

IVEY'S WARM REPLY

Will Not Rescind Order Regarding Sealing Ships.

HIS AMERICANISM IN WAY

Collector at Sitka Also Informs Government of Sending Canadian Official With Flag, Baggage, Etc., Flying Out of Skagway.

WASHINGTON, Feb. 26.—Some time ago the Secretary of the Treasury received unofficial information to the effect that J. W. Ivey, Collector of Customs at Sitka, had instructed his deputy at Unalakleet, not to permit Canadian vessels, presumably about to engage in pelagic sealing, to obtain supplies at that port. The Collector was directed to send a statement of the facts to the department, and was informed that if such orders had been given, they must be rescinded. Today the department received a telegram from the Collector, saying:

"My instructions were not against vessels engaged in alleged legal seal fishing, but against Canadian vessels actually engaged in pelagic sealing, which is illegal and criminal when committed within the marine jurisdiction of the United States. If there is an ancient treaty between the United States and Great Britain by which British subjects can commit depredations, destroy American property and deplete the revenue of tens of thousands of dollars annually, while our own citizens are denied these privileges, the sooner such a treaty is abrogated the better. Your solicitude regarding international complications with Great Britain need cause you no uneasiness, as the peacemaking season is just opened. Your new order, which is in time to enforce your orders. My Americanism will not allow me to rescind an order which gives British subjects privileges within our marine jurisdiction, which are denied our own people. There may be another matter that may attract your attention. I have recently issued orders to the deputy at Skagway, a copy of which has been sent you, which has put the Canadian officer located there out of business and sent him to his own territory. You are aware of the fact that this officer became so offensive that he interfered with American officers in the discharge of their official duties, opened United States customs mail, dominated over the railway officials, discriminated in the order of shipment in favor of Canadian merchandise against that shipped from Seattle, established a Canadian quarantine at Skagway, collected money and performed other acts of British sovereignty in a port of the United States, such as holding with bravado the cross of St. George from the flagstaff of his custom-house. I have sent the concern, his baggage, flag and other paraphernalia, flying out of the country. You may fear the shadow of international complications and rescind this order, but a Reed, an Olney or a Blaine would not."

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"DON'T LOOK, PRINCE."

the annals of the bureau since he has been a resident of Seattle. The barometric pressure, when reduced to sea-level pressure, was 31.1 of an inch higher than the lowest recorded since weather observations have been established on the coast. The area of the storm was almost circular with a diameter of more than 500 miles. It extended from Southern California to the Alaskan coast, and covered a vast area of the Pacific. Tuesday night the storm center was off Cape Flattery, and the wind at Neah Bay attained a high velocity. The highest velocity attained in Seattle was 35 miles.

HOLDS THE ACT INVALID.

Logging-Stream Law Passed on by Judge Boise.

SALEM, Or., Feb. 26.—The logging-stream law passed by the Legislature has been declared unconstitutional by Judge R. P. Boise. The decision was rendered in a contest for control of the Luckiamute River. The independence & Falls City Logging & Lumbering Company undertook to secure a franchise for the control of the river under the act of the last Legislature. The Spaulding Lumber Company, which owns the river, is the former company's right to charge tolls upon logs floated down the stream. The constitutionality of the law was the only point raised, and after hearing extensive arguments upon both sides Judge Boise rendered a decision holding that the independence company has no right to charge tolls, for the reason stated.

Why Act Is Invalid.

The act is held to be invalid because its title does not correspond with the requirements of the Oregon constitution. Section 20 of article 4 of the constitution provides:

"Every act shall embrace but one subject, and no subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void, in so much thereof as shall not be expressed in the title."

The object of this provision was to prevent matters wholly foreign to subjects expressed in the title from being inserted in the body of the act. The title of the logging-stream law is as follows:

Title of the Law.

An act authorizing the County Courts of the several counties of this state to declare un-navigable streams highways for the floating of logs and timber, and provide for the improvement and use of the same.

The subject-matter of the act is covered in a general way in the first section, which reads as follows:

Any individual or association of individuals who are residents of this state, and any corporation organized under the laws of this state, shall have and is hereby granted the right to secure to themselves, and to their heirs and successors in interest, the exclusive right to regulate, manage and control, as in this act provided, the floating, transportation and booming of logs, lumber, timber and wood upon any river or stream or part thereof within this state which is not navigable for general commercial purposes, by complying with the provisions of this act.

Subsequent sections of the act provide that the company seeking a franchise must file with the County Clerk a map of the stream, together with a declaration that the company intends to secure the rights authorized by the act. Within 10 days thereafter the company must begin to improve the stream and render it suitable for floating logs. Section 3 of the act provides that when the stream has been improved it "shall be and here-by is declared to be a public highway for the floating of logs," etc. It is also provided that the company improving the stream shall have the right to exact such reasonable and uniform charges for floating logs, etc., as the company may establish.

Rights Vested in Company.

Other sections of the act provide that the company making the improvements shall have exclusive control of the stream; that it shall keep the stream in condition for the floating of logs; that the charges fixed must be paid by persons wishing to use the stream, and that when one person or company shall have improved a stream, no other company shall be permitted to file on the same stream. There is no mention in the act of any County Court, nor is the County Court authorized to declare a stream a public highway or to provide for its improvement. The act itself declares the stream a highway when certain conditions have been complied with, and the whole act deals with a subject entirely foreign to the title of the act.

A large number of streams in this state have been filed on under this act. In this case the independence company claimed the right to exact a toll of 25 cents per 1000 for floating logs.

STORM HAS LARGE AREA.

Seattle Weather Bureau Says It Is Greatest Recorded There.

SEATTLE, Feb. 26.—According to Director Sullivan, of the local Weather bureau, the storm which has prevailed over the Pacific Coast for the last 48 hours the largest in area of any recorded in

the annals of the bureau since he has been a resident of Seattle. The barometric pressure, when reduced to sea-level pressure, was 31.1 of an inch higher than the lowest recorded since weather observations have been established on the coast. The area of the storm was almost circular with a diameter of more than 500 miles. It extended from Southern California to the Alaskan coast, and covered a vast area of the Pacific. Tuesday night the storm center was off Cape Flattery, and the wind at Neah Bay attained a high velocity. The highest velocity attained in Seattle was 35 miles.

Northwest Penalties.

WASHINGTON, Feb. 26.—Penalties have been granted as follows:

Oregon—Original—John M. Park, Oregon City, \$5; Samuel T. Kerr, Corvallis, \$5; Reissue, increase, restoration—Lyman Blakely, Salem, \$12; George A. Hines, Loring, \$10; William R. Derby, Olney, \$10; Mexican War—John H. Sowell, Holland, \$12.

Washington—Original—Wade Smith, Orting, \$5; Increase, reissue, restoration, etc.—Michael Madden, Pe Ell, \$5; Nels Olson, Hoquiam, \$10; Matthew Shields, Olympia, \$5; Increase, reissue, restoration, etc.—Henry C. Vining, Seattle, \$5; George W. Wood, Walla, \$5; George T. Myers, Sumner, \$5. War with Spain—Alvin R. Blackburn, Spokane, \$10; Original widows, etc., War with Spain—Laura E. Sigler, mother, Sumner, \$12; Julia A. Merritt, Spokane, \$5.

Idaho—Reissue, increase, restoration, etc.—Mexican War—James R. Githens, Soldiers' Home, Boise, \$12. Supplemental, (widow), Martha Clark, Boise, \$5.

Large Hop Sales at Salem.

SALEM, Or., Feb. 26.—The Mark Skiff crop of hops for the year 1901 was sold today at a price better than 14 cents. The lot comprises 35,000 pounds, and is one of the largest sales made here in several months. Skiff has been one of the firm holders, and the sale at this time indicates that he thinks the top of the market has been nearly reached. The Leonard Krebs crop of 20,000 pounds was also sold today, at a price which cannot be learned. In quality the Krebs crop is said to be one of the best lots in this county. Krebs has also been a firm holder.

Yamhill County Pioneer.

MINNIEVILLE, Or., Feb. 26.—Mrs. Eunice Martin, a pioneer resident of Oregon, and Yamhill County, died at the home of her husband, J. R. Martin, in Minnietown, last night. The deceased was born in Branch County, Michigan, February 2, 1834. On October 6, 1855, she was married to J. R. Martin, also a resident of Branch County, Michigan. Mr. and Mrs. Martin crossed the plains to Oregon in 1860, locating on a farm in Yamhill County, near Minnietown. Mrs. Martin is survived by her husband and W. E. Martin.

Railroad to Drill for Coal.

MEDFORD, Feb. 26.—A complete drilling outfit arrived here yesterday and was taken to the coal fields about three miles east of this city today. The Southern Pacific Company has run a 150-foot tunnel, and finds the coal to be of good quality, but the vein is small and the drill will be used to test the vein at a greater depth. If sufficient quantity of coal is found the company will commence extensive developments at once.

Oregon City School Affairs.

OREGON CITY, Feb. 26.—At a meeting of the voters of the Oregon City school district has been called for next Monday evening for the purpose of discussing the advisability of constructing two additional rooms in the Barclay School building. The Board of Directors will also present a proposition to the voters to bond a portion of the floating indebtedness. The district is now paying 8 percent on its indebtedness.

Artisan Wells for Water Supply.

HUNTINGTON, Feb. 26.—Dr. J. H. White and O. W. Porter, of this city, are arranging to bore a number of artesian wells here, for the purpose of procuring a water supply for the city. These gentlemen own the electric lighting plant franchise for the town, and if they succeed in finding a good and abundant supply of water they will put in a waterworks system.

Minister Allen Sails for Seoul.

SAN FRANCISCO, Feb. 26.—H. N. Allen, United States Minister to Korea, who with his wife has been visiting this country, sailed on the steamer Nippon Maru for Yokohama en route to Seoul, where he will resume his diplomatic duties.