DID NOT KNOW IT.

H. B. and E. P. Parker Had Salmon

in Their Possession.

ASTORIA, Or., March 30.—(Special.)—
The trial of H. B. Parker and E. P. Parker on the charge of having salmon in their possession during the closed season was held before Justice Goodman this morning, and the defendants were discharged. Alex Olot, who was convicted a few days ago on a similar charge.

charged. Alex Olof, who was convicted a few days ago on a similar charge, testified that he placed the salmon in the defendant's hotel and they knew nothing of it. The justice, in rendering his decision, said the evidence showed the defendants, had salmon in their possession and were technically guilty, but the evidence also showed that they did not receive the fish and had no knowledge of its presence, so were not really guilty of any infraction of the law. Sebastian Giaser, Julius Garbe and John Denck, farmers, who had salmon in their wagon to take home, were arrested yesterday.

to take home, were arrested yesterday. They were released on their own recognizance to appear for trial on next Fri-

day.

Notice of appeal to the Supreme Court was filed in the Circuit Court today in the case of S. Normile vs. the O. R. & N. Company. This was a sult brought to recover damages for the loss of a mule which was badly injured on the defendant company's wharf in this city while being unloaded from one of its steamers. The jury in the Circuit Court awarded the plaintiff damages for \$150\$. The defendant appealed the case to the Supreme Court, which reversed the findings of the lower court and taxed costs amounting to \$150\$ to the plaintiff. It is from this mandate of the Supreme Court that an appeal is now taken.

that an appeal is now taken.

Forty tons of rails were taken to the
Lewis and Clark River today for use in

extending the Young's River Pulp Mill Company's logging road. This company has recently purchased a locomotive, which will arrive within the next few

weeks.

The plans for a 70-foot drawbridge to be built by the county across the Lewis and Clark River were received from the War Department by Judge Trenchard this afternoon. At the meeting of the Commissioner's court on next Wednesday, bids on the construction of the bridge will be asked for.

The School Repart decided at a special

will be asked for.

The School Board decided at a special meeting held this afternoon that the school term should close on June 12, in place of being extended for two weeks, as was under consideration for the purpose of making up for lost time by the schools being closed during the scarlet fever-diphtheria epidemic. In order to chiain authority for refunding the bonded indebtedness that will fall due during the

chain authority for refunding the bonded indebtedness that will fall due during the present year, the board issued a call for a special election on the afternoon of Friday, April 24. Immediately afterward a special meeting of the board will be held to take action in accordance with the result of the election. At the request of City Physician Pilkington, parents of mucils aftending the Adult School

weeks.

SMITH MUST HANG

His Will Be First Execution at State Penitentiary.

MEDICAL BOARD WINS SUIT

Supreme Court Holds There Is No Authority to Issue Temporary Licenses to Practice Medicine-Houghton Case Reversed.

The right of self-defense rests upor te evidenced by a real or an apparen exhibition of force, creating a reason-shie apprehension of imminent danger. The State Board of Medical Examiners under the act of 1889 has no aucity to grant a temporary license

on the following morning, identify a committed the crime, this being heareny evidence.

SALEM, Or., March 30 .- (Special.)-The Supreme Court today affirmed the judgment of the Circuit Court of Multnomah condemaing George Smith to Smith will probably be the first person to be hanged at the Oregon Penitentiary under the new law upon the subject. The Supreme Court upheld the Board of Medical Examiners in revoking the temporary license of Heinrich Volp. who crased the words of limitation, so that it appeared to be an unlimited li-cense. The court holds that the board had no authority to issue a temporary The decisions of the court are in

license. The decisions of the court are in brief as follows:

State of Oregon, respondent, vs. George Smith, appellant, from Multnomah County, M. C. George, Judge, affirmed; opinion by Chief Justice Moore.

Defendant was found guilty of the murder of Annie Smith in Portland, August 21, 1962, and was sentenced to be hanged, whereupon he appealed. Smith is a colored man, and Annie Smith, his wife, was white, and at the time of her death was an inmate of a house of ill-fame.

Smith's defense was that his life had been threatened by one "Kansas" Potelio, and that at the time of the shooting he saw in his wife's rooms a man whom he took to be Potelio, crouching behind a

saw in his wife's rooms a man whom he took to be Potello, crouching behind a door, whereupon he fired at the man. His wife stepped across the room at that instant and received the bullet. Counsel for defendant asked that the jury be instructed that, if they believe that Potello had made threats against defendant, to inflict death or great bodily harm upon him, he would have a right to use such reasonwould have a right to use such reasonable means to protect himself as, under the circumstances, an ordinarily reasonable man would have used if the person in the room with the deceased had been Po lo. This instruction was refused, and affirming the lower court's view, the preme Court speaks thus of the law of

The right of self-defense rests upon The right of seif-defense rests upon the broad foundation of necessity which is evidenced by a real or an apparent exhibition of force, to repel which and to allay a reasonable apprehension of imminent danger, superinduced by some overt act, force may also be used, but without such necessity the right to resort thereto foces not exist. By imminent danger is does not exist. By imminent danger is meant immediate danger—one that must be instantly met; one that cannot be guarded against by calling on the assist-ance of others or the protection of the law." The element of "immediate" danger having been omitted from the instruc-tion requested, it is held that the court did not err in refusing to give it as desired. Speaking further upon the basis of the right of self-defense, the court depend wholly upon the belief which the person claiming it entertained, but whether or not there was ground for a reason-able belief on his part that he was in finager of death or great badlly harm. If defendant's fear was not well-founded, he would not be guiltless. . . . "The opinion also examines the reasons ad-

vanced in support of the motion for a new trial, and holds that no ground for re-

versul exists. Volp vs. Medical Examiners.

Heinrich Volp, appellant, vs. Board of

Medical Examiners, respondent, from Multnomah County, M. C. George, Judge, Multnoman County, M. C. George, Judge, affirmed: opinion by Justice Wolverton.
On June 13, 1831, Volp applied to the State Board of Medical Examiners for an examination as to his qualifications to receive a license to practice medicine and surgery. His examination proving unsatisfactory, the board issued to him what was intended to be a temporary license only, or a permit to practice for six or a permit to practice for six months, in the following form: "This certifies that Heinrich Volp, having passed a estisfactory examination in medicine and surgery before the Board of Medical Examiners, is hereby authorized under the provisions of the act to regu-late the practice of medicine in the State of Oregon, passed by the Legislature in February, 1889, to pursue the practice of medicine in this state under the condi-tions of aforesald act, till December 13, 1861." On March 30, 1865, Volp presented this certificate, with the words and figures "till December 12, 1891" erased, to the secretary of the board, by whom it was recorded. On July 2, 1835, Voly filed the certificate in the office of the County Clerk of Multnomah County, and on July 7, 1897, secured a certified copy thereof, which he filed in the clerk's office in Har-On May 23, 1900, W. Marsden made complaint to the board, charging Volp with having fraudulently changed the certificate, and the board gave Volp notice through the mail that on January 4, 1901, the charge would be in-vestigated. The board revoked the li-cense, and Volp brought this mandamus suit to compel the board to reinstate him as a duly licensed physician. He was de-feated in the lower court, wheroupon he appealed.

appeared.

He based his appeal upon two contentions—first, that the board being without
authority to issue a temporary license,
and having certified that the licentiate had passed a satisfactory examination and exercised its authority to license, it must be held to have exercised its powers legally and to have granted a full license; and, second, that the board was without jurisdiction to revoke the license, because proper and legal notice had not been served. Volp admitted making the erasure, and said he made it because the

Train Wreck in Nevada.

Toano, Nev., March 26 - A "double-header" west-bound freight on the Southense is that an intention of issuing a regular license. The applicant had not come up to the prescribed standard under his examination, and acting upon a generous impulse toward him, so that he might yet have an opportunity of qualifying himself, and in the meanwhile engage in his adopted profession, the board gave him the permit to practice for six months. To construe such an act into absolute regularity, and the permit of six months' duration into a license would be to contort an ir-

WHEAT FIRE AT CAYUSE

due regularity and perfect legal efficacy.

His erasure cannot by any rule of ethics or practice, either in law or morals, operate to admit him as a regular practitioner of medicine and surgery; so that he has never been by any act of the board licensed generally to practice his profession, but by his own willful act he has procured the making up of a record which is false, and without the power of either the board or its clerks to make. The opinion also holds that, since the license was admittedly fraudulent, the court will not require that he be given notice before his license can be revoked.

State vs. Houghton.

State vs. Houghton.

State vs. Hongitton.

State of Oregon, respondent, vs.

"Chick" Houghton appellant, from Multnomah County, A. F. Sears Jr., Judge, reversed and new trial ordered; opinion by Justice Bean.

Defendant was convicted of robbing one Buich in the North End district in Portland, November 7, 1962. At the trial Joseph Day testified that, on the morning after the robbery, Balch described to him the man who committed the crime, and when a number of photographs were

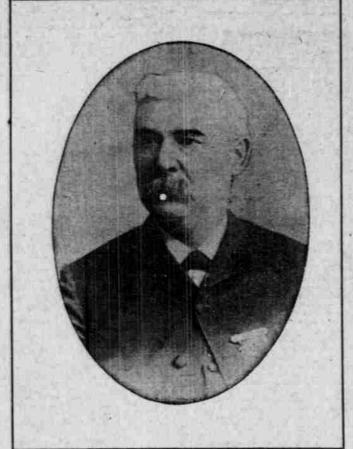
case is considered by Missoula physicians to be a remarkable one. Wood was undergoing an operation in the hospital, and was under an anaesthetic. When the operation had been concluded respiration suddenly ceased, and the young man's heart stopped beating. For half an hour three physicians worked on him without a sign of life. They thought him deed. Suddenly ac opened his eyes, and in response to continued exertions on the part of the physicians, began to breathe. Tonight he is said to be on the road to recovery. EIGHTEEN THOUSAND BUSHELS GO UP IN SMOKE.

Burn at a Small Station Twenty Miles East of Pendleton.

PENDLETON, Or., March 30 .- (Special.) PENDLETON, Or. March 30.—(Special.)
—Three warehouses and an elsvator, containing in all about 18,000 bushels of wheat, were burned at Cayuse this forehoon. The total loss is estimated at more than \$20,000. Cayuse is a small wheat station about 20 miles east of this city, and has no water protection whatever.

Residents of the station this morning discovered amonths issuing from the ware-Portland. November 7, 1962. At the trial Joseph Day testified that, on the morning discovered smoke issuing from the ware-after the robbery, Balch described to him the man who committed the crime, and when a number of photographs were shown Balch, he picked out that of Houghton as the picture of the man who had robbed him. Objection was made and overruled, the court holding that the evidence was material. The Supreme Court *************************************

LATE WILLIAM R. DUNBAR



REGISTER OF THE UNITED STATES LAND OFFICE AT VANCOUV-ER, WASH., WHO DIED LAST SATURDAY.

and its admission was reversable error.
Houghton was charged with robbery from the person by assault and putting in fear, and was convicted of assault with intent to rob. The defense claimed that this verdict could not be reached under the indictment. Having decided to reverse the case upon other grounds, the Supreme Court says that, "it is perhaps unnecessary to consider whether the crime of which the defendant was convicted was included in the one charged in the inforwhich the defendant was convicted was included in the one charged in the information; but it is difficult to understand how robbery from the person by assault and putting in fear could be committed without an assault with an intent to rob."

Thielsen-Gatch.

Henry B. Thielsen, petitioner and ap-pellant; Claud Gatch, receiver of Gilbert Bros. et al., respondents, from Marion County, R. P. Boise, Judge; reversed.

the Circuit Court of Marion County sustaining a demurrer to and dismissing the petition of Thielsen for an order directing Gatch to pay out of the receivership funds the as compensation to the petitioner and \$304.4 to reimburse him for expenses while receiver pendante lite of the same firm and property under appointment of the Circuit Court of the United States, The contention of respondents was that since the suit in which Thielsen was appointed temporary receiver was dismissed the order appointing him was void for want of jurisdiction, and the compensation and expenses should have been taxed as costs against the plaintiff in that suit. The Supreme Court holds that since the appointment was made in pursuance of an agreement of the parties in open court that such an appointment was necessary in order to preserve the property pending Bugation, the appointment cannot be held to be void, but that the value of the serv-ices and expenditures by the court ap-pointing him should be paid as though they had been incurred by the present re

ceiver. Rehearings Denied.

Petitions for rehearing were denied in the following cases: State ex rel. A. W. Turner, respondent.

vs. G. J. Gray, appellant. First National Bank of Portland, plain uff, vs. Oregon Pulp & Paper Company t al., defendants. Cynthia I. McCall, respondent, va. J.

C. Porter, appellant: Winchester & Main, respondents, vs. Huidah E. Hoover, appellant.

J. E. Cullison, respondent, vs. F. O.

SEVENTH-DAY ADVENTISTS.

Have Given Over Quarter of Million to Missions in Two Years.

OAKLAND, Cal., March 30.—Nearly \$25,000 has been expended in foreign missions and 162 missionaries dispatched into foreign fields by the Seventh-Day Aventists within the last two years. This was the report made by President A. G. Dan-iels at today's session of the blennial world's conference

With the arrival of several belated dele gates, the session opened this morning with 135 delegates from this country and foreign lands in attendance. interest of all was attached to the report of President Daniels. Besides the mis-stonary work, President Daniels called attention to the fact that the school debt which a year ago amounted to \$350,000, had been completely wiped out by the special

holds that Day's testimony was heresay, and its admission was reversable error.

Houghton was charged with robbery house Company about 6000 bushels, while the buildings belonging to each were also

> LEWIS RIVER BOOM. Operations About to Begin on the Undertaking.

operations. Seven men have been engaged for a starter, all experienced in the line of work. It is expected to be able to handle the output of the various camps up the Lewis River, especially the logs that were burned in the forest fires last Summer. The building of the boom will be a good thing for the country tributary to it. It will especially benefit Clark and Cowlitz Counties. In these counties the forest fires raged with greatest se-verity. The loggers say that they have long ne Lewis River.

SLAIN FOR HIS SAVINGS.

Killed by His Employer.

man and dismembered the body, is be-lieved to be the man of the same name who lived at Mountain Home, this state, several years ago. He was a shoemaker,

quest of City Physician Pilkington, par-ents of pupils attending the Adair School were notified to have their children vac-cinated on account of the prevalence of smallpox in the vicinity. Captain Simpson, owner of the Knapp-ton sawmill, has decided that the plant will not be closed down as was reported, but will be operated indefinitely. The fir logs which he now has at South Bend will be shipped to Knappton via the L

Vancouver, Wash., March 30.—(Special.)—The building of the big log boom on the Lewis River at its mouth will commence this week. The promoters of the enterprise are E. A. Frost, of Chehalis, and George McCoy, of Napavine, two successful sawmill men and loggers. The boom will be a mammoth affair, and more than \$500 feet long. The piles for its construction will come from along the Cowlitz River, and a large piledriver has been sent from Portland to the scene of operations. Seven men have been engaged

Sheepherder Believed to Have Been

fir logs which he now has at South Bend will be shipped to Knappton via the L. R. & N. Railway from Nahcotta, and he has made arrangements to purchase other logs there, as well as on the Columbia.

Contracts were filed for record today whereby the Seaside Spruce Lumber Company purchases the timber on three 160-acre tracts on the Necanicum River. The consideration is \$1600 per claim.

W. W. Bowman, a weaithy lumber manufacturer of Pennsylvania, is purchasing a large tract of timber land on the Klatskanie River, in this county. Persons who represent him assert that he will construct a logging road to the tract at once and get out the timber to supply a mill, which he will erect at some point on the lower river. eded a boom at the mouth of

on the lower river. HOPES TO FIND WATER. Artesian Expert Will Bore

Echo, Or. BCHO, Or., March 20.-(Special.)-B. F. Coplen, an expert on formation for ar-tesian water, who sunk the artesian wells at Pullman, Wash, and who for many years has been making extensive ex-aminations of the Columbia River basin, has been looking over the situation in the vicinity of Echo for some time with the view to getting four or five sections of land and putting in the necessary machinery for thoroughly testing the ject. He says that there is every ic-cation that artesian water can be along the base of the Echo buttes.

BOISE, Ida., March M.—William Kunnicke, who is under arrest at Pierre. S.
D., on a charge of having killed his hired

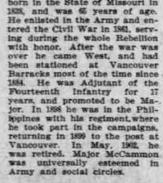
The formation here is basaltic cap surrounded on all sides by an older formation of the tertian age. This indicates
that the tertian formation here underlies the basalt, and the contact between thos formations carries the subterranear water. The apex of the basaltic forma-tion is found in the foothills of the Blue but became interested in sheep. He em- Mountains, and can be traced the entire ployed a young man as herder, who was circuit of what was formerly an inland

THE LATE

RETIRED.

MAJOR

W. W. McCAMMON, The late Major W. W. Mc-Cammon, whose funeral was held in Vancouver Sunday, was born in the State of Missouri in



a relative either of Kunnicke or his wife.
The young man saved his money and hills of the Coeur d'Alene and Hue Kunnicke berrowed it from him. Finally the herder disappeared under suspicious. This shows that the flow of the basait The young man saved his money and Kunnicke borrowed it from him. Finally the herder disappeared under suspicious circumstances. About that time, Kunnicke was arrested for driving scabby sheep on the range and was put under ball to appear for trial. Neighbors had ball to appear for trial. Neighbors had become suspicious concerning the disappearance of the herder and they organized a committee to make an investigation. The committee visited Kunnicke to make inquiries. That night Kunnicke left town. It was learned a few days later town. It was learned a few days later he had sold his sheep and disappeared.

CAME TO LIFE AGAIN.

which the contact can be reached, which will furnish pressure from the entire contact. He thinks this contact can be reached, which the contact can be reached here at no very great depth.

The Columbia River evidently flowed for a number of years underneath the basait caved in, closing the subterranean channel in the Grand Collec. Evidence is plain that the inland sea was much deeper and consequently the contact can be reached, which the contact can be reached here at no very great depth.

filling the inland sea was westward. The Echo buttes are folds in the baselt extending north and south at the base of which the contact can be reached, which

Physicians Thought Him Bead, but
He Opened His Eyes.

MISSOULA, Mont., March 20.—After being dead half an hour, as supposed by three reputable physicians, Virgil Wood, of Missoula, came to life again. This

IF YOU WANT TO KNOW WHAT SMARTLY DRESSED BOYS WILL WEAR THIS SEASON, ASK BEN SELLING ABOUT IT

With Easter

less than two weeks away it would seem the part of wisdom to make your selections now.

Confirmation Suits

In all the latest fabrics, including serges, cheviots and unfinished worsteds-tailored with the same care -as our men's clothing.

2-pc. Suits, \$3.95, \$5, \$7.50, \$8.50 3-pc. Sults, . . \$5, \$6 up to \$10

Russian Blouse Suits

In serges, cheviots and the new HOMESPUNS, unlike those of other stores—\$6, \$7.50 up to \$10.

Sailor Suits

In unrivaled varieties and stylesat our usual modest prices-\$2.50, \$3.45, \$5 up to \$10.



BEN SELLING

LEADING CLOTHIER

and older formation. These, he claims, are evidence of the fact that the contact is not distant.

is not distant.

If these ideas are correct it will prove a great boon to this country, as a strong flow of artesian water would reclaim thousands of acres of the finest producing land that is to be found anywhere. The land with water upon it is the same kind of soil that is to be found on Butter Creek, which is one of the greatest alfalfa producers known. Besides climatic conditions are such here as to insure the

tion and the collection of fossils. It was his statements that caused Professor Cope, of the Smithsonian Institute, to Cope, of the Smithsonian Institute, to send Professor Sternberg with 10 men, in 1878, to examine and report upon the fos-sil and earth formation of this portion of the country. He also gathered the largest cabinet of fossils ever collected here. It consisted of three tons of foshere. It consisted of three tons of fos-slis and was purchased by Marshall Field and donated to the Academy of

Sciences, of Chicago. WILL MOVE FOR NEW TRIAL, Woman Sympathizers Attentive to Pleas Armstrong.

BAKER CITY, Or., March 10.-The at torneys for Pleas Armstrong have decid-ed to move for a new trial before he is sentenced tomorrow morning, and in the event of the motion being dealed they will appeal the case to the Supreme Court. The death watch will be placed on the prisoner tomorrow immediately after sen-

The prisoner is receiving many atten tions in the way of nice things to eat from women who sympathize with him. The Sheriff exercises every precaution possible to prevent the prisoner obtaining anything that will enable him to com.

Rural Delivery Route. WALLA WALLA, Wash., March 30.-Special.)-Inspector of Rural Routes E.

C. Clement, of the Postoffice Department, announced this evening that he would recommend that a rural route be established in Blue Creek district, the line to be 24 3-16 miles in length. This route has twice been rejected. The inspector's recommendation is equivalent to establishment, and the route will be

conditions are such here as to insure the maturing of any kind of fruit that grows in a semi-tropical climate.

Mr. Coplen has devoted a great deal of his life to the study of earth formation and the collection of fossils. It was to make the collection of fossils. It was to make the collection of the study of earth formation and the collection of fossils. It was to make the collection of the study of earth formation and the collection of fossils. It was to make the collection of the study of earth formation and the collection of the study of earth formation and the collection of the study of earth formation and the collection of the study of earth formation and the collection of the study of earth formation as the study of earth formation and the collection of the study of the stud will enter Eastern universities and colleges. The train is scheduled to arrive in Washington Friday next. There are to be no stops other than the ordinary periods of waiting at points between this

> Missionaries Off for China. SAN JOSE, Cal., March 30.-Fifteen

missionaries who have been spending a few months at the Pacific Bible Training. School in Los Angeles, left today for Seattle, where they will take steamer for China. They will work under the auspices of the South Chi Li Mission, in Northern China, where the Boxer outpreaks took place several years ago. The breaks took place several years ago. The missionaries come from all parts of the

Upper Columbia Rising. NORTHPORT, Wash., March 30.-(Spe cial.)-The annual rise of the Columbia River has commenced at this point. The river has risen two feet within the past 48 hours, and is still rising. The snow on the mountains north of here is much deeper than usual, and the warm rains of the past two days have caused it to commence melting.

Suicide by Poisoning. THE DALLES, Or., March 30.—(Special.)—At an inquest held today over the body of W. S. Moreing, who died suddenly at his lodgings last evening in this

had taken his own life by poisoning.
Moreing was a native of Iowa, about 59
years of age, a painter by trade, and
had resided in this city for some years.
He leaves a sister in this place.

Demand for New Biuldings.

Sir Liang Starts East.

SAN FRANCISCO, March 20.—Sir Liang Chen Tung Cheng, the new Chinese Minister to the United States, left for Washington this afternoon on a special train. Sir Cheng is accompanied by his official daming and a number of students who Baker City is steadilg growing. Mills Running Full Time.

BAKER CITY, Or., March 30.-(Special.)-All of the sawmills in this city are now running on full time and the de-mand for lumber both, for local con-sumption and for export is in excess of the supply. Most of the lumber manu-fectured here is sent to Utah, where a great deal is used in railroad construc-

Historic Cabin Burned.

INDEPENDENCE, Or., March 30.-(Special.)-A fire last week destroyed the historic old log cabin this side of Hall's Ferry. D. C. Budd, an old bachelor, had resided there continuously for the past 40 years. Everything in the structure

Will Join Whaling Fleet,

SAN FRANCISCO, March 30 .- The Arc. tic whaling fleet is to be augmented by the schooner Gotama, which will be fitted out for a cruise in the Northern seas. She will bring back a cargo of walrus oil and ivory, and will also cruise for whales.

Address to Masons

INDEPENDENCE, Or., March 30.— (Special)—Saturday evening Rev. E. C. Wigmore, of Monmouth, will address the Masonic Lodge here on "The Spirit of onic Lodge here on "The Spirit of



MEDICAL LAKE TABLETS FOR THE FAMILY.

It is pleasant to leave one's children a fortune, but is infinitely better to leave them perfect health and sterling memories. Redical Lake Tablets taken regularly—sends the father to his place in to-day's business crush—with strength to conquer. They fortify the house-mother's nervous system to happily meet its ceaseless strain and care. They mould the plastic systems of the little ones to health's noble and abiding comeliness. The sparkling, effervescent drink they form, becomes a family delight. There is no purer tonic than Medical Lake Tablets, therefore, no tonic more singularly adapted to all ages, for these tablets are just the highly concentrated properties of the waters of Tiedical Lake, Washington, whose remarkable health power is enthusing the medical world. Medical Lake Tablets are the sure, quick cure for allments and diseases caused by impure Blood and Indigestion. The builders-up of firm, hard muscles; the promotors of free, graceful gait, and fine carriage. They immediately aliay feverish thirst, conquer La Grippe and Maiaria and assure restful sleep.

ALL FIRST-CLASS DRUGGISTS SELL MEDICAL LAKE TABLETS, 25C. A BOTTLE. MEDICAL LAKE PLASTERS, PERMEATING AND PAIN-ERADICATING. REDICAL LAKE SALTS FOR THE HYGIENICALLY LUXURIOUS BATH.

MEDICAL LAKE SALTS MFG. CO., Sole Mirs., New York and Spokane, Wash.