

WHO IS GOVERNOR?

Question Whether State Secretary Acts in Absence.

DALTON CASE BRINGS IT UP

Validity of Unfilled Blanks Left by Chamberlain and Filled in by Private Secretary Disputed in Extradition Case.

SALEM, Or., Oct. 29.—(Special.)—It seems likely that the contest over the extradition of Louis Dalton, now pending in Portland, may result in the raising of the question whether the Secretary of State can perform the duties of the Governor during the temporary absence of the latter from the state. That question is not involved in the present contest but it is understood that an application will be made to the Secretary of State for the extradition of Dalton and then the question will be presented in direct form.

Before Governor Chamberlain the state he signed numerous blanks such as are in common use in his office and left them for his private secretary to fill out as needed. This has always been the custom in Oregon. When application was made for the extradition of Dalton the warrant was issued by the Secretary of State and the validity of the warrant was contested on the ground that the Governor had not considered and passed upon the matter and that his duty in this regard is one that cannot be delegated to another. The question is yet undecided but it is the general opinion that it will be held that warrants cannot be issued in that manner.

The constitution provides that "in case of the removal of the Governor from office, or of his death, resignation or inability to discharge the duties of his office, the same shall devolve upon the Secretary of State until a Governor is elected." It is not clear whether the Secretary of State is to be considered as acting in the stead of the Governor or as acting in the stead of the Governor's duties. The question would be of little importance, and is not in this instance, but it might come a time, however, when circumstances would be such as to make the question of great importance. If, for example, a United States Senator should die during the absence of the Governor, the Secretary of State would be vested with power to fill the vacancy, if the Governor's absence amounts to a disqualification.

The question may be raised but is not likely to be settled in the Dalton case, for Governor Chamberlain will return to his office by November 5.

ROW IN ALBANY MILITIA.

Captain Stellmacher's Resignation Will Increase the Activity.

ALBANY, Or., Oct. 29.—(Special.)—Captain Frank C. Stellmacher will no longer be at the head of the Albany militia. His resignation having been received from the state commander for First Lieutenant Charles Wallace to take charge of the company, the election of a new Captain. This will cause a revolution in the company, as there is a great deal of rivalry, and the company is divided into factions which are constantly endeavoring to gain control and distribute what patronage there is in the shape of offices.

Captain Stellmacher has been a member of the Oregon National Guard for 15 years, during which time he has served in the Philippines. While there he served as Sergeant in Company 1. In 1901 Stellmacher was elected Captain of Company 1 of Albany, and has been a very efficient officer. There has, however, been a continual row in the company, and this is the real reason for Stellmacher's resignation, he not caring to remain in the company when there is such active opposition.

It will be remembered that Major M. H. Ellis made an effort to have Stellmacher court-martialed some time since, the proceedings having been dropped for some cause unknown to the public. The trouble that arose in the company then has been brewing since. Already the men who have been on the bottom of the row are getting their axes sharp, prepared to lop off the official heads of those who have been in the ascendant for the past year. The Captain has the reputation of being a man who does not care for the company, and the side that elects the Captain will have the offices.

CRAZED WIFE DESERTED.

La Grande People Take Care of Large Family of Children.

LA GRANDE, Or., Oct. 29.—Mrs. Janette Hanson has been pronounced violently insane and taken to the Asylum at Salem by Sheriff Bennington. Mrs. Hanson has been deserted by her husband twice within the last year, but it is claimed she went insane over religion. There is a large family of children, the youngest of which is only a few months old.

CREAM OF FINE BREED.

University of Oregon Graduates Stand High in East.

EUGENE, Or., Oct. 29.—(Special.)—A graduate of the University of Oregon recently stood before the dean of a great Eastern college asking for admission to its professional school. There had been difficulty about registering, owing to a mere technicality, and the Oregon man looked a little blue. The dean, noticing his dejection, remarked:

"Don't you worry, you will be admitted all right. We want you University of Oregon men here. We have had several of them in recent years, and they have all done exceptionally well."

BOY CHARGED WITH FORGERY

Arrested at Milton, Or., and Taken Back to Boise.

MILTON, Or., Oct. 29.—(Special.)—Jack Marshall was arrested in this city late Tuesday evening by Constable James W. Tisdale, who had recently received instructions from the Sheriff of Boise County, Idaho, to be on the lookout for him, where he is wanted for forgery. Marshall is a boy about 17 years of age, and does not look the part for which he is arrested.

Marshall was perfectly willing to go with-out the formalities of extradition papers, claiming he will be able to clear himself when he arrives at Boise.

PACKING CLARK PRUNES.

Establishments Are Doing a Rushing Business—Shipments Begun.

VANCOUVER, Wash., Oct. 29.—(Special.)—The different prune-packing establishments throughout the county are doing a rushing business, and it is reported that the yield is holding up as well or better than was expected. It is estimated by very reliable authority that the total output for Clark County will be about 25 or 30 tons.

The Kelley-Clarke Company is working 80 people and running at full capacity. Shipments have been made already. Five carloads have been sent to Europe.

The J. K. Army Company has shipped 16 carloads. They work 57 people and are packing about 15 tons per day. A number of cars from this establishment will be sent to foreign markets.

The association packing-house, which was built this year, is doing excellent work. Seventy or 80 people are employed, and pack about two carloads a day. Several carloads have been shipped already, three of which have been sent to Europe and one to Canada.

The new machinery gives good satisfaction, especially the grader, which is the largest in the Northwest. The Anderson Barnegrove processor used by the association is dissimilar to anything used in the north. It has proved to be a great success.

The prices offered are very low, ranging from 3 to 4 cents. It is believed that many of the prune men here that this is due to the large supply of prunes upon the market from California.

CONTRABAND CHINESE CAUGHT

Were Being Brought Across the Line by Two White Men.

PORT TOWNSEND, Wash., Oct. 29.—Fourteen contraband Chinese and Harry Thompson and Fred W. Anderson, white men who were plotting them into the country, were arrested on San Juan Island yesterday and brought here today for trial.

The arrest created a great sensation, being the first of any magnitude made since the enforcement of exclusion laws was vested in the new Immigration Department.

Strange to say, a County Sheriff at San Juan Island, assisted by a customs inspector, effected the arrest. Thompson and Anderson and their contraband passengers are in jail here and will be arraigned tomorrow. The men are strangers and entirely unknown to the customs officials who for years have handled the business and are thoroughly conversant with the smuggling fraternity.

DEPUTY MARSHALS ARRESTED

Charged With Conspiracy in Substituting New Chinese for Old.

SAN FRANCISCO, Oct. 29.—W. F. Dasha, Thomas J. Dempsey and Lee Lin were formally placed under arrest today on charges of conspiracy returned against them by the United States grand jury. They were given liberty on bail of \$500.

The two white men arrested were Deputy Marshals and they are accused with the connivance of the Chinese prisoner of substituting old and decrepit Chinese who desired to return to China for young Chinese who were ordered deported by the United States courts.

CHISEL THROUGH COW'S BODY

Edged Tool Was Weeks on Its Passage—Wantonly Inserted.

HILLSBORO, Or., Oct. 29.—(Special.)—A chisel 15 inches in length was yesterday extracted from the body of a milch cow belonging to L. D. Davis, of Hillsboro. The chisel had been in the instrument in her body for five or six weeks.

Some one had maliciously thrust the sharp-edged tool into the animal's side and it worked its way through the abdomen to the opposite flank.

Institute in Josephine County.

GRANT'S PASS, Or., Oct. 29.—(Special.)—The most successful teachers' institute ever held in Josephine County closed here this morning. The most successful feature of the fact of the large attendance and the interest taken by all the teachers.

The instructors and lecturers were: President of Chamberlain of the University of Oregon; State Superintendent J. H. Ackerman; Dr. Woods Hutchison, secretary of the State Board of Health; President W. H. Demeter, Central Oregon Normal; and Charles H. Jones, editor of the Teachers' Monthly. President Campbell gave an interesting lecture Monday night on "A Period of Transition," and on Tuesday evening Dr. Hutchison lectured on "Parallels of Child Life With the Race."

Inspection of Fort Ben Gans.

VANCOUVER BARRACKS, Wash., Oct. 29.—(Special.)—Orders have been issued that a detachment of men and an officer be stationed at Fort Ward, the new garrison recently established at Bean Point, near Seattle, for the purpose of looking after the large guns recently mounted by the engineers. The detachment will be under the command of Colonel Grimes, commanding officer of the artillery district of Puget Sound.

Captain Chillard, General Punston's chief of staff, arrived at this post today, after an absence of about two weeks on duty in Minnesota.

The companies of the Nineteenth stationed here will assemble for muster on October 31, after which they will be reviewed by the officer in command.

Cashed a Worthless Check.

SAN FRANCISCO, Oct. 29.—A man giving the name of John R. Talbot and claiming to be in business in New York was arrested today charged with obtaining money on false pretenses. It is alleged that he had cashed a check for \$50,000, drawn in his favor on the Dexter-Horton Bank, of Seattle.

Ralston took the check to a local bank and found it was worthless.

Colonizing at Seaside Feared.

SEASIDE, Or., Oct. 29.—(Special.)—The question of incorporating the beach with the town of Seaside deserves the attention of every prospective owner. The election occurring in the Winter months, when the majority of the property-owners are absent, might easily be carried either way by judiciously colonizing the cottages for 30 days previous to election, and the election go contrary to the wishes of the property-owners.

Getting Rid of Prune Trees.

VANCOUVER, Wash., Oct. 29.—(Special.)—Several prune-growers of this vicinity have expressed their determination to cut their prune trees down and graft plums for canning purposes, while others are making arrangements to dig up their prune trees and plant small fruits instead.

Hillsboro Wants a Cannery.

HILLSBORO, Or., Oct. 29.—(Special.)—The Board of Trade is making every effort to have \$10,000 in stock subscribed for the proposed cannery and pickle factory. It is thought that the cannery will be joined to the prune drier now in operation.

Provincial Secretary Resigns.

VICTORIA, B. C., Oct. 29.—Hon. A. S. Goodwin, Provincial Secretary, placed his resignation in the hands of Premier McBride today. He was defeated at the recent elections, when he contested Rossland, and has held office since.

APPEALS RUSHED ALONG

ATTORNEYS IN BUTTE COPPER SUITS QUICKLY AGREE.

Big Transcripts Prepared in a Very Short Time—Supreme Court Expected to Advance Case.

BUTTE, Mont., Oct. 29.—Two appeals to the Supreme Court in the MacGinnies injunction suits against the Boston & Montana Company have been perfected in record-breaking time. The injunction orders were made by Judge Clancy last Friday, and today, by stipulation of the attorneys on both sides, the two big records, each consisting of nearly 400 pages of typewritten matter, were settled. The transcripts, consisting of the evidence and depositions in the cases, were then submitted to Judge Clancy.

Judge Clancy was found at his residence this evening by Attorney L. O. Evans and the transcripts were approved and signed. The testimony is in full, question and answer style. The exceptions and amendments that were arrived at by Judge McHatton were formal and after considering them only a few hours the Boston & Montana Company attorneys agreed to adopt the amendments and exceptions. With the transcript thus amended it was presented to Judge Clancy and received his signature.

By this means the perfecting of the appeals was expedited by a month. It regards the statutory time that is allowed in such cases and usually, through extensions of time that are granted by the court, two months or more are taken up in the work of agreeing upon the form of evidence to be included in the record that is sent up on appeal.

The printing of the transcripts and the preparation and printing of the briefs on both sides will now be rushed. It is probable that within a week the two big transcripts on appeal will be ready for presentation to the Supreme Court. In the meantime a motion will be made for the advancing of the cases on the calendar in the higher court, so that the appeal may be reached and passed upon at the earliest possible moment.

It is believed that in view of the urgency of the situation and the magnitude of the interests involved in this state and elsewhere the Supreme Court will grant a motion to advance the cases on its calendar.

The formal notice of appeal by the Boston & Montana Company and the bond on appeal in the sum of \$300 were filed in the District Court today. The parties on the appeal bond are Henry Mueller and M. P. Lavell.

The transcripts and briefs in each of the three cases will be almost the same and the judgment of the Supreme Court in any one of the cases will govern in all three of them.

MASS MEETING OF LABOR.

All Craftsmen Anxious to See a Resumption of Work.

BUTTE, Mont., Oct. 29.—A great mass meeting was held at the Auditorium last night under the auspices of the Butte Bow Trades and Labor Assembly. The meeting was called to consider the desperate condition of affairs that confronts the workmen of the state, and to express their belief that Governor Toole should call an extra session of the state's lawmakers.

Resolutions were adopted along the line planned by the projectors of the meeting, and a committee of 15 appointed to present them to Montana's chief executive. After referring to the industrial crisis, attending to the state, the speaker said that working people are not looking for charity and deplores a condition that permits private interests to put in jeopardy their very existence.

For an hour before the time fixed for the meeting to open every seat in the capacious hall was taken. The aisles and gallery filled rapidly, and so large was the crowd that many were unable to get within hearing distance of the speakers. While probably a majority of those present were miners who were thrown out of work recently by the injunction order of the court, the gathering included men from every craft and walk in life.

The crowd was enthusiastic from beginning to end. The meeting lasted little over an hour.

After thanking the audience for the attention shown the speakers and the splendid order preserved throughout, President Doyle declared the meeting adjourned.

BUSINESS MEN ASK RELIEF.

Request Governor Toole to Call Session of the Legislature.

BUTTE, Mont., Oct. 29.—There was a large attendance at the special meeting of the Business Men's Association held in the Council Chamber tonight for the purpose of devising some plan which would tend to relieve the present industrial crisis and assist in an early resumption of mining operations in the Butte camp.

The meeting was called at the instance of about 20 prominent members of the Business Men's Association. After the purpose of the meeting had been stated Dr. Thornton offered the following resolution, which was adopted after a lengthy discussion:

"Resolved, That it be the sense of this meeting that the Governor be requested to call a special session of the Legislature for the purpose of enacting such laws as would tend to relieve the present industrial conditions, and that the president and secretary of the Business Men's Association be instructed to advise him of such action."

The business men, after much discussion, adopted another resolution declaring their faith in the success of the Amalgamated Copper Company and the Montana Ore Purchasing Company.

Complaints of Erroneous Records.

BUTTE, Mont., Oct. 29.—C. F. Kelley, counsel for the Amalgamated Copper Company, today gave out the following statement:

"Our attention has been directed to the fact that private news bureaus and special correspondents have circulated many false and misleading statements regarding the cause of the shutdown of our property and the situation here. One series of these dispatches alleges that retaliation on our part because of the Min. Reels decision moved us to shut down; another alleges that the shutdown is a stock-jobbing scheme. Both are erroneous."

"The shutdown is the inevitable result of the actions of certain courts, which have an unbiased record for six and one-half years of deciding adversely every question concerning our interests in Montana. A decision was rendered on Thursday, October 22, whereby a previously issued restraining order prohibiting the transfer of the stock of the Boston & Montana Company to the Amalgamated, and prohibiting the payment of dividends on Boston stock, was made an injunction. This decision declared our operation of the Boston & Montana illegal."

"Inasmuch as our ownership of the Amalgamated and other properties is on precisely the same footing as our ownership of the Boston & Montana, and subject to the same interpretation of the law, it became imperative that we should operate except in violation of what the District Court has declared to be the law. Therefore, there was nothing for us to do but cease operations until such time as the whole question can be decided by the court of ultimate resort."

Governor Toole Goes to Butte.

HELENA, Mont., Oct. 29.—Governor J. R. Toole will leave tomorrow morning for Butte, where he will meet the other

members of the mediation committee. Governor Toole stated this morning that he did not know how long he would remain in Butte, intimating that this would depend upon the wishes of the other members of the committee.

A committee from Anaconda Smeltermen's Union waited upon the Governor this morning, presenting resolutions adopted by that union requesting the Governor to call an extra session of the Legislature. In addition, the Governor has received a number of letters from other unions asking for an extra session.

The arbitration meeting will probably be held tomorrow afternoon. A telegram from Great Falls says J. J. Hill is there on his way to Butte.

HOUGHTON SENTENCE STAYED

Hard Labor Part Is of Doubtful Legality.

SALEM, Oct. 29.—(Special.)—Chief Justice Moore of the Oregon Supreme Court today granted a certificate of probable cause for appeal in the "Chic" Houghton case in Portland.

A few days ago a stay of execution was granted until a hearing could be heard upon an application for a certificate of probable cause and the hearing was had this morning. W. T. Hume appearing for Houghton and W. N. Gaten representing District Attorney Manning. The issuance of the certificate stays execution pending appeal.

Houghton was sentenced to six months' hard labor for assault. The appeal is based upon the ground that no such punishment is authorized by law, and Chief Justice Moore granted the certificate of probable cause for appeal because he deemed the question debatable. The "hard labor" part of the sentence is the part upon which doubt exists.

CLEARED ON ONE CHARGE.

Boise Judge Discharges Prisoners Held for Arson.

BOISE, Idaho, Oct. 29.—Probate Judge Brown today discharged all the defendants in the arson case. He dismissed Mrs. Harry Watkins and W. R. Holm on motion of the defense after the conclusion of the state's case.

Watkins in his own behalf testified that he was at home all the evening on the night of the fire in his store. After the examination of several witnesses for him Judge Brown discharged him. The charge of firing the Whittier School remains.

THOMSON SECURES LAWYERS.

La Grande Receiver Sure He Will Prove His Innocence.

LA GRANDE, Or., Oct. 29.—(Special.)—A. B. Thomson, Receiver of the La Grande office, arrived at La Grande last night from Pendleton. Mr. Thomson says he will appear at the time set for his trial. His first defense in the trial was a few hours after the funeral of his brother at Echo on Tuesday.

While in Pendleton on the way to La Grande he secured Messrs. James Fee and Halley & Lowell as his attorneys. He is emphatic in the statement that he will thoroughly establish his innocence at the trial.

The La Grande Land Office is open for information and business that does not require a Receiver. La Grande people believe in his innocence. Thomson will go to Portland tonight or tomorrow.

GUSHOR IN THE GRAND RONDE

Water Flow Struck at a Depth of Two Hundred Feet.

LA GRANDE, Or., Oct. 29.—(Special.)—Thomas McConnell and J. Q. Conally have struck a gusher of living water in the Grand Ronde Valley. The experiment being made by Mr. Conally's pump, five miles this side of Union, and people have been watching for the success of the artesian well.

Yesterday at 1 o'clock the boring machine struck the bottom, and the water came forth with a gush, flooding the premises. The well had reached a depth of 200 feet.

The gentlemen have worked faithfully, and water may hereafter be obtained at small cost. The experiment has cost \$200. They will immediately move the machinery to Mr. McConnell's place, where they will try the experiment there also. Regular rates will be established, others will bring machinery, and soon the Grand Ronde will be filled with artesian wells.

The people of Grand Ronde are proud of the discovery, and Messrs. McConnell and Conally are receiving many congratulations.

ENGINEERS' EFFECTS BURNED

Junction City Building Had Been Handsomely Fitted Up.

JUNCTION CITY, Or., Oct. 29.—(Special.)—Fire destroyed the engineers' rooms at the Southern Pacific depot this morning at 4 o'clock, causing, presumably, the explosion of a lamp. A number of lockers had been placed in the building, and these were stored with personal belongings of the different engineers whose train stations were here.

Two fine shotguns, clothing, lanterns and many other trinkets went up in the flames, as did also many of the records kept by the engineers and roundhouse foremen. The interior of the building had been handsomely fitted for use of the engineers while awaiting orders, and the rooms were considered to be the very best on the line. The financial loss will be between \$500 and \$1000.

FAT TAKE FOR SNEAK THIEF.

Jar of Money for Subscription Prize Stolen From Oregon City Paper.

OREGON CITY, Or., Oct. 29.—(Special.)—A sneak thief entered the office of the Oregon City Enterprise at noon today and stole a jar containing money to the amount of about \$150 that had been offered as a subscription prize contest. The theft was perpetrated in the absence from the office of the employees. A tourist printer is suspected of the stealing.

NORTHWEST DEAD.

Mrs. J. A. McArthur.

THE DALLES, Or., Oct. 29.—(Special.)—Mrs. J. A. McArthur, one of the best-known residents of the city, died this morning at St. Vincent's Hospital in Portland after a prolonged illness. Mrs. McArthur was a native of Scotland, where she was born November 5, 1839. She married in New York in 1857 and in 1859 came to the Dalles, where the family has since resided. Beside her husband she leaves four children. She was a prominent member of the Degree of Honor, Cedar Circle and Woman's Relief Corps.

W. C. Spencer.

EUGENE, Or., Oct. 29.—(Special.)—News has been received here of the death in San Jose, Cal., of W. C. Spencer, a well-known farmer of the forks of the Willamette. He had gone to San Jose for the benefit of his health and while there was taken down with pneumonia, which was the cause of his death. He was 75 years old.

Gravelle Will Be Tried for Extortion.

HELENA, Mont., Oct. 29.—Two informations were filed in the District Court today against Isaac Gravelle, the man charged with dynamiting the Northern Pacific. Two indictments which Gravelle is alleged to have written to the railroad officials demanding money for immunity are the basis of the informations. The specific crime for which Gravelle will be tried will be extortion.

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Prices range from \$12.50 to \$30.00
Overcoats in all the latest models from \$12.50 to \$50.00

FOR LAND HIGH AND DRY

KLAMATH RANCHER INSTALLS A LARGE PUMPING PLANT.

Fashion Will Be Generally Followed if the Experiment Is Successful—Finishing Big Ditch.

KIAMATH FALLS, Or., Oct. 29.—(Special.)—Owners of high, dry lands throughout the county are very much interested in the project which J. F. Bowne, a recent arrival, has undertaken. Mr. Bowne has acquired some 200 acres of land along Lost River, near Bonanza, and proposes to irrigate the whole of it by pumping water from the river.

This week he will have on the ground a huge pumping plant, which will be in readiness for operation for next season's irrigation. The boiler is 20-horsepower and the pump has a capacity of 450 gallons or 500 inches of water per minute. He will add another pump of equal capacity after next season, should his undertaking prove a success. He will, this Fall and Winter, dig nine miles of ditch, which will be required to carry water to all parts of his ranch.

Should Mr. Bowne's undertaking result successfully, other dry ranchowners will install pumping systems, and much of the land now considered nearly worthless will be brought into cultivation, and the productive area of this county thereby considerably increased. Reclaimed lands are valuable in Klamath; therefore, the interest taken here in Mr. Bowne's undertaking. Lands unimproved and subject to irrigation bring \$5 per acre; improved lands, set to alfalfa, have sold for \$8 per acre, and much is held for \$10.

The dredge work on the cut through the tule swamp which separates Little Klamath and White Lakes is nearly completed, and there only remains a quarter-mile stretch of high ground to overcome to admit into White Lake an abundant and never-ending supply of water for the big ditch that leads therefrom, and which has made prosperous the farmers of Tule Lake Valley. The increased water supply afforded by the cut means the reclamation of many thousands of acres of sagebrush lands in the southern portion of the valley.

HIGH PRICES AT DAWSON.

Large Quantities of Provisions Fail to Get Through.

VANCOUVER, B. C., Oct. 29.—A special from Dawson to the Province says: As a result of the failure of large quantities of goods to reach Dawson, high prices are prevailing.

CASTORIA

For Infants and Children.
Bears the Signature of Dr. H. H. Walker.

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neglected means heart disease, the most common cause of sudden death. Miles' Heart Cure will strengthen, regulate and cure weak hearts. Sold by all druggists on guarantee. Free book on heart disease for postal card.

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Such as piles, fistula, fissures, ulceration, mucous and bloody discharges, cured without the knife, pain or confinement.

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Blood poison, gleet, stricture, unnatural losses, impotency, thoroughly cured. No failure. Cures guaranteed.