoll, Mrs. C. J. Stimson and Miss
Randall testified that Coulter's reputation

was good. Most of these witnesses knew him at Keiso, Wash, William Wood testified that Winters tried to get Coulter out of the building by a proceeding in the Justice Court, Winters failed and he then said he might on better after a while. Winters prior to that time spoke well of Coulter, Various other witnesses were examined

Winters several years ago was the de- genuine.

BITTERS