HE TOOK WHEAT

Warehouseman Humphrey Must Suffer Penalty.

LOWER COURT DECISION UPHELD

First Conviction of Warehouseman on Criminal Prosecution for Years, and Sentence Is Two Years in Penitentiary.

SALEM, Or., Dec. 15.—(Special.)—The Supreme Court at noon today rendered two opinions, as follows:

State of Oregon, respondent, vs. A. M. Humphrey, appellant, from Marion County, George H. Burnett, Judge; affirmed. Opinion by Chief Justice Moore.

This is the first conviction of a warehouseman on a criminal prosecution that has been secured in the state for years. Humphrey, the defendant, was for a number of years engaged in the warehouse business in this city. In the Spring of 1901 a shortage of about 10,000 bushels of grain was discovered. Upon complaint of E. T. Hall, one of the depositors, Humphrey was arrested on the charge of larceny by bailee of 204 bushels of wheat. In February, 1902, upon trial before a jury, Humphrey was found guilty and sentenced to serve two years in the State Penitentiary. The defendant furnished bonds pending the appeal of his case.

The appeal was based on numerous assignments of error and the Appellate Court disposes of each alleged error by affirming the ruling of the lower court. Defendant's counsel claimed that the criminal information under which Humphrey's conviction was secured was defective because the indictment, which read, "did then and there wrongfully, unlawfully and feloniously fail, neglect and refuse to keep or account for said wheat," charged more than one crime. In disposing of this objection the court holds that "when a statute enumerates several acts in the alternative, the doing of any of which is subjected to the same punishment, all such acts, when not repugnant to each other, may be charged cumulatively as one offense, by using the copulative 'and' where 'or' appears in the statute, but where the latter word is so used in the sense of 'to-wit,' or as indicating that the terms preceding or following are synonyms, it is unnecessary to observe the distinction in the manner of enumerating the several acts constituting the alleged crime, in which case the disjunctive 'or' may be used in the information or indictment in the same manner as it appears in the statute."

Basis of the Defense.

A further defense urged was that the information charged three distinct offenses, to-wit, larceny by bailee, embezzlement and simple larceny. The court finds, assuming that the several crimes are charged in the information, that they are generic in character and differ only in degree of aggravation, in which the greater necessarily includes the less, and as each is deemed larceny by the statute, the value of the property herein alleged to have been taken, having been stated, a verdict of guilty as charged in the information renders the offender subject to the punishment prescribed for grand larceny.

Another contention of the defense was that the defendant, being a bailee for hire, it had not been proven by the state that the tender of any payment of storage charges had been made. On these grounds a demurrer was interposed, alleging that the information did not state facts sufficient to constitute a crime. "If the gravamen of the action had been an alleged failure to account for the wheat, of which the defendant was the bailee for hire," says Chief Justice Moore, "an averment of the payment or tender of the compensation agreed upon for its care might possibly have been necessary, but the information having alleged that he feloniously took, stole, carried away, embezzled and converted said wheat to his own use, it was unnecessary to allege a payment or tender of the compensation which he was to receive."

One of the principal defenses was that Humphrey, having been charged with the violation of section 1771, Hill's Annotated Laws of Oregon, the subsequent warehouse act, approved February 23, 1885, Hill's Annotated Laws of Oregon, sections 4201-4207, repealed by implication so much of the preceding section as related to a bailment of grain or an alleged conversion thereof by a warehouseman. On these grounds the defense moved for an arrest of judgment and in sustaining the lower court in overruling the motion, the Supreme Court says: "It is argued that the warehouse act is complete within itself, and as section 8 thereof expressly repeals all other acts or parts of acts in conflict therewith (Laws of Oregon, 1885, p. 61), it is manifest that the Legislative Assembly intended that said act should take the place of all other statutes upon the subject; that such intention is evidenced by the fact that the prior statute and the warehouse act prescribe different penalties, thus showing that they are in conflict and that the latter act prevails, under which, if the state had any case against the defendant, he could unquestionably have been prosecuted." The opinion then quotes section 4201, Hill's Annotated Laws of Oregon, which requires that under the act all warehouse receipts shall bear date upon which they are issued, state from whom received, number of sacks, if sacked, the number of bushels or pounds, the condition and quality of the same and the conditions upon which it is stored. The receipts issued by Humphrey for grain that was received did not state the quality and condition of the grain nor the terms under which it was received for storage. "Whether an information for a violation of the provisions of the warehouse act could be supported by such evidence of the deposit of grain as these receipts afford, it is not necessary now to inquire," says the court, "for, since they failed to conform to the requirements of the statute indicated, the defendant was, in our opinion, properly informed against as an ordinary bailee, under section 1771, supra, and hence no error was committed in overruling the motion or in refusing to arrest the judgment."

Place of Trial Rests With Trial Court.

The defendant's claim of error on the part of the lower court in refusing to grant a change of venue, because of the allegation that a fair and impartial trial could not be had in Marion County, is not sustained by the upper court. The Appellate Court holds that the right to change the place of trial rests entirely with the discretion of the trial court, and will not be reviewed in the case under consideration, in which it appears that the rights so vested were properly exercised.

Counsel for defendant further claimed that the state failed to disclose by its testimony that the defendant sold, shipped or used, or in any manner converted any of said wheat, nor was any criminal intent shown, and on these grounds asked for a verdict of not guilty. In sustaining the lower court in refusing the motion, the Supreme Court continues as follows: "The wheat having been delivered to, and accepted by, the defendant constituted a bailment, and any exercise of dominion over it by him, inconsistent with the claim of the owner, amounted to a conversion of the grain. The testimony having disclosed that the defendant, instead of returning the wheat, in compliance with the terms of the agreement, shipped it away, thereby necessarily negatives any permission secured from the owner to take it. The fact of his having taken the wheat was established, if the jury believed Swart's testimony, from which they might infer the defendant's intent which accomplished the taking. (Hill's Annotated Laws of Oregon, section 771.) The burden was imposed upon the state to prove every material allegation of the information beyond a reasonable doubt, and as a criminal intent is a necessary ingredient in all cases of felony, it was incumbent on the state to prove such intent. It would be a difficult task, in almost every instance, to secure a conviction, in cases of felony, if the proof of a criminal intent depended upon direct testimony, for a person contemplating the violation of a public law rarely proclaims his purpose prior to the commission of the overt act. The motives that seemingly induce human action are not often discovered, except by deduction, which the reason of the jury makes from the proven facts that necessarily precede, are inseparably connected with and naturally result from the commission of the overt act, the animus of which is the subject of their inquiry. This being the only known method whereby a criminal intent can be ascertained, the law wisely permits the jury, upon proof of the commission of the overt act by the defendant, to deduce his intention from a consideration of all the circumstances reasonably connected therewith. We think the testimony introduced, if believed by the jury, who were the sole judges of its weight, was sufficient to prove that the wheat was shipped away by the defendant, and that fact having been established, the jury were authorized to infer therefrom the intention of the defendant in connection with such conversion."

No Change in Grain Title.

The court further concludes that the title to the grain did not pass from Hall to Humphrey when the 204 bushels of wheat were stored in the warehouse.

Another of the principal defenses urged by counsel for Humphrey in making the appeal was that in all of the transactions between Hall and Humphrey the latter was a warehouseman and was charged with a violation of section 1771, Hill's Annotated Laws of Oregon, which it was alleged was repealed, in respect to warehousemen, by the subsequent warehouse act. Says the court: "It may have been that the defendant sustained the relation of a warehouseman to other depositors of wheat, but as such occupation is required to be evidenced by the issuance of receipts, stating the condition and quality of the commodity, and the terms and conditions upon which it is stored (Hill's Annotated Laws of Oregon, section 4201), and as the receipts issued to Hall did not comply therewith, it is certain that as to him defendant was not a warehouseman and no error was committed in refusing to instruct the jury as requested.

"We do not wish to be understood as intimating, however, that an information would not lie for a violation of the provisions of the warehouse act, when the deposit was evidenced by a receipt which failed to state the terms and conditions upon which the commodity was stored; nor to hold that section 1771, Hill's Annotated Laws of Oregon, was repealed by implication, in so far as it relates to warehousemen."

After sustaining the lower court in other minor rulings, to which the defense took exception, the judgment is affirmed.

Cynthia I. McCall and W. H. McCall, respondents, vs. James C. and Josiah Porter, appellants; from Lake County, Henry L. Benson, Judge; reversed. Opinion by Judge Bean.

This was a suit to restrain the defendants from interfering with the flow of water through the eastern or McCall branch of Buck Creek in Lake County. The lower court returned a decree for the plaintiffs. After reviewing the case and the testimony presented, the Appellate Court reverses the decree of the lower court and finds that the defendants are entitled by prior appropriation to all the water that will flow within the banks of Buck Creek at the alleged point of division, when the banks are maintained at a uniform height.

The following orders were today made in the Supreme Court:

Idonia Stinchcombe, appellant, vs. New York Life Insurance Company, respondent; ordered on stipulation that appellant have until January 10, 1903, and respondent 30 days thereafter to serve and file their respective briefs herein.

B. B. Sutton, respondent, vs. W. B. Clark et al., appellants; ordered on stipulation that appellants have until January 15, 1903, to serve and file their brief.

Pacific Coast Biscuit Company vs. G. A. Dogger; rehearing denied.

The case of Flora Hubert et al., respondents, vs. the Washington National Building, Loan & Investment Association, appellant, was argued and submitted by appellants' attorney. The respondents had submitted cause on briefs.

REWARD FOR BURGLAR.

Seattle Councilman Would Have City Pay $300 for Each Body.

SEATTLE, Dec. 15.—An ordinance was introduced in the Council tonight providing for a $300 reward for the delivery of the body of a highwayman or burglar at the City Hall. Councilman Mullen, who introduced the ordinance, declares that he believes this to be the most effective method of dealing with the criminal element now in the city, and that the city's previous experiences justify his course. Mayor Humes sent a communication to the Council tonight, calling attention to the influx of criminals and asking authority to name a number of new policemen. The communication was hung up for a week.

S. S. Bateman, of Forest Grove.

FOREST GROVE, Or., Dec. 15.—(Special.)—S. S. Bateman, aged 58 years, died at his home at Gales Creek, yesterday. He was born in New Brunswick, and emigrated to Kansas in 1873, thence to Washington County in 1878, where he had since resided. A widow and seven children survive him, Mrs. Nina Iler, Dayton, Or.; Mrs. Mamie Anderson, Elma, Wash.; Charles S., Benjamin, Marguerite, Alice and Earl, Gales Creek. Interment will be at the Gales Creek cemetery tomorrow.

Mrs. Johanna Houck.

ASHLAND, Or., Dec. 15.—(Special.)—Mrs. Johanna Houck, a well-known pioneer of Southern Oregon and Northern California, died at her home in this city last night, aged 63 years, 7 months and 4 days. With her husband, the late Jasper Houck, the deceased kept the old Ashland Hotel for about 15 years. She left a large estate to her children, who are: J. J. Houck, Mrs. Grace Hasty, of Ashland, and Dr. F. H. Houck, of Anaheim, Cal.

Big Prune Packing-House.

FISHER LANDING, Dec. 15.—(Special.)—A temporary prune packing-house has been established at the Fisher steamboat landing, by a company from Albany, Or. The packing-house has a capacity of two tons of prunes a day. Packing has been in progress some time, and will continue until after Christmas. A more permanent plant will be put in later in the season. Last week prunes advanced a cent a pound.

Site for Spokane Public Library.

WASHINGTON, Dec. 15.—The Treasury Department has selected a site for a public building at Spokane, Wash., at the northwest corner of Lincoln street and Riverside avenue. Price, $100,000.

Dons the Prison Garb.

SALEM, Or., Dec. 15.—(Special.)—David Isee Enyart was received at the penitentiary today from Washington County under sentence of eight years for the larceny of a mare.

Received at the Asylum.

SALEM, Or., Dec. 15.—(Special.)—Charles Gleason, aged 59 years, has been received at the asylum from Grant County.

THEY KISS AND MAKE UP

REPUBLICAN FACTIONS OF CLACKAMAS COUNTY GET TOGETHER.

Sign Agreement to Bury the Hatchet and Pull Together and Have a Thundering Organ.

OREGON CITY, Or., Dec. 15.—(Special.)—Articles incorporating the Enterprise Publishing Company were filed in the office of the County Clerk today, with the following significant list of incorporators: George C. Brownell, Hans Paulsen, C. H. Dye, T. P. Randall, H. A. Webster, F. T. Griffith, G. F. Horton, S. M. Ramsby, J. W. Moffatt, L. L. Porter, A. S. Dresser, C. Schuebel, C. G. Huntley, F. A. Sleight, Enos Cahill, Henry E. Stevens, J. R. Shaver, J. U. Campbell, Thomas F. Ryan and G. B. Dimmick.

Most of these men now hold positions of honor, trust and profit in the public service, a few are has-beens, the remainder hope to be. All are prominent Republicans and every faction of the party is represented, except the faction that yoked itself up with the Democratic mule and got kicked to death last June. This action represents an unofficial reorganization of the Republican party of Clackamas County, and gives it an organ, for it is understood that the Enterprise newspaper is to come into possession of the new corporation. The authorized capital is $7500—enough to allow for the acquisition of additional facilities—and for water.

It is said that the Republican leaders of this county have come together under one tent and agreed to bury all the factional hatchets and to live henceforth in brotherly affiliation. Hereafter there are to be no political side-shows. These leaders are understood to be about the same as appear on the incorporation papers filed today. A serious purpose is shown by the fact that the compact is not inaminite and tacit, as is usually the case with political treaties, but is written out in extenso, with numerous whereas and hereinbefores, and duly signed and preserved. This document is not on file, but it is said to have been executed within the past week. It is not known who has present possession of it, or whether the roll of honor is regarded as closed. No particular secret is made of it. The motive for putting the agreement in this form is said to be to present any misunderstanding in the future.

All this relates back to the time when the Courier, the Democratic organ, changed hands, several weeks ago. The conduct of the Courier had not pleased the Democrats, who had no confidence in its loyalty. When the Westovers came out from Kentucky and entered into negotiations for the acquisition of the paper, this attitude of Democratic sentiment became manifest, and they immediately demanded to know what was what—whether they could depend on Democratic support. Thereupon the leading Democrats came forward and satisfied themselves as to the Westover credentials, and formed a compact to stand together in support of the Democratic organ and in hostility to the common enemy, the Republican party. Thus was the raveled sleeve of Clackamas Democracy knit up, and it promised harm to the faction-torn Republican party. The Republicans have now met consolidation with consolidation. Again there is prospect of good, old-fashioned fights, in which the irresistible Democracy regularly assaults immovable Republicanism intrenched in the official trough.

John Hook, of Mount Angel.

MARION COUNTY PIONEER.

MOUNT ANGEL, Or., Dec. 15.—(Special.)—John Hook, who died at his home in Mount Angel, December 8, 1902, at the age of 86, came to Oregon in 1854. He was born in Madison County, Kentucky, June 14, 1816. In the early '40s he removed with his parents to Pettis County, Missouri. Here he was married to Miss Elizabeth Seaxraves. Mrs. Hook died in 1852. Mr. Hook crossed the plains in 1854 with an ox team. On arriving in Oregon his party was attacked by Indians while camping along the Malheur River, and all the provisions and belongings taken. Mr. Hook settled on a farm in Marion County, and in 1851 was married to Mrs. Sarah Carson.

PULLED GUN TOWARD HIMSELF.

Cornelius Boy Dies From Accidental Gunshot Wound.

HILLSBORO, Dec. 15.—(Special.)—Harry L. Kretzer, aged 10 years, and a son of a Cornelius saloon man, died early this morning from the effects of a gunshot wound, accidentally inflicted. The boy had gone from Cornelius to the Susbauer place, a mile north, and in company with a lad of his age, went down to a near-by lake. Henry Susbauer, a lad of 13, had just landed his boat and was about to get out and anchor. The Kretzer lad reached into the boat and drew out the Susbauer boy's shotgun, pulling it muzzle forward. The firearm was discharged, the shot taking effect in the left side, tearing away the flesh, exposing the liver, a part of the stomach and effecting partial disembowelment. Surgical aid was called from this city and it required 11 stitches to close the wound. The lad lived several hours, but could not rally from the shock. The accident occurred about noon Sunday.

WHITMAN DEBATERS CHOSEN.

Trio to Meet University of Oregon Next Month.

WHITMAN COLLEGE, Walla Walla, Dec. 15.—The Whitman debating team, which is to meet the University of Oregon in joint debate next January, will consist of Fred Cox, Robert Ringer and John Campbell, with Ed Chittenden as alternate. In the debate with Oregon Whitman will uphold the negative of the question: "Resolved, That tribunals should be established with power to settle all disputes between capital and labor affecting public interests." The debate will take place in Walla Walla. The Whitman team will begin work on the question at once under coaches, Rev. Austin Rice and Professor Bratton. Whitman has a debating reputation to sustain and expects to show Oregon a good time when she comes to debate.

FREIGHT CARS PILED UP.

Damage in a California Wreck Amounts to $100,000.

SAN LUIS OBISPO, Cal., Dec. 15.—A broken axle piled 15 cars of a through freight train in the ditch last night on the Coast Line, a mile north of this city. The estimated damage is $100,000. Merchandise, fruit, etc., is strewn along the track for a distance of 500 yards. None of the train crew was injured. It is thought that three tramps riding on brakebeams were killed in the smash-up, but the bodies have not yet been found. Passenger trains have been held up at this city.

SENTENCED TO BE HANGED.

Young Bradshaw Convicted of the Murder of Peter Nelson.

PASCO, Wash., Dec. 15.—Oscar Bradshaw, 20 years old, convicted of the murder of Peter Nelson, at this place last August, was today sentenced to be hanged, Friday, February 6, 1903. William Kellet, Bradshaw's accomplice, was sentenced to serve 20 years in the state penitentiary, the extreme penalty for murder in the second degree. Both prisoners appeared indifferent when sentence was passed. Motion for a new trial was made in the case of Bradshaw, but it was denied. The men will be taken to Walla Walla tomorrow. If the death penalty in the case of Bradshaw is carried out it will be the first legal execution to take place at the state penitentiary at Walla Walla.

SENTENCED TO HANG.

Montana Man Who Turned State's Evidence in Murder Case.

BUTTE, Mont., Dec. 15.—Charles Lennox was sentenced to be hanged here today for the murder of James Williams, at Silver Bow Junction, in this county, last Spring. Lennox and James Martin were jointly accused of the crime. There is considerable surprise at the sentence, as Lennox turned state's evidence against Martin in the trial and it was thought that he would get a light sentence in consequence. The date of Lennox's execution has not been set. Martin has not yet been sentenced.

IN INTEREST OF LEGISLATION.

Marion County Bar Association Appoints Committees.

SALEM, Or., Dec. 15.—(Special.)—At a called meeting of the Marion County Bar Association, held in this city today, the following committee was appointed on legislation: W. H. Holmes, chairman; G. H. Burnett, John A. Carson, W. T. Slater and G. G. Bingham. The committee will formulate recommendations as to desired legislation, and will submit a report at an adjourned meeting to be held next Monday. G. G. Bingham was made chairman of another committee that is instructed to secure the necessary amendment that will give the Third Judicial District four terms of Circuit Court each year, instead of three, as at present. The amount of litigation in this district has increased so much that an additional term is deemed necessary by many attorneys in order to expedite the work of the courts. A third committee, consisting of John Bayne, P. H. D'Arcy and J. A. Jeffreys was named on organization and amendments to the by-laws of the association.

SILVERTON OUT 77 MILES.

Steamer Reported That Everything Is Progressing Nicely.

SAN FRANCISCO, Dec. 15.—Word was received this evening from the cable-ship Silverton to the effect that at noon the vessel was out 77 miles, and progressing in a southwesterly direction. Everything was progressing to the satisfaction of the engineers. At that hour the vessel was experiencing a rain storm.

Petition to Open Old Road.

ASTORIA, Or., Dec. 15.—(Special.)—A petition to reopen the county road between McGowan's and Chinook, across the Fort Columbia military reservation, was circulated, and received the signatures of nearly all the voters on the beach and in Chinook last week. This road was established by the County Commissioners of Pacific County in 1854, 10 years before Scarborough Head was set aside by President Lincoln as a military reserve. The petition will go to the War Department for its consideration. The road sought to be opened was closed by the military authorities when active work was begun on Fort Columbia.

Bids for Asylum Supplies.

SALEM, Or., Dec. 15.—(Special.)—Bids were this afternoon opened for supplying the insane asylum—the main building in this city and the cottage farm—with 4000 cords of fir and 75 cords of oak wood. Only 2515 cords of fir wood, including big fir and second growth, were offered. The prices per cord for large fir ranged from $2 93½ to $3 and $3 25 to $2 50 for second growth. Only 40 cords of oak at $3 80 were offered. All bids were accepted and contracts closed with the bidders.

Well-Known Oregon Pioneer.

ASHLAND, Or., Dec. 15.—(Special.)—Mrs. Johanna Houck, a well-known pioneer of Southern Oregon and Northern California, died at her home in this city last night, aged 63 years 7 months and 4 days. With her husband, the late Jasper Houck, the deceased kept the old Ashland Hotel for about 15 years. She leaves a large estate to her children, who are J. J. Houck, Mrs. Grace Hasty, of Ashland, and Dr. F. H. Houck, of Anaheim, Cal.

To Inspect Aberdeen Harbor Lines.

ABERDEEN, Wash., Dec. 15.—(Special.)—United States Engineer Carpenter came here today to look into the question of harbor lines, which have been in dispute for some time, and the title to tidelands is practically in the state. An effort will be made this Winter to get a bill through the Legislature straightening out the matter.

New Farm Residence Burned.

SALEM, Or., Dec. 15.—(Special.)—The farm residence of Wencel Doefler, near Lewisburg, this county, was burned to the ground Sunday night. Mr. Doefler had just finished the building, which cost about $2000, and was uninsured. The origin of the fire is believed to have been from a defective flue.

Forest Grove Lodge Officers.

FOREST GROVE, Or., Dec. 15.—(Special.)—Holbrook Lodge, No. 30, A. F. & A. M., elected officers for the ensuing year, Saturday night: W. M., Frank Kane; S. W., J. S. Buxton; J. W., J. B. McPherson; treasurer, E. W. Haines; secretary, J. C. Clark; tyler, M. B. Dilley.

Horace M. Reynolds.

CASTLE ROCK, Wash., Dec. 15.—(Special.)—Horace M. Reynolds, chairman of the Cowlitz County Republican committee, died at St. Vincent's Hospital, Portland, at 1 A. M., Sunday, December 14, of appendicitis. He was born in Atchison, Kan., October 10, 1859.

Lecture by Dr. Williamson.

SALEM, Or., Dec. 15.—(Special.)—Dr. W. T. Williamson, chief physician at the Insane Asylum, tonight delivered a highly instructive lecture in Willamette University chapel on "The Molding of Environment."

Elected Provincial Secretary.

VICTORIA, B. C., Dec. 15.—At the bye-election held at North Nanaimo today, W. W. B. McInnes, Provincial Secretary, was elected by a majority of about 100 over Williams, Socialist.

LOST HUNTER IS FOUND

WANDERED WITHOUT FOOD IN THE SISKIYOU MOUNTAINS.

Searching Party Finds Logan at Perdue Ranch After They Had Despaired of His Life.

ASHLAND, Or., Dec. 15.—B. R. Logan, the young man of Igerna, Siskiyou County, who, having gone on a hunting trip in the wild mountain region of the Umpquas in Southern Oregon, disappeared from camp and was lost for two weeks, was found by a searching party yesterday. After leaving camp on December 1, he became lost in a snow storm and wandered around for three days before he reached the cabin of a trapper named Acker, at whose place he arrived in a famished state. After resting and recruiting his strength there, he was started out on his return to the hunting camp. He again lost his way and for several days wandered hopelessly in the densely timbered mountain region, following the water courses until he came across a mountain ranch near Perdue. Exhausted and hungered, he was in a terribly weakened condition when arriving at the mountain ranch, and it took careful nursing to revive him. The searching party sent out from Igerna found his tracks and followed them to the Perdue ranch. There was great rejoicing when he was found alive, for hope of finding him had been almost abandoned.

ABSOLVED OF CONTEMPT.

Though Hanley and Folsom Must Redeposit the Money.

BOISE, Idaho, Dec. 15.—(Special.)—In the United States Court Judge Beatty absolved Kennedy J. Hanley and M. A. Folsom, his attorney, of the charge of contempt, growing out of their withdrawal of court money from the First National Bank at Wallace, and made an order requiring Mr. Hanley to redeposit the money by February 1.

It will be recalled that an order citing these two men to appear on the charge of contempt was made some time ago. These proceedings grew out of the celebrated litigation over the Hanley interest in the Skookum mine. Mr. Hanley and been found to be the owner of an undivided one-eighth interest in the property. He brought suit against the Empire State Idaho Company, owners of the remainder of the property, to recover his share of the ore that had been taken out by the company. When these proceedings were instituted, Judge Beatty made an order requiring the company to deposit Hanley's portion of proceeds taken out thereafter in the First National Bank at Wallace.

Judgment was recently entered in favor of Mr. Hanley for something more than $175,000. Of this sum $5523 was on deposit in the bank, having accumulated since the order referred to was issued. When this judgment was rendered, Judge Heyburn, counsel for the Empire State Company, gave notice of an appeal. Mr. Hanley, on the advice of his attorneys, took a transcript of the decree which contained a provision directing the bank to pay him the money, and on this he secured the cash from the bank, giving it an indemnity bond.

Immediately afterward Judge Heyburn instituted these contempt proceedings on the theory that the notice of appeal acted as a stay of proceedings under the statute for a period of 10 days, and the men were cited to appear. At the hearing today the defense claimed that the statute, while preventing issuance of an execution as to the remainder of the judgment for a period of 10 days, did not stay proceedings with respect to the clause directing the bank to pay the money over. Judge Beatty held that, though no stay of execution had been ordered, execution and all proceedings were stayed under the provisions of the statute. He held further, however, that Messrs. Hanley and Folsom had acted in good faith, and should not be held in contempt. Judge John R. McBride appeared for Hanley and Folsom, while Judge Heyburn represented the other side.

MURDERER GIVES HIMSELF UP.

One of Five Who Murdered Policeman Robinson in San Francisco.

SAN FRANCISCO, Dec. 15.—William A. Henderson, one of the five criminals who murdered Policeman Eugene C. Robinson, at Sixteenth and Valencia streets, on the night of January 21 last, appeared before Superior Judge Cook today and pleaded guilty to a charge of manslaughter. The court accepted the plea, and Henderson will be sentenced on January 19, receiving probably 10 or 15 years, in view of the fact that he turned state's evidence and convicted Frank and William Kaufman, alias "St. Louis Fat."

Henderson's true name is John Fraser, and he hails from Montreal, where for years he was socially prominent, being a collegeman, whose ability as a football player was widely known. He comes from an influential family. Of late Henderson has been claiming that Attorney William Schooler hypnotized him, and a technical fight has been waged in behalf of another defendant, Kennedy, upon this ground.

FISH WARDEN INVESTIGATES.

Finds Southern Oregon Dealers Working Without a License.

OREGON CITY, Dec. 15.—(Special.)—Deputy Fish Warden Herman A. Webster has returned from a trip in Southern Oregon, investigating complaints as to dealers handling salmon without licenses. He also examined several dams across rivers and creeks frequented by salmon and other migratory fish. A number of dealers were compelled to take out licenses to sell sturgeon and salmon. Dams at the following places were found to be serious obstructions to the passage of fish up the various rivers: Deer Creek, at Roseburg; South Fork, of Umpqua River, at Roseburg; Rogue River, at Grant's Pass; Rogue River, three miles above Grant's Pass; Rogue River, near Gold Hill; Calapooia Creek, four miles below Oakland; Elk Creek, at Elkton.

Fish are able to get over some of these dams at the extreme high Winter freshets, but this is not enough, as they should be able to go over at all stages of water. The owners of the various dams will be required to construct suitable fish ladders over them, following as near as practicable the "improved Call system" of fishway.

An exceedingly good run of salmon is reported in Rogue River and its tributaries, and also in the Umpqua, showing benefits derived from artificial propagation.

WEDDING IN THE SMART SET.

Edith Huntington and John D. Spreckels, Jr., Made Man and Wife.

SAN FRANCISCO, Dec. 15.—A notable wedding tonight was that of Miss Edith Huntington and John D. Spreckels, Jr., at the Palace Hotel, Archbishop Riordan performing the ceremony, assisted by a number of local clergymen of the Roman Catholic Church. The bride is the daughter of Mr. and Mrs. Willard V. Huntington, and grandniece of the late Collis P. Huntington, the railway magnate. The groom is the only son of John D. Spreckels, the sugar king, owner of the San Francisco Call, and one of California's richest citizens. The hotel halls were magnificently decorated.

TO ENTER MINING DISTRICT.

Basin & Elliston Railroad Incorporates at Helena.

BUTTE, Mont., Dec. 15.—A special to the Miner from Helena says: If the plans of the Basin & Elliston Railway Company, which was incorporated this afternoon with a capital stock of $300,000, are carried out, one of the most important undeveloped mining districts in the state, now without adequate means of transportation, will have a railroad. The company proposes to build a railroad between Elliston and Basin, with several branches connecting important mines with the main track. It is proposed to run one branch to Rimini, and thus connect Helena by rail with the district. The Montana Reduction Company and Seattle capitalists are behind the project.

Grant's Pass Residence Burned.

GRANT'S PASS, Dec. 15.—(Special.)—Friday evening the residence of Logan Woolveridge, in this city, occupied by C. W. Boulware, was totally destroyed by fire, together with all the contents. It is not known how the fire originated. The loss amounts to about $1500 on house and contents, which is partially covered by insurance.

Miss Gannon, Sec'y Detroit Amateur Art Association, tells young women what to do to avoid pain and suffering caused by female troubles.

"DEAR MRS. PINKHAM:—I can conscientiously recommend **Lydia E. Pinkham's Vegetable Compound** to those of my sisters suffering with female weakness and the troubles which so often befall women. I suffered for months with general weakness, and felt so weary that I had hard work to keep up. I had shooting pains, and was utterly miserable. In my distress I was advised to use **Lydia E. Pinkham's Vegetable Compound**, and it was a red letter day to me when I took the first dose, for at that time my restoration began. In six weeks I was a changed woman, perfectly well in every respect. I felt so elated and happy that I want all women who suffer to get well as I did."—MISS GUILA GANNON, 359 Jones St., Detroit, Mich., Secretary Amateur Art Association.

It is clearly shown in this young lady's letter that Lydia E. Pinkham's Vegetable Compound will certainly cure the sufferings of women; and when one considers that Miss Gannon's letter is only one of the countless hundreds which we are continually publishing in the newspapers of this country, the great virtue of Mrs. Pinkham's medicine must be admitted by all; and for the absolute cure of all kinds of female ills no substitute can possibly take its place. Women should bear this important fact in mind when they go into a drug store, and be sure not to accept anything that is claimed to be "just as good" as **Lydia E. Pinkham's Vegetable Compound**, for no other medicine for female ills has made so many actual cures.

How Another Young Sufferer Was Cured.

"DEAR MRS. PINKHAM:—I must write and tell you what your Vegetable Compound has done for me. I suffered terribly every month at time of menstruation, and was not able to work. Your medicine has cured me of my trouble. I felt relieved after taking one bottle. I know of no medicine as good as yours for female troubles."—MISS EDITH CROSS, 169 Water Street, Haverhill, Mass

Remember, Mrs. Pinkham's advice is free, and all sick women are foolish if they do not ask for it. No other person has such vast experience, and has helped so many women. Write to-day.

$5000 FORFEIT if we cannot forthwith produce the original letters and signatures of above testimonials, which will prove their absolute genuineness. Lydia E. Pinkham Medicine Co., Lynn, Mass.

A MILLION HAPPY AMERICAN CHILDREN are kept healthy with CASCARETS Candy Cathartic. Good words spoken by their mamas for CASCARETS to other mamas have made CASCARETS successful until the sale now is nearly A MILLION BOXES A MONTH. Why do little folks like CASCARETS? Because they are a sweet, palatable, fragrant little tablet—taste good—do good—never grip nor gripe, but act gently, naturally, positively. Medicine that a child dislikes will not do it much good. Sensible parents give their little darlings medicine that tastes good and does good, and does not grip nor gripe; the kind they like themselves. Children are always ready to take CASCARETS, THE PERFECT HOME MEDICINE, ask for them and are kept healthy always and safe against the dangers of childhood's ailments. Best for the Bowels. All druggists, 10c, 25c, 50c. NEVER SOLD IN BULK. The genuine tablet stamped C C C. Guaranteed to cure or money back. Sample and booklet free. Address Sterling Remedy Co., Chicago or New York. 580