CONTRACT IS VOID

Agreement to Convey Homestead Not Enforceable.

SUPREME COURT SO DECIDES

Money in Hands of Innocent Holder Cannot Be Recovered—Parol Evidence May Prove Purpose of Conveyance of Property.

An agreement to convey a homestead, made before patent issues, is void, as against public policy, and where a contract including such an agreement is indivisible, the whole contract is vitiated, and the court will leave the parties where it found them.

The receipt by a creditor of money in payment of a debt, without knowledge or means of knowledge that it did not belong to the debtor, does not make him liable therefor to the true owner.

Parol evidence is competent to show that a transfer of personal property, absolute in form, was in fact in trust for the assignor.

A line as actually run upon the ground in making the original survey controls, and to this the distance given in the field notes must yield.

SALEM, Or., June 2.—(Special.)—The Supreme Court today handed down decisions in four appealed cases from Eastern Oregon. In two cases the lower courts were affirmed, and in the other two the decisions in the courts below were modified.

Horseman vs. Horseman.

J. A. Horseman and Eugene Corley, appellants, vs. Charles H. Horseman, respondent, from Umatilla County; W. R. Ellis, Judge; modified. Opinion by Justice Wolverton.

This was a suit to require the surrender of two promissory notes and the cancellation of mortgages given to secure the same, upon payment of the principal and interest due thereon, and to compel the execution and delivery by defendant to plaintiff of a conveyance of two quarter sections of land.

It appears that one element of the transactions involved in this suit was an agreement by defendant to convey his homestead, for which he had not yet secured a patent from the Government. The Supreme Court holds that this agreement is void because it is against public policy, and that since the whole transaction is covered by one lump consideration and is indivisible, the illegal stipulation corrupts the whole contract and vitiates it as an entirety. For this reason it is held that the courts will not consider whether plaintiffs are entitled to any of the relief demanded, but will leave the parties where it found them.

The lower court found in accordance with the allegations of the complaint, and decreed a dismissal of the suit, without prejudice, and ordered that the clerk of the court indorse upon a certain note for $2250 the sum of $2271.25 which had been collected by a receiver from the sale of mortgaged property, and that the clerk deliver said sum of $2271.25 and the notes and mortgages to defendant.

The Supreme Court, assuming that this order has been carried into effect, and the money paid by the clerk to defendant, it is ordered that plaintiffs recover from defendant the sum so paid, with legal interest from the date of such decree, together with costs and disbursements on appeal, and that otherwise the cause be dismissed without prejudice.

Walker vs. Bank of Athena.

J. M. Walker, appellant, vs. the First National Bank of Athena and Hugh McLean, respondents, from Umatilla County; W. R. Ellis, Judge; affirmed. Opinion by Justice Bean.

This was an action for the alleged conversion by the defendants of 1020 sacks of flour manufactured from wheat belonging to plaintiff. The facts are that in January, 1902, plaintiff had a quantity of wheat stored in the Athena Flouring Mill Company's warehouse, and the company wrongfully converted the wheat into flour and shipped the flour to San Francisco in a car with flour made from other wheat. At the time the flour was shipped the company drew on the purchasers for the amount due, and deposited the draft, together with the bill of lading, with the defendant bank for collection. The mill company instructed the bank to retain from the proceeds $87.50 for freight advanced, and to pay the remainder to Hugh McLean, a creditor of the mill company, who had threatened to attach the flour, but had been persuaded not to do so upon being promised payment from the proceeds. The money was disbursed as directed. Neither the bank nor McLean knew that Walker had any interest in the flour, and both acted in good faith. They had no knowledge that the flour was made from his wheat until long after the money had been collected and disbursed.

The opinion of the Supreme Court holds that defendants were not guilty of a conversion. A conversion is defined as any distinct act of dominion wrongfully exerted over one's property in denial of his right or inconsistent with it. It is asserted that neither the bank nor McLean had anything to do with the flour. The former merely collected the money, while the latter received a part of it in payment of a debt due him, neither having notice that the flour belonged to plaintiff. "The receipt by a creditor of money in payment of a debt, without knowledge or means of knowledge that it did not belong to the debtor, does not make him liable therefor to the true owner. . . . Money, even when obtained by fraud or felony, cannot be followed by the true owner into the hands of one who has received it in good faith and for a valuable consideration in the due course of business."

It is also held that the fact that the bank handled the bill of lading makes no difference, for that was merely an incident of the collection, and not an act of dominion.

Martin vs. Martin.

Joseph Martin, respondent, vs. John Martin, appellant, from Union County; Robert Eakin, Judge; modified. Opinion by Justice Bean.

This was a suit to declare a trust in a number of promissory notes transferred by plaintiff to defendant by a bill of sale executed in September, 1896. Joseph Martin was 85 years old, and the transfer was to his son, John Martin. In this suit the father alleged that the transfer was for the purpose of having the son collect the money and pay the same to him. The son claimed that the transfer was made in consideration of money theretofore paid for plaintiff's board and some cash paid at the time of transfer.

The trial court found that the transfer was made in trust, and entered a decree against John Martin for a balance of $1616.17. The Supreme Court affirms the ruling that the transfer was in trust, but modifies the decision by eliminating that portion which charges the defendant with interest upon the money. The rule of law laid down is that "parole evidence is competent to show that a transfer of personal property by a conveyance absolute in form was in trust for the assignor."

Kilgore vs. Carmichael.

J. F. Kilgore, respondent, vs. George Carmichael, appellant, from Umatilla County; W. R. Ellis, Judge; affirmed. Opinion by Chief Justice Moore.

This was a suit to establish a disputed boundary between adjacent lands. For more than 20 years prior to 1898 the line had been marked by a fence, but in that year defendant rebuilt it in such a manner that the north end extends 2.85 chains too far east and upon plaintiff's land. Defendant claimed that in both locations the fence stood entirely upon his own land. The lower court found for plaintiff, establishing the line at the location of the old fence, and this decision is affirmed. The Supreme Court finds that the surveyor did not run the lines as his field notes show, but it is held that the line as actually run upon the ground in making the original survey controls, to which the distance given in the field notes must necessarily yield.

RAINIER BRANCHING OUT.

First Steps to Open Up Communication With Nehalem.

RAINIER, Or., June 2.—(Special.)—At a regular meeting of the Town Council last evening, an appropriation of from $800 to $1,000 was made, provided a like amount should be subscribed by private individuals, for the purpose of opening the road from Rainier to the mouth of Oak Branch Creek, on the Nehalem River. It is proposed to construct a wagon road with not to exceed a 7 per cent grade. The Oak Ranch Creek pass is the lowest pass through the mountains, and the distance from Nehalem River to deep water on the Columbia is as easily reached from Rainier as any other point.

B. H. Welch, of Astoria, appeared before the Council and asked for a franchise for furnishing the town with electric lights—both private and public. Mr. Welch and his associates also propose to establish a National Bank, with $25,000 capital, and to assist in other enterprises. It was confidently asserted that Rainier would more than double its population within the next year, and should this occur, a much better water system will have to be provided.

As an evidence of what Rainier is doing in the lumber trade, the shipments by rail are constantly increasing. In May the total shipments amounted to more than 1,000,000 feet, mostly first-class. Eight hundred thousand feet was shipped by water to San Pedro, and 100 car lots were shipped to Portland and to Eastern markets. The lumber shipped by rail was cut by the small mills back of Rainier.

The petition for the name of Rainier to be placed on the official ballot for the county seat election July 6 has been signed and is ready to be filed.

PACIFIC UNIVERSITY.

Programme of Exercises for Commencement Week.

PACIFIC UNIVERSITY, FOREST GROVE, June 2.—The programme for commencement week at Pacific University is as follows:

Friday, June 12, 8 P. M.—Extemporaneous prize speaking contest.

Saturday, June 13, 8 P. M.—Anniversary of the Conservatory of Music.

Sunday, June 14, 11 A. M.—Baccalaureate sermon by Rev. W. C. Kantner, of the First Congregational Church of Salem; 8 P. M., address before the Christian Associations by Earl C. Bronaugh, Esq.

Monday, June 15, 8 P. M.—Address before the Literary Societies by Hon. H. H. Northrup, of Portland.

Tuesday, June 16, 2 P. M.—Closing exercises of the academy; 8 p. m., anniversary of the Associate Alumni.

Wednesday, June 17, 10 A. M.—Graduating exercises of the university; 12 M., annual business meeting of the Alumni; 1 P. M., corporation dinner; 8 P. M., commencement concert, Mrs. Albert Sheldon, Mrs Walter Reed, William Belcher and Dom Zan rendering two song cycles, "In a Persian Garden" and "Flora's Holiday;" 10 P. M., commencement ball, given by three members of the senior class, Fred Vrooman, Will G. Hare and Fred Day.

Winners of the Corbett prizes, which are offered for excellence in the study of calculus, have been announced as follows: First prize, $15, Trafton Dye, with a standing of 93 per cent; second prize, $10, Frank McKenzie, with a standing of 92 per cent. Frank Peters was a close third with a grade of 91 per cent.

LA GRANDE LAND OFFICE.

Statement of Receipts in the Past Month.

LA GRANDE, Or., June 2.—The May business of the La Grande Land Office is reported by Clerk Edmund Robinson as follows:

23 commuted homesteads	$ 4,350 00
38 timber and stone entries, 15,232.80 acres	38,682 04
3 sales isolated tracts, 160 acres	200 00
12 excess receipts, 53.81 acres	104 38
2 mineral entries, 49.66 acres	255 00
1 original desert entry, 160 acres	40 00
Fees 8 coal declaratory statements	24 00
Fees 2 mineral applications	20 00
Fees 98 timber and stone applications to record with proof	980 00
Fees 1 N. P. R. R. list, 40 acres	2 00
Fees 1 cancellation of entry	1 00
Fees testimony, proofs, etc	170 83
Fees 130 homestead entries	1,260 00
Commissions 130 homestead entries, 19,918.43 acres	794 88
Commissions 14 final homestead proofs, 2036.84 acres	76 38
56 Umatilla cash sales, 3586.22 acres	3,771 80
196 timber and stone applications filed.	
Total receipts, 41,334.86 acres	$50,132 31

Dallas Ready for Carnival.

DALLAS, Or., June 2.—(Special.)—The whole town is being turned upside down to get things in readiness for the carnival and street fair, which commences tomorrow and lasts four days. All the streets in the city have been cleared of rubbish, and there is not a backyard in the town that the Council has not inspected and had cleared up. Arches of evergreens and the W. O. W. colors have been erected on the principal street squares, and electric light and telephone poles have also been decorated. Many stands and booths have been erected along the principal streets, and nearly all the business houses have decorated with the Woodmen colors.

Will Rebuild Electric Plant.

BAKER CITY, Or., June 2.—(Special.)—Messages received from J. J. Henry, the principal owner of the electric light plant, that was destroyed by fire Saturday afternoon, indicate that the works will be rebuilt much sooner than expected. Mr. Henry has succeeded in obtaining a lot of electrical machinery in Denver, which can be shipped at once, and as the engine and boilers do not appear to be seriously damaged the plant can be started up probably within 30 days.

Survey for Electric Line.

BAKER CITY, Or., June 2.—(Special.)—The survey of the proposed electric railroad between here and Prairie City is progressing favorably. It is not known for a certainty just who is back of it, but it is certain that there is enough interest taken in the project by some one to warrant the expenditure of a considerable sum of money for the preliminary survey. The road, if built, will open up a very rich country, the trade of which will be tributary to this city.

Will Address Fruit-Raisers.

VANCOUVER, Wash., June 2.—(Special.)—State Fruit Commissioner A. Van Holderbeke will deliver an address to Clark County fruit-growers at the Courthouse, this city, Friday, June 5, at 2 o'clock P. M. A large attendance of those interested in fruit culture is assured. An institute under the auspices of the State Agricultural College of Pullman will be held later, at which noted horticultural experts will be present.

Agriculturists at Albany.

ALBANY, Or., June 2.—(Special.)—The German agriculturists arrived in Albany at 8 o'clock this morning. There were 43 people in the party, and they were enthusiastic over the country they were passing through. The stop at Albany was short, and the people did not go far from the depot. They went to Corvallis from here.

IT IS UP TO THE COUNCIL

SALOON-LICENSE QUESTION AGAIN AGITATES FOREST GROVE.

Pacific University's Efforts to Prevent Liquor Selling—Interesting Study for Lawyers.

FOREST GROVE, Or., June 2.—(Special.)—The licensing of a saloon, laid over from the last meeting, is to come up before the Common Council next week. For half a century such an event has been considered an impossibility, forbidden by law, prohibited by the title deeds and objectionable to the people, and yet the matter is now squarely at issue, to be determined by the vote of the Councilmen.

When Rev. Harvey Clark made up his mind to give his land to Pacific University, he signed a bond for a deed containing the stipulation that should ever ardent spirits be sold upon it, the property should revert to him or his heirs. Judge Matthew P. Deady advised that no conveyance could be made until the locator had full title from the Government, so later Mr. Clark, after he had obtained his patent, executed a deed to the college, but this time without any liquor forfeiture clause. The college later sold it with such clause, but this restriction has not appeared in any of the later deeds. Against its effectiveness now are urged many points whose weight will doubtless be some day considered by the courts, but now are uncertain quantities. One is that the school received full market value for the property, and so any contract regarding its use would be without consideration. Another, that as convictions for sale of liquor upon the premises to minors were obtained more than twenty years ago, notice was then publicly given to the college to claim its right, and, having failed so to do, that right has lapsed and become outlawed. Again, the United States Supreme Court has ruled that malt liquors are not ardent, so a beer saloon is not prohibited by the restriction clause, even if that is valid.

As Pacific University's object is to keep out saloons, and not to secure real estate, the absolute warranty in all the deeds since the college's conveyance down to the present time means further litigation; for, should the ground be forfeited, the loser would seek to recover from the one who sold to him, he from his predecessor in ownership, and so on back as far as responsible parties could be found, or until the college was reached. The measure of damages in such a case presents an interesting study for lawyers, but in the outcome the patrons of learning would doubtless have exchanged real property for conclusions of law and findings of facts. Again, it is a mooted question if breach of the condition on one part of the now original tract does not forfeit all, or, if not, whether the ground may not be divided into very small parcels under different ownership, so that, in case of suit, it might be difficult for the plaintiff to pick out the proper defendant.

In the case now pending the defendant, Mrs. Susan Clark, seemed to take every possible precaution, having included the deed's clause, when leasing the property, against the sale of liquor upon the premises, and as she is one of the most pronounced against such traffic, the prosecution is not as popular as it would be were the liquor-sellers to be the losers by it.

DR. FOSTER PROMOTED.

Given Command of Marine Hospital at Port Townsend.

PORT TOWNSEND, Wash., June 2.—Under orders received today from Washington, Past Assistant Surgeon M. H. Foster, for the past five years in charge of the United States Quarantine here, has been transferred to the command of the Marine Hospital here. The order provides for the relief of Surgeon C. H. Gardner, who was recently detached from command and ordered to the New York station. The officer to relieve Dr. Foster is Past Assistant Surgeon James H. Oakely, at present on duty at Cairo, Ill. Dr. Foster, who was in charge of Quarantine here when a Japanese tramp steamship arrived from the Orient in a filthy condition with five of her crew down with bubonic plague. The prompt and thorough fumigation and cleansing of the ship prevented the spread of the disease into the United States. Five of the crew died, but the remainder escaped after long detention at Diamond Point station.

OFFICERS OF ODDFELLOWS.

Chosen by Washington Grand Lodge at Walla Walla.

WALLA WALLA, Wash., June 2.—Washington Grand Lodge, Independent Order of Oddfellows, today elected the following officers:

Grand master, R. M. Waters, of Spokane; deputy grand master, Le F. A. Shaw, of Walla Walla; warden, R. F. McLaren, of Seattle; secretary, Louis F. Hart, of Tacoma; treasurer, John Frienbuhl, of Spokane; grand representative, S. G. Cosgrove, of Pomeroy; trustee of Oddfellows' Home at Walla Walla, five-years' term, E. S. Isaacs, of Walla Walla.

Over 500 Oddfellows watched Enterprise Lodge, of Walla Walla, put on degree work tonight. Three hundred are attending the Grand Lodge sessions. Past Grand Master Swan, first grand master of the Grand Lodge of this jurisdiction, was presented with a veteran's jewel this morning. The rest of the day was taken up naming standing committees and hearing reports. Sessions will close Thursday night.

MISSING REGISTERED PACKAGES.

Responsibility Narrows Down to Baker City Office.

BAKER CITY, Or., June 2.—(Special.)—It is understood today that the responsibility for the missing registered packages the loss of which came to light here last week has been narrowed down to the Baker City postoffice. It is understood that the inspectors have not been able so far to fix the responsibility on any particular person, although there is reason to believe that the number included in the zone of responsibility is very limited. Until the mystery is cleared up or some action is taken by the department to relieve the tension which is very evident in and around the postoffice, the business of the office cannot proceed as smoothly as it should. The inspectors are dumb as oysters, but there is no doubt but that some important changes are pending in the office force.

At the present time the chances are not very favorable for finding out exactly what became of the missing packages. It begins to look as if more than one person will rest under suspicion unless the guilty person confesses or the missing package shall be found. The last contingency presupposes the money packages have been accidentally lost or misplaced.

OPERATIONS AT HATCHERIES.

Master Fish Warden Reports on Work Accomplished in May.

SALEM, Or., June 2.—(Special.)—The report of Master Fish Warden Van Dusen for May shows the following operations at the fish hatcheries:

"At the Salmon River hatchery we have been doing work with the steelhead salmon during the last two months, and from the salmon that we were successful in stopping and holding, succeeded in taking 254,000 eggs. The first eggs were taken March 28 and the last May 20. Superintendent Brown is now getting in the necessary racks and traps to stop and hold the chinook salmon that should soon be entering that stream for spawning purposes. Superintendent Spurgeon got the main stop rack in across the Clackamas River and had all salmon stopped May 12.

"Superintendent Allen reports that he has the road from the Stage Line road to Wallowa Station about completed and has his rack material on the ground and is ready to put his main stop rack in across the river as soon as condition will permit. We are anxious to do work with the blueback salmon at this station, and are in hopes that we will be able to get our main stop rack in across this river in time to stop the few bluebacks that may be going on their way to the Wallowa Lake for spawning purposes.

"A few years ago there would have been no question about stopping several thousand of this variety of salmon at this point annually, from which a great many million eggs could have been taken, but now, after the deadly work has been done on this upper stream by the irrigation ditches it is very questionable.

"I have arranged for Mr. Bliss Thorn to take charge of the Grande Ronde Station this year. Everything pertaining to the station will be moved up the Wenaha River to the ground that has been set aside for our uses by the Commissioner of the General Land Office, and the work will be carried on at that point in the future and permanent works arranged for."

The Fish Warden has secured title to 11 acres of land near Ontario for a hatchery site, and has secured from the War Department permission to maintain fish racks across the stream during July, August, September, October and November of each year.

Receipts of the Fish Warden's office for May amounted to $2855.85.

Labor Commissioner Sworn In.

SALEM, Or., June 2.—(Special.)—O. P. Hoff, of Portland, who was yesterday appointed Oregon's first commissioner of the Bureau of Labor Statistics, filed his bond and took his oath of office today. He will remove his family to Salem, make this city his home, and occupy an office in the State Capitol.

The selection of Mr. Hoff is meeting with approval among those who know the new labor commissioner.

Portland Firm Gets Contract.

BAKER CITY, Or., June 2.—(Special.)—The City Council opened bids this evening for the construction of the new sewerage system. There were six bids presented. The bid of the Jacobsen-Bade Company, of Portland, for $49,542, was the lowest bid by $357. The Council will meet tomorrow to award the contract. The Portland firm will get the contract.

State Wins Hanson Case.

WASHINGTON, June 2.—The case of Anton J. Hanson vs. the State of Washington, involving the question as to whether the state obtained an equitable title to land by virtue of selection and approval in lieu of school sections, was decided by the United States Supreme Court yesterday in favor of the contention of the state.

Two Sawmills Burned.

KALISPELL, Mont., June 2.—The sawmill of Sclagle Klingensmith at Athens, 20 miles from Kalispell, burned this morning, entailing a loss of $10,000. Flying sparks set the plant of Kelsey Bros. afire and that mill was also destroyed. The loss on the latter is not known.

PROFESSOR OF MILITARY SCIENCE AND TACTICS AT THE OREGON AGRICULTURAL COLLEGE.

Captain C. B. Hardin.

CORVALLIS, Or., June 2.—Captain C. B. Hardin, professor of military science and tactics at the Oregon Agricultural College, served through the Modoc War in 1872-3. He was born at Berlin, Ill., August 10, 1855, and at 17 enlisted as a private in Troop G, First United States Cavalry. His first service was in the Modoc campaigns, in which he was in the following engagements: Land's ranch, December 20, 1872; Jack's stronghold, January 16 and 17, 1873; near Applegate's ranch, January 22; Jack's stronghold, April 11 to 17, inclusive; relief of Captain Thomas' command, April 26; Dry Lake, May 10, and Van Buren ranch, May 29. He reenlisted as a private in Troop G, First Cavalry, at Fort Boise in October, 1878; was commissioned Second Lieutenant in the Eighteenth Infantry in March, 1882, and was graduated from the United States Infantry and Cavalry School at Fort Leavenworth, Kan., in 1885. In 1889 he was graduated from the United States Engineers' School at Willet's Point, N. Y., and in December of the same year was promoted to First Lieutenant.

For four years ending April, 1898, he was professor of military tactics and science at Doane College, Neb. During the Spanish War he served in Honolulu and the Philippines. He is now a Captain in the Eighteenth United States Infantry, and was recently detailed for service as commandant at the Oregon Agricultural College.

INLAND EMPIRE CROPS

RAINFALL OF GREAT BENEFIT IN SOME SECTIONS OF THE COUNTRY.

Other Parts Need Warm Weather More Than Moisture—Fair Yield of Wheat in Walla Walla.

SPOKANE, Wash., June 2.—(Special.)—Crop conditions are reported from several points in the Inland Empire as follows:

Walla Walla.—Every drop of the recent rains was a gold dollar in this country, where several hot days, with showers intermingled, have done a world of good. The crop outlook was decidedly unsatisfactory before the precipitation of Sunday night, and is still a little off in the lighter districts. The weather and rain almost insure at least a fair crop in the older portions of Walla Walla Valley and the foothills. Eureka Flat and the Touchet district need more.

Ritzville.—The rain which was general east of Adams County Monday night missed this section. No rain has fallen here for over two weeks, and the crops need rain badly. Weather indications, however, point to more moisture in a few days.

Colfax.—Light showers fell here today. The moisture is not needed so much as warm weather. The backward season will make the wheat crop late in harvesting, but a heavy crop seems to be assured, as the acreage is well up to the average. Around Winona crop prospects were never better.

Davenport.—Heavy rains fell throughout this section of the Big Bend Monday night, and the indications are that more will follow. Rain was not needed for ten days yet. The ground is now heavily saturated. Crop prospects were never better. Grain is well advanced, and warm weather is needed. Stools are heavy, and both Fall and Spring grain are equally thrifty.

Lewiston.—Heavy rains occurred last night on Nez Perces and Camas prairies and throughout the Potlatch. The rainfall was light throughout Asotin County and the lower lands about Lewiston. Reports from the highlands are that crops were not greatly in need of rain. Grain crops throughout the reservation country and the Potlatch are very late, and although the rain did no damage, warm weather, with a cloudy sky, is needed to make the grain grow.

DEATH IN A CLOUDBURST.

Two Lives Lost in a Terrific Storm at Nez Perces.

NEZ PERCES, Idaho, June 2.—A terrific cloudburst, accompanied by a heavy storm of wind and hail, occurred at the head of Lawyer's Canyon, about 3½ miles southwest of Nez Perces, yesterday about 5 o'clock. Hail fell to the depth of 20 inches in places along the canyon and destroyed grain over an area about two miles wide by six miles long. The water rushed down the canyon as a solid wall 12 to 15 feet high, sweeping away the houses of William Sears and C. H. Hoxie. Mrs. Sears escaped to the hill with her 4-year-old boy by wading in water waist-deep.

John Dempsey and his sister Isabella, occupying the Hoxie house, were both drowned, their bodies being found about one-half mile below their home this morning, with their clothing stripped from them by the fury of the water. The body of Mr. Dempsey was about eight feet from the ground in a tree. He left a family of five children, the youngest a boy of 14, and a sister 15, who were at home at the time, but escaped to the hillside.

KLONDIKE'S VICTIMS.

Four Violent Deaths Added to the Already Long List.

SEATTLE, Wash., June 2.—A dispatch from Dawson to the Post-Intelligencer says:

Four violent deaths are added to the Klondike's list of victims. John Hennessy, a miner, formerly of Clallam County, Washington, and also of Seattle, was found in an abandoned mining shaft on Ophir Creek, encased in ice to his neck. It is thought he fell in the water last Fall, and was frozen solid while standing in water up to his chin.

Owen Connelly, a native of Ireland, was suffocated by gas in a Quartz Creek claim.

Henry Peterson, a native of Denmark, in late years from Oregon, was found by the roadside on Hunker with a bullet in his head and a pistol by his side. The Coroner's verdict is suicide.

Fred Fields, a hunter, was found dead on a raft, on which he was lost in the Duncan mining district last Fall.

MORE INSPECTORS NEEDED.

Commissioner Sargent Says There Is Much Smuggling on the Sound.

SEATTLE, June 2.—Frank P. Sargent, Commissioner-General of Immigration, is in this city on a tour of inspection of the Pacific Coast districts under his jurisdiction. In an interview this afternoon he said that his report would recommend more inspectors in the Puget Sound district. He continued:

"The Puget Sound district is a large one, and from its topography difficult to cover. From what I am told by the inspectors, I should think there is a good deal of smuggling of Chinamen going on. Every effort is being made to put a stop to this, but the force here is hardly adequate properly to guard all the avenues of approach. Our information goes to show that these Chinamen all come in by way of British Columbia, and I am on my way to Victoria and Vancouver in connection with that matter."

Runaway Girls Arrested.

HOQUIAM, Wash., June 2.—(Special)—Two 15-year-old girls of Aberdeen were arrested in this city last night for running away from home. They were enticed by two waiters from that city to elope with them to San Francisco on the steamer Centralia. The parents of the girls became alarmed at their disappearance, and a search found them in a dance hall in this city. Both girls were taken into custody and sent home. Only one of the men could be found. A close watch is being kept for the other, and he is no doubt hiding in the tenderloin district.

Hailstones as Large as Eggs.

DIXIE, Wash., June 2.—A strip of country, a mile wide and several miles long, at the base of a range of hills a few miles south of Dixie, was visited by a violent hail storm Sunday night that wrought havoc on the farms of H. D. Eldridge, D. J. Kelly and Orlando Demaris. Hailstones the size of partridge eggs covered the ground. The fences were battered down, and will have to be rebuilt. Strawberry vines were beaten into the ground and entirely ruined; cherries were knocked off the trees, and the alfalfa and wheat fields look as if they had been trampled by herds of cattle. In no other part of the county or in the vicinity of Dixie was any damage done.

Freak of Lightning.

WALLA WALLA, Wash., June 2.—(Special.)—Lightning struck the high flagpole on the new Walla Walla Athletic Club building this morning, the bolt missing the head of Manager S. S. Bettman, who was sleeping on the second story, by only a few inches. The building was damaged about $40. A hole was torn in the roof, the window near which Bettman was sleeping was knocked out, and the flag hanging on the pole was brought down through the roof and hung on the window whence the bolt emerged. The bolt descended from an apparently clear sky.

Willing to Face the Music.

SEATTLE, Wash., June 2.—Edward L. Waite, formerly cashier in Newberry's Bank, Manila, accused of embezzling $9000, has authorized his attorneys to inform the American authorities of his willingness to return to Manila. Waite strongly maintains his innocence. He has retained attorneys to represent him in this city, and has given out a statement. He claims that due notice of his intention to resign his position, and also that the books were gone over by him and his successor.

Accused of Falsifying a Record.

SAN FRANCSCO, June 2.—Ex-Civil Service Commissioner James T. Mershon was arrested today on a grand jury indictment charging him with altering and falsifying a public record. Mershon's bail is fixed at $5000. He refuses absolutely to make any statement. The felony charge against Mershon is founded on the changing of credits on the examination papers of William D. Walsh, who was seeking a position in the fire department.

General MacArthur Goes East.

SAN FRANCISCO, June 2.—Major-General MacArthur left for the East today to attend the graduation of his son from West Point. Colonel G. B. Rodney, Artillery Corps, will assume permanent command of the Presidio post. Captain P. W. West, who had arranged to take a trip East with the department commander today, has been placed on the sick list, and will remain at this station.

Evidence of Foul Play.

BUTTE, Mont., June 2.—The remains of Patrick Riley were discovered in the Yellowstone River, near Gray Cliff, this morning. Riley disappeared from Livingston about a week ago under very suspicious circumstances. He had $70, and as the money was missing from the corpse when found, it is believed Riley was murdered.

Steamers Off for Nome.

SEATTLE, Wash., June 2.—The steamer Roanoke sailed for Nome tonight. She will be followed tomorrow by the Ohio and the Centennial. About 2000 witnessed the departure of the Roanoke. Aboard the vessel are many of Nome's heaviest and richest operators.

Yamhill Pioneers' Reunion.

M'MINNVILLE, June 2.—(Special.)—The Yamhill Pioneer Association will meet here tomorrow in its eleventh session. The meeting will be at Oak Park. There will be a regular programme and a picnic.

Drain Normal Regents Meet.

SALEM, Or., June 2.—(Special.)—The board of regents of Drain Normal School will meet at Drain tomorrow to elect a corps of instructors for the ensuing year.

LOW RATE EXCURSION

East

VIA

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