ACT WAS INVALID

Passed In 1893 to Amend the Law of Evidence.

THE TITLE WAS DEFECTIVE

Doubt Exists Concerning Validity of Laws Permitting County Surveyors to Settle Boundary Disputes—Waiver of Rights.

The act of 1893, page 134, purporting to amend section 711 of "The Codes and General Laws of Oregon," is unconstitutional and void because the title is defective. There is no compilation of Oregon statutes known by this designation.

The Supreme Court intimates a doubt as to the validity of sections 4907 to 4910 of Bellinger & Cotton's compilation, providing for the settlement of boundary disputes by the County Surveyor.

When a suit by cross-bill in equity is completed and the decree makes no disposition of the action at law, the plaintiff in the law action may proceed with his case.

Acceptance of work performed and material used in constructing a building constitutes a waiver of the right to demand that the contractor procure from the architect a certificate showing the value of the work and materials, as required by the specifications.

SALEM, April 20.—(Special.)—The Supreme Court today handed down decisions in five appealed cases, in which three of the decisions in the court below were affirmed, one reversed and one modified.

Hearn vs. Louttit.

William Hearn, administrator of the estate of Harriet Mangan, deceased, respondent, vs. Rachael Louttit, appellant, from Multnomah County; Alfred F. Sears, Judge; reversed and remanded; opinion by Justice Bean.

This was an action to recover $3000 alleged to have been loaned to defendant by Harriet Mangan. The plaintiff prevailed and defendant appealed, alleging error in the admission of evidence of certain statements made by Mrs. Mangan in her favor. The plaintiff sought to justify this under section 711 of Hill's Annotated Laws, as amended in 1893. The act of 1893, found at page 134, purports to amend section 711 of "the codes and general laws of Oregon" by adding the clause "provided that, when a party to an action or suit by or against an executor or administrator appears as a witness in his own behalf, statements of the deceased concerning the same subject in his own favor may also be proven."

The Supreme Court holds that this act of the Legislature of 1893 was unconstitutional and void, because of defective title. The opinion says that there is no authorized single publication of the laws of the state with the title. "The Codes and General Laws of Oregon, and as the only codes are those of civil and criminal procedure, enacted in 1862 and 1864 respectively, and the only general laws are the Deady and Lane compilation of 1872, it would seem naturally to follow that the reference in the Legislative act must have been intended for such codes and general laws. As each of the codes contains a section 711, and the compilation of 1872 has two sections so numbered, the reference is held not to express the subject of the act with the clearness and certainty contemplated by the constitution. The compilation by Mr. Hill is the only one containing a section 711 having any connection with the subject matter of the amendatory act, but it is not recognized or designated by law as "the codes and general laws of Oregon." The opinion holds that, if the reference had been to Hill's annotated laws of Oregon, or other words indicating what compilation is meant, they would be sufficient, but, as the title does not sufficiently express the subject of the proposed legislation, the act must be regarded as void. A new trial of the case is ordered.

Egan vs. Finney.

William H. Egan, appellant, vs. James Finney, respondent, from Marion County; R. P. Boise, Judge; affirmed, but modified as to costs; opinion by Chief Justice Moore.

This was a suit to stay proceedings in an action at law, and to determine the boundary line between certain lands. In June, 1887, the County Surveyor, at the request of the parties hereto, surveyed the boundary and set a stone at the southeast corner of the Albright donation land claims found to be at the end of an old fence, which coincided with the line. A subsequent County Surveyor, at Egan's request, and in pursuance of a notice served upon Finney, resurveyed the line in August, 1901, and located the line in a different place. Egan built a fence at the new line, and Finney began an action at law to recover possession and damages. Egan answered and filed this cross bill in equity, alleging that it has always been understood and agreed between the parties that the boundary was unknown and uncertain, and would require a survey; that the line was never correctly located until the last survey in pursuance of an agreement between the parties, and that Finney was present when the line was located and acquiesced in its establishment. Finney answered that Egan had acquiesced in the former survey; that he had been in adverse possession for the statutory period, and that the old line had always been recognized as the correct boundary.

The Supreme Court finds that Finney had been in possession for more than ten years, and that Egan had acquiesced in the location at the old fence. It was contended, however, that the later survey having been made in compliance with statute prescribing the mode of settling controversies of this character, and that Finney having taken no appeal from the action of the County Surveyor in locating the boundary, is concluded thereby, and hence the lower court erred in rendering the decree in Finney's favor. The opinion quotes sections 4907, 4908, 4909 and 4910 of the code, and then says: "Even if it be assumed that a party can be deprived of his right to a trial in the Circuit Court of an issue concerning the boundary to his real property, and that the Legislature possesses plenary power to create a tribunal to settle controversies of such character, before the latter forum can secure jurisdiction of the subject matter, the boundary must be doubtful." As the court has already found that the boundary was not in doubt, the surveyor was without jurisdiction.

It is also held that where witnesses who reside out of the county and at a distance are called in pursuance of an order of the court, but the subpoenas are not served as required by law, they are not entitled to double mileage and per diem. The court having found that their testimony was material, relevant and competent, they are entitled to single mileage and per diem if their real examination was important and desirable.

Finney vs. Egan.

James Finney, respondent, vs. William H. Egan, appellant, from Marion County; George H. Burnett, Judge; affirmed; opinion by Chief Justice Moore.

This was an action at law to recover possession of certain real property and damages for its detention. The defendant answered and also set up his defense in a cross bill in equity. The law action was suspended pending the hearing in equity, and when the court rendered a decree in the equity suit, without saying anything about the future of the law action, the plaintiff proceeded with his action and secured judgment. The defendant appealed and contended that the law court was without jurisdiction. The Supreme Court holds, however, that the proceedings in the law action were merely suspended temporarily, and that when the decree was rendered in equity, without any order being made concerning the law action, the suspension had ceased and the plaintiff was entitled to proceed.

State vs. McCann.

State of Oregon, respondent, vs. Frank McCann, appellant, from Josephine County; H. K. Hanna, Judge; affirmed; opinion by Chief Justice Moore.

McCann was convicted of assault with a deadly weapon, committed at Grant's Pass, in September, 1901, by shooting David Halliday. On cross-examination the defense sought to question Halliday concerning his actions in relocating a mining claim in which he and McCann were interested. The court excluded the testimony, and the Supreme Court approves the ruling, for if Halliday had acted as intimated, McCann had no right to resort to the use of force to redress his grievances. Numerous other questions are examined, but none of them touching new rules of law.

Vanderhoof vs. Shell.

G. L. Vanderhoof, respondent, vs. L. J. Shell, appellant, from Multnomah County; M. C. George, Judge; modified; opinion by Justice Wolverton.

This was a suit to foreclose a mechanic's lien upon an eight-flat building constructed in Portland in 1901 at a cost of $10,356.16. The suit was for a balance of $489.38. The court below awarded the plaintiff $431.28. The Supreme Court allows only $363.28. It was stipulated in the contract, among other things, that plaintiff should not be entitled to his final payment until the contractor had completed the work and had secured a certificate from the architect showing the value of work and materials. When the work was nearly completed, Shell took possession, accepting the building, except as to a few minor matters yet to be completed. After these had been attended to, plaintiff demanded his money, but there was a difference of opinion as to the responsibility for delay, and Shell refused to settle. The architect refused to give a certificate of the value of the work and materials. The Supreme Court holds that the acceptance subject to the completion of certain specified details operated as a final acceptance when the specified work had been performed, and as a waiver of the certificate. It is also held that the contractor could bring suit for the balance without the architect's certificate of value of work done, since it appears that the defendant told the architect not to give the certificate. The refusal to give the certificate was on account of a disagreement concerning the delay, and not on account of noncompletion of the work.

The modification is based upon delays in performing the work. The opinion of the court is a lengthy one, discussing the case in detail.

COURT AT OREGON CITY.

Railway Condemnation Suit Set for Next Tuesday.

OREGON CITY, Or., April 20.—(Special.)—Judge T. A. McBride convoked the regular April term of the Circuit Court this morning. Two jurors, John W. Zinser and Hermann Bonner, were reported not in the county, and Charles Lakin, J. W. Moffatt, Carper Kerr and Thomas Bohna were excused for the term. The rest of the jurors were dismissed until next Monday at 10 A. M. There will be no jury trials until next week. The suit of the Oregon Water Power & Railway Company vs. Henry Nachand for condemnation of property has been set for next Monday. Judge McBride will be here all the week up to next Saturday, and on that day he will go to Astoria. He made the following decisions today: Star Milling Company, a corporation, vs. E. Parker, S. C. Parker and J. H. Dickson, settled and dismissed; W. Tiffany vs. Oregon City and Bruce Curry, settled and dismissed; Ida Neil vs. James S. Neil, dismissed; Cora E. Griffith vs. Frank S. Griffith, decree of divorce; David Brownrigg vs. Maud Brownrig, decree of divorce.

CAMPAIGN IN CLACKAMAS.

Both Hermann and Reames Will Speak at Oregon City.

OREGON CITY, Or., April 20.—(Special.)—County Judge Thomas F. Ryan, Clackamas County's Republican Congressional committeeman, is making preliminary arrangements for the campaign. He has already secured three speakers, and will outline the campaign this week. Judge Ryan says that he estimates the plurality of Hermann in this county at 550. This is probably the normal Republican plurality. Hermann will make two speeches in the county—one in Oregon City and one in the country, probably at Sandy.

James P. Lovett, Democratic state committeeman, said today that Reames will make at least two speeches in Clackamas County, one of which will be in Oregon City. No definite plans for the Democratic campaign have yet been made, but they will probably be completed and announced during the latter part of the present week.

NORTHWEST DEAD.

Nathan B. Gates.

CHEHALIS, Wash., April 20.—(Special.)—Nathan B. Gates, who died at his home near Chehalis Saturday afternoon, April 18, was born March 8, 1837, in Worcester, Mass. He grew to manhood there. In May, 1859, he was married to Elsie J. Bottomly. In the Spring of 1866 Mr. and Mrs. Gates made the trip to Washington Territory, coming via the Isthmus of Panama. They came up the Columbia River and the Cowlitz and reached Claquato, Lewis County, in the month of June, 1866. In the Fall of the same year Mr. and Mrs. Gates took up their home on a piece of land near Claquato, and it has been the Gates' home ever since. It is one of the finest farms in Lewis County. Five children survive Mr. Gates, his wife having died a few years ago. The children are George W. Gates, of Seattle; Mrs. A. L. Coffman, of Chehalis; Mrs. George Tune, Misses Mary and Sadie Gates, of Claquato. The funeral of Mr. Gates will be held Tuesday.

J. W. Masterson.

INDEPENDENCE, Or., April 20.—(Special.)—J. W. Masterson, one of Polk County's best-known farmers, died at his residence in Independence this morning at 12:30. Mr. Masterson came to Oregon about 17 years ago and located three miles south of this city on a large farm. He was favorably known and highly respected by all. He was a member of the First Baptist Church of this place. He left a wife and four children—Frank and Charley Masterson, of this city; M. E. Masterson, formerly cashier of the First National Bank of this place, now with one of the leading banks in Astoria, and Miss Lettie Masterson, a teacher in the public schools of this city.

C. C. Lyons.

COTTAGE GROVE, Or., April 20.—(Special.)—C. C. Lyons, aged 74 years, died this morning. He was born in Naples, N. Y. He came to Oregon in 1856. He settled on a farm in 1882, ten miles from here, where he has since lived. He was a member of the Masonic order and they will take charge of the burial services tomorrow. His wife survives him.

EXECUTIONS AT PRISON

SUPERINTENDENT JAMES HAS ARRANGEMENTS UNDER WAY.

Addition to the South Wing May Be Constructed for This Purpose—Penitentiary Improvements.

SALEM, Or., April 20.—(Special.)—How to arrange for the execution of criminals at the penitentiary without such executions exerting a demoralizing influence upon the convicts is a problem which the prison officials have to solve. Because executions at the several county seats were of a semi-public nature and created much public interest, they were declared to have an injurious influence upon the public mind and morals. At the penitentiary are 312 men whose inclination is in the direction of vice and crime, and they are confined there for the purpose of reformation, if possible, and to deter them from a repetition of their offenses. They are shut out from the world, and have little to think upon except what they see going on around them. Will not each execution conducted within the prison walls give them something more degrading to engross their thoughts, and will they not be turned out of the prison worse men for having these executions thrust upon their attention? This is a question the prison management has to grapple with.

Superintendent James said this morning that an attempt will be made to keep the executions as secret as possible, and to that end a place must be especially provided for the keeping of men condemned to death and a room constructed as an inclosure for the scaffold. It is practically impossible to keep the prisoners ignorant of events transpiring within the prison wall. Even though a separate place be provided for confining men condemned to death, the presence of such a man must become known to some of the prisoners, to those who distribute the food or care for the building, and when one prisoner learns a fact of interest it is not long before the news spreads to every cell in the prison. Each new convict brings all the most important criminal news up to the time of his incarceration, and if a hanging is to take place, the prisoners will know all about it. While they will not know so much of the details as the general public now knows of executions, they will have a pretty fair knowledge of what is going on in the building set apart for the purpose of carrying out the death sentence.

While the plans will not be completed until the end of this week, Superintendent James is of the opinion that an addition will be built on the south end of the new wing constructed two years ago as a dining-room and kitchen. Four or five cells will be provided for keeping men who are under sentence of death, and adjoining these cells will be a large room where the scaffold will be erected. The room will be large enough to accommodate the number of persons which the law requires shall witness an execution. The location suggested is as out of the way as any, and is perfectly secure. Executions will probably take place at a very early hour in the morning and the remains of the condemned man removed from the prison inclosure before many of the convicts are awake.

Some Prison Improvements.

Superintendent James is making a number of improvements intended to better the condition of the prison and make it more secure. Probably no changes will be made in the construction of the prison wall, but it will be more thoroughly guarded so as to prevent the introduction of weapons by that means. The number of day guards on the wall has recently been reduced by the transfer of one guard to the shops. This leaves six guards on the wall, the same number that was employed at the time of the escape of Tracy and Merrill. Superintendent James did not consider the additional guard necessary, as the escape was not due to an insufficient number of day guards. The additional guard in the shop will permit a closer supervision of the prisoners while at work.

An electric registering system is to be installed, connecting the guard posts on the wall with the office. The guards will be required to press an electric button in the post every 15 minutes, and when the buttons are pressed a record will be made on the register in the office. When this system has been installed a guard cannot become negligent of his duty without being detected.

Another very important improvement will be the erection of electric lights outside the prison wall. At present all the lights are suspended on poles of very moderate height inside the walls. At night the walls cast a deep shadow for a distance of several yards outside the inclosure. This shadow is a favorable cover for any person attempting to approach the prison for the purpose of taking guns inside the wall. When lights have been placed on the outside there will be a large zone of territory brilliantly lighted, and no person could approach the prison without being plainly noticeable.

An old barn that formerly stood close to the prison wall on the east side has been removed, and the brush which formerly grew along the creek has been cut down. Several other objects which might serve as aids for escaping prisoners have been removed, and the chances of future escapes have been greatly reduced.

The new community dining-room which was constructed at the prison two years ago has never been used, but the prisoners still eat in their cells. The reason for the delay is that it would not be safe to permit so large a number of men to gather in one room without armed guards. It is proposed to raise the roof of the building and the ceiling of the dining-room a distance of 10 or 12 feet, so as to make the entire height of the room 22 to 24 feet. Then a cage will be constructed high up in one corner, and before the prisoners are admitted to the dining-room an armed guard will be placed in the cage. He will be out of the reach of the prisoners and in a place commanding the entire room. The room is thought to be unhealthful at present for dining-room purposes, on account of the ceiling being only 12 feet high. When hot, steaming food and drink for 300 men is placed on the tables in such a room, the entire room would soon be filled with the fumes and vapor arising from the food. An ill-smelling room would soon be the result. The changes may be made at the same time the room is constructed for the execution of criminals.

MIDSHIPMAN AT ANNAPOLIS.

Senator Ankeny Will Make an Additional Appointment.

WALLA WALLA, April 20.—Senator Ankeny has been allowed an additional appointment of one midshipman to the United States Naval Academy at Annapolis, and has decided to submit the question of who shall be appointed to competitive examination. Judging from the number of requests for appointment that have been made, a number of young men in the State of Washington are anxious to enter the Navy, and the conclusion has been reached that the fair way to make a selection is to request all applicants to enter into competitive examination, and the one securing the highest percentage will be nominated as principal, the second as first alternate, the third as second alternate and the fourth as third alternate.

Arrangements have been completed with the faculty of Whitman College, Walla Walla, to examine the candidate mentally under such rules and restrictions as are laid down by the Navy Department. This examination will take place in Walla Walla on Monday, April 27. It is desired, therefore, that all applicants present themselves at the office of the president of Whitman College at the time named and be prepared to enter into competition. All candidates should be examined by some competent physician to make certain they will be able to pass the physical examination at Annapolis. Every applicant named must be physically sound in every respect, and no one manifestly under size for his age will be received at the academy. Five feet will be the minimum height. All candidates must be at the time of their examination for admission between the ages of 15 and 20 years. A candidate is eligible on his 15th birthday and is ineligible on his 20th birthday.

Candidates must be examined mentally in reading, writing, punctuation, spelling, arithmetic, geography, English grammar, United States history, world's history, algebra, through quadratic equations and plane geometry (five books of Chauvenet's geometry or equivalent). Deficiency in any one of these subjects may be sufficient to insure the rejection of the candidate.

The candidate nominated will be required to present himself at Washington, D. C., on the second Tuesday in May for examination under the supervision of the Civil Service Commission. If successful in this examination he will be examined physically at Annapolis on the third Tuesday in June under the supervision of the Superintendent of the Naval Academy. Alternates are given the privilege of appearing for examination at the same time as the principal.

GIFT TO UNIVERSITY.

Thomas Howell Donates His Herbarium to Eugene Institution.

UNIVERSITY OF OREGON, Eugene, April 20.—(Special.)—The University of Oregon is again the recipient of the generosity of one of its ardent supporters. Thomas Howell, of Oregon City, has donated his entire herbarium collection, consisting of over 10,000 species. Dr. Harry Lane, of Portland, recently donated his collection of Oregon toadstools to the local university. Also through the Department of Agriculture the university has just received a collection of the fungi of commercial importance. With the special election given by Dr. Lane, the Government collection of fungi and the valuable donation of the herbarium of flowering plants just received from Mr. Howell, the students of botany at the local university have a collection to work with that has no equal on the Pacific Coast.

The herbarium donated by Mr. Howell contains specimens collected from all parts of Oregon, Washington and Idaho, and also from Alaska. It is the largest collection of the flowering plants ever made in this region and represents the life work of the donator. Mr. Howell's object in donating his vast collection to the University of Oregon was that it might be placed in good keeping and where it would be most useful.

The board of regents have appointed Mr. Howell field collector for the coming year.

Cases are being constructed to receive the appreciated and much valued gift. It will be open to the use of students next Fall.

Mr. Howell is now completing an exhaustive book on the grasses, trees and flowering plants of the Northwest. This work is looked upon as authority by the botanists of this region.

Controversy at University.

UNIVERSITY OF OREGON, April 20.—(Special.)—The controversy between the senior class and the local faculty is now assuming another aspect. The faculty has decided to make some concessions to the coming graduates and the trouble may be settled by conciliation instead of coercion. The seniors and all of the collegians are standing firm for Campbell.

The Late S. L. Roberds, M. D.

WAS A BRAVE SOLDIER AND BELOVED PHYSICIAN.

EAGLE CREEK, Or., April 20.—Dr. S. L. Roberds, who died recently at a Portland hospital, was born in New Vienna, O., August 17, 1846. At the time of his death he was a member in good standing of Arago Chapter, R. A. M., at Marshfield, Or., also of Myrtle Lodge, A. F. & A. M., No. 78, and of Elgin Chapter, No. 24, O. E. S., and General Meade Post, G. A. R., of Oregon City. In nearly all of these organizations he had, at various times, held official positions of prominence and trust. He was among the first to enlist in Company H, First Indiana Heavy Artillery, and until the close of the war he proved himself a brave and efficient soldier. His moral worth was appreciated by his comrades. Twice he gave up preferment that should by right have been his to others, because they were his seniors in years, and because he loved their friendship more than the honor of advancement. Although but a Sergeant, he was frequently placed in positions of trust, and at one time was left in charge of Fort Gaines for several weeks.

He graduated from the Kansas City Medical College in 1877, and in pharmacy from the Kansas City Pharmaceutical College in 1886. During his professional career, which was long and arduous, his highest aim was to do his best for suffering humanity, almost regardless of remuneration. His life was shortened by country rides when he should have been resting quietly in his own room. He was United States Pension Examiner for many years in Nebraska, and also in Oregon, and his reports were acknowledged at Washington as being among the best entered there. Early in his youth he became a member of the Methodist Episcopal Church, and his office as local elder therein ceased only with his death. He was married to Annie E. Hoff, M. D., in Danville, Ill., February 15, 1882. He left a wife and one daughter.

GUILTY OF MANSLAUGHTER

CHRIST BENSON ESCAPES THE DEATH PENALTY.

Verdict Reached on the Theory That He Was Driven to Protect Himself.

OLYMPIA, Wash., April 20.—(Special.)—Christ Benson, who shot and killed his jailer, David Morrell, in an attempt to escape from the Thurston County Jail on March 1, has been convicted of manslaughter. The jury returned its verdict at 9:40 tonight. The theory, it is presumed, on which this verdict was reached was that Benson, who first attacked Morrell with a piece of lead pipe, had desisted from the attack and was endeavoring to flee when pursued and shot by the jailer, and was driven to protect himself by killing Morrell.

The attorneys presented their argument this morning, the prosecution maintaining that Benson was guilty of murder in the first degree, having by his own and other testimony shown that the deed was premeditated. The defense maintained that as far as an assault upon the jailer with the lead pipe for the purpose of rendering him unconscious was concerned, it was premeditated, but after he ran from the jailer to make his escape and found the doors were all securely locked, he was no longer the aggressor. The defense argued that the shooting was done in self-defense.

Benson was quite nervous during the trial today, and on several occasions when reference was made to his mother and his home he was on the verge of breaking down. The courtroom was crowded to the doors, a large number of women being present.

WORK AGAINST REFERENDUM.

Coos County Socialist Says It Will Cause Delay to Fair.

OREGON CITY, Or., April 20.—(Special.)—Hon. Thomas Buckman, of Marshfield, Coos County, was in the city today. He was in the State Legislatures of 1895 and 1897, being elected as a Populist, but is now allied with the Socialist party. He is one of the most prominent citizens of Coos County. Mr. Buckman says he has received petitions asking for the referendum on the Lewis and Clark Fair. The petitions came from people in Portland, but Mr. Buckman, who has been working for the referendum since 1892, is opposed to the Lewis and Clark Fair appropriation being submitted to the people.

"It would cause delay," said Mr. Buckman, "and the time is too short for delays. When the petitions came to me I turned them down. The people of the state undoubtedly favor the Exposition, and nothing would be gained by applying the referendum act to it. I find that the petitions are being used as an argument to test the constitutionality of the referendum, and consider this an exceedingly lame argument. There is some sentiment in my county against the Fair, but it is not large and probably is caused by the fact that Coos County is tied more closely to California than to Oregon. All, or nearly all, of our commerce is with San Francisco."

Mr. Buckman will leave Wednesday from Portland on the steamer Alliance for home. Immediately after his arrival he will work, through the county newspapers and otherwise, against any movement to have the appropriation submitted to the referendum.

ASTORIA AUDITOR'S SHORTAGE.

Brother of the Late Official Offers to Make a Settlement.

ASTORIA, Or., April 20.—(Special.)—At this evening's meeting of the Council, the City Attorney reported that he had received from George Nelson, a brother and one of the bondsmen of the late City Auditor, a tender of $3500 in full settlement of the city's claim against the bondsmen for the shortage in the accounts of the late Auditor through his having raised city warrants. Mr. Nelson urged that this proposition should be accepted in view of the fact that prior to the death of Auditor Nelson, he paid $1150 shortage due the city on account of fines and forfeitures.

The matter was referred to a committee, and while the tender is about $775 less than the city's claims against the bondsmen, there appears to be a disposition to accept it rather than to take the matter into the courts. The full shortage in the Auditor's accounts, according to the experts' report, is $7100.34. Of this $4088.22 was during the years 1900 and 1901, when the bonds were $2500, leaving the sum of $1588.22 unsecured. During the years 1898 and 1899, the shortage was $1779.75, fully covered by bonds. In the year 1902, there were no bonds and the shortage was $1282.27, but payment on about $1200 of the warrants was stopped. Thus, if the tender of George Nelson is accepted, the city will lose about $2500 as a result of the late Auditor Nelson's accounts.

CHILDREN DROWNED IN SNAKE.

Boat Becomes Unmanageable in Midstreams and Capsizes.

BAKER CITY, Or., April 20.—A telephone message from Ballard's Landing gives an account of the drowning of Mildred Chipman, aged 5, and Bernard Chipman, aged 11, in the Snake River two miles below that place this morning. Ed Chipman, the father of the children, Bud, Prescott and Ed Phelps, attempted to cross the river in a rowboat. When in midstream the boat became unmanageable and capsized. The men managed to reach shore after a desperate struggle, but the children were both drowned. The bodies of the children have not been recovered.

LOGGING ON THE LEWIS.

Operations Assuming Large Proportions—Great Boom Under Way.

VANCOUVER, Wash., April 20.—(Special.)—The logging operations on the upper fork of the Lewis River are assuming gigantic proportions. The firm of Towner, Clark & Co. is putting an enormous number of logs into that river. They have installed a 110-horsepower engine and draw the logs in from the mountains by a strong cable. Over 2,000,000 feet are felled at present. The timber is mainly yellow and red fir. Some of it is in the burned district, but the timber is first-class. No less than a dozen donkey engines are in use in the immediate vicinity. The number of loggers at work is large and the payrolls necessarily add not a little to the prosperity of the community.

The big new logging boom which is being built at the mouth of Lewis River is proceeding well under the direction of a large force of laborers, and the supervision of Frost & McCoy, the sawmill men of Napavine, who are the owners and projectors of the enterprise. Piling over one mile long has been driven up and down the river, and every indication points to a first-class piece of work being done. The boom will be one of the largest in the Northwest.

Big Timber Land Deal.

GRANT'S PASS, Or., April 20.—One of the biggest timber deals transacted in Southern Oregon for some time was the recent transfer of some 42,000 acres of timber land on the Upper Rogue to W. H. Strobridge. Mr. Strobridge is an extensive lumber operator and has charge of the large sawmills near Glendale. He has taken the tract on the Upper Rogue under bond, the price named being $25 an acre, for 24,000 acres of the tract, and $20 per acre for the remainder. The total price is $960,000. This belt of timber is one of the finest in the southern part of the state. Conservatively estimated, it will easily cut 1,200,000,000 feet, board measure. Mr. Strobridge intimates he will build a railroad 25 miles in length and give direct connection between the timber and the main line of the Southern Pacific.

Washington Wheat Outlook.

TACOMA, Wash., April 20.—State Grain Commissioner Arrasmith has returned from an extended visit to the wheat-growing section of the western part of the state and says that he considers the prospects for a good crop as favorable, despite the Government report sent out that conditions were unpromising. He says that while the area sown to Fall wheat is not more than 50 per cent of last year's acreage, more than enough Spring wheat is being sown to make up the difference. In his opinion the wheat acreage will be 10 per cent larger this year than last.

Stranger Dies of Heart Disease.

SEATTLE, Wash., April 20.—A well-dressed man, supposed to be Robert Stewart, of Salt Lake, fell unconscious on the street this morning. He was removed to the Wayside Mission Hospital in the ambulance, but died shortly after reaching the receiving ward. It is the opinion of the Coroner that death was due to heart failure. Before he died Stewart rallied for a minute, and when asked where he lived stated that his relatives were in Salt Lake.

Date of Encampment Fixed.

SPOKANE, April 20.—The dispute as to the date for holding the Grand Army encampment for Washington and Alaska has been settled. Commander B. C. Bedell, who opposed holding the encampment here at the time of President Roosevelt's visit, has withdrawn his opposition after taking a vote of the council of administration. He is in the city today and announces that the encampment will be held here May 26, 27 and 28. The encampment of the Sons of Veterans for Washington, Idaho, Montana, Utah and Alaska will be held here at the same time.

Theater License Raised.

NORTH YAKIMA, Wash., April 20.—(Special.)—The City Council passed an ordinance tonight raising the theater license from $100 to $250 a year. John Cort, owner of the theater, has directed his manager here that the theater would be closed in consequence after this season, and he will operate at Walla Walla instead. An ordinance raising the billposting license from $10 to $150 was also passed.

Run of Small Fish Good.

ASTORIA, Or., April 20.—(Special.)—The run of small fish still continues good for this season of the year and further up the river a number of large fish are being caught. Lindenberger is securing the greater portion of the large fish at the present time, as he is paying 7 cents per pound, while the other cold storage plants are paying only 5 cents. Yesterday he received over three tons. A few steelheads of the Winter run are being caught. They are of rather poor quality and bring 2 and 3 cents per pound.