#### SUPREME COURT SO DECIDES

"Next Term" in Criminal Code Does Not Mean Current Term-Rights of Mortgagees Defined\_1895 Irrigation Law Construed.

fear is a question for the trial court as also is the time to be allowed attorneys for argument.

In an action for damages for injury to the person it is improper to admit swidence of mental anguish, because of the injured party's inability to provide for his daughter.

The irrigation act of 1895 does not give irrigation districts power to control the suter rights of private individuals.

SALEM, Or., Dec. 18 .- (Special.) -- Occur Rogoway must serve his term of five years in the penitentiary for burning the store occupied by his mother at Lebanon. on December 21, 1903. The Supreme Court today handed down a decision affirming this judgment of the lower court. Rogo way was tried in Linn County before Judge George H. Burnett. On appeal, he alleges two errors at the trial in the below, that his confession should have been admitted in evidence not have been admitted in evidence against him, because it was obtained by threats, and that the court erred in lim-lting the attorneys to one hour on each side in which to present their case to the

The Supreme Court says that it is for the trial court to determine whether the confession was obtained from the defend-ant free from the influence of hope or fear exercised by a third person, and that the trial court's determination will not be disturbed on appeal unless there in clear or manifest error.

Upon the other question the Supreme Court says that, while it would seem from the testimony that an hour on each side was a very short time in which to present the case to the jury, there may have been ample reasons why the trial court could not, under the circumstances then existing, and the business before th

#### Maynard vs. O. R. & N.

H. Maynard, respondent, vs. O. R. & N. Co., appellant, from Union County, Rob-ert Eakin, Judge; reversed and remanded. Opinion by Justice Wolverton,

njuries sustained in a collision betwen i freight train and a passenger train open which plaintiff was riding. In the trial of the case in the court below plain till was permitted to testify that he had daughter 12 years old, and that he had suffered great mental anguish because of his inability to work and to support his child properly. The Supreme Court holds that it was an error to admit this testi-mony, for, although one may recover for sental distress and anguish resulting from injuries to his person, yet such men-tal distress as is not the natural result of the accident, but is produced by the operation of the mind in the contempla-tion of the physical condition to which the injured party is reduced, or in con-templation of any extraneous suffering or inconvenience that such condition might entail, whether it respects himself or others dependent upon him, is not resarded as matter proper to form the basis of consequential damages.

#### Tinsley vs. Lombard.

F. P. Tinsley, respondent, vs. B. M. Lombard, appellant, from Wallowa Coun-ty, Robert Eakin, Judge; reversed and remanded. Opinion by Justice Wolver-

Tinsley brought suit to foreclose a mortmortgage on the same and other property, was made a party defendant. He made snswer without controverling any of plaintiff's allegations, but asked that his mortgage be also foreclosed, and that his lies, subject to that of plaintiff, be decreed. To this answer plaintiff demurred on the ground that defendant had not brought his suit to foreclose within the time prescribed by the statute of limita-tions. The demurrer was sustained, and Lombard appealed. The Supreme Court holds that, so long as the holder of the nd mortgage contested none of the rights of the owner of the first mortgage. the first morigages cannot raise the ques-tion of the statute of limitations, this defense being available only for the

#### Irrigation District vs. Preston.

Little Walla Walla Irrigation District nunicipal corporation, appellant, vs. O. N. Preston et al., respondents, from Uma-tilla County, W. R. Ellis, Judge; affirmed. Opinion by Justice Bean.

The plaintiff is a public corporation or-

ganized under the irrigation law of 1865. The plaintiff, without acquiring any water rights, proceded to ascertain the quantity of water to which each landowner was entitled, and to regulate and control the use thereof. The defendants having asserted a right to the use of more water than the plaintiff awarded, this suit was commenced to enforce the orders and decisions of plaintiff company. The suit plaintiff appealed.

reme Court holds that the act of 185 did not confer upon corporations organized under that act the powers this company has sought to exercise. It is held that the purpose of the act was to provide for the organization of settlers for the purpose of constructing water sys-tems and distributing water through the same, and not for the purpose of regu-lating or controlling water rights belong-ing to private individuals.

Wallowa County vs. Oakes.

Wallowa County, appellant, vs. H. E. Cakes, respondent, from Wallowa County, Bobert Eakin, Judge; affirmed. Opinion Chief Justice Moore.

Justice of the Peace serves as a magis-tration in the examination of a criminal charge, he is entitled to the fees preed by section 3000 of the code, and claim for such fees be disallowed by the County Court, he may recover the came in an action against the county. This proceeding was a writ of review brought to review the proceedings of a justice court in which Justice Oaken brought his action against the county and recovered judgment. The judgment against the county is upheld and the write of review dismissed

#### Sloan vs. Sloan.

Perry V. Sloan, appellant, vs. Ben-jamin Leroy Sloan, respondent, from Baker County, Robert Eakin, Judge; reversed and remanded. Opinion by Jus-

This was an action upon a promissors note, which would have been outlawed but for one credit indorsed thereon, which credit defendant contended was not made with his consent. At the close nonsult was given upon the motion of defendant, and plaintiff appealed. The was evidence tending to show that plain- | the vacation

made a credit of \$2, which sum represent-ed defendant's interest in a certain corn crop, and that defendant had made no objection to such credit, there was evince sufficient to go to the jury upon question whether defendant had not ratified plaintiff's action.

State vs. Breaw.

State of Oregon, respondent, vs. George W. Breaw, appellant, from Baker County, Robert Eakin, Judge; affirmed. Opin-ion by Justice Bean.

This case involves a construction of ection 1559 of the code, which reads:
"If a defendant indicted for a crime, whose trial has not been postponed upor his application or by his consent, be not brought to trial at the next term of the court in which the indictment is triable, after it is found, the court must order the indictment to be dismissed, unless good cause to the contrary be shown."

The Supreme Court holds that "next term" does not mean the term at which the indictment is found, but the succeeding term.

State vs. Tiller.

State of Oregon, respondent, vs. Fran-cis M. Teller, appellant, from Harney County, M. D. Clifford, Judge; affirmed. pinion by Chief Justice Wolverton. Defendant was convicted of the crime of incomy by stealing \$300 belonging to Mrs. L. S. Whitmer. His defense was

S. Whitmer. that the testimony showed that the that the restimony snowed that the crime, if any, was embezzlement, and he asked that the court should instruct the jury accordingly. The refusal of the court to give the desired instruction is the error sileged upon appeal. After ex-amining the testimony, the Supreme Court holds that the evidence does not tend to show that the money was delivered to defendant by Mrs. Whitmer; hence, the court below did not err in refusing the

#### POSTOFFICE WILL CLOSE.

Two New Rural Delivery Routes'

Ends Need of Four Offices. OREGON CITY, Or., Dec. 19.—(Special.)

Postmaster T. P. Randall today received notice from the Postoffice Department at Washington ordering the discontinuance of the Ely. Clarkes, Beaver Creek and Highland offices. The life of the Ely of-fice will end December 31, while the other three offices will be suspended January 14. The suspension of these offices is the result of establishing two additional rural free-delivery routes from the Oregon City office.

Postmaster Randall, by holding a sucrostmaster standard, by nothing a so-cession of examinations of applicants for carriers, has been unable to find an ap-plicant who will qualify as carrier for route No. 4, and has accordingly reconended to the department that further efforts to start this route from Oregon City be abandoned, but that the service be provided from the Springwater office.

#### PETITION TOO LATE.

Negro Is Sentenced to Five Years, Though Minimum Had Been Asked. GOLDENDALE, Wash., Dec. 18.-(Specoul.)—William Smith, the negro horse-thief, was taken to Stevenson, Wash., where Judge A. L. Miller is now holding court, to receive sentence. Today he was sentenced to five years, and Sheriff Van

Vactor started for Walla Walla with him pinion by Justice Wolverton.

Plaintiff recovered judgment against here since the negro was recaptured, here since the negro was recaptured, in a feedbank in an action for damages for ing the court to give him the minimum penalty, one year, and it was signed by penalty, one year, and it was signed by that the Judge did not receive the petition, as it was sent to Vancouver.

#### INDEPENDENTS WIN.

J. H. Hawley to Be New Mayor of Monmouth.

MONMOUTH, Or., Dec. 19 .- (Special.) —The city election was held today and the contest was spirited. After the regular ticket had been placed before the citiens, an independent ticket was sprung. The independent ticket was elected with J. H. Hawley, Mayor; L. N. Fream and Dr. H. R. Nehrbras as Councilmen; Ira C. Powell, Treasurer; J. E. Simpson, Recorder, and S. D. Coates, Marshall

#### Say Canneries Are Too Cheap.

SEATTLE, Wash. Dec. onial Trust Company and R. Pfeiffer today petitioned Judge Hanford, of the Federal Court, to refuse to confirm the recent sales of portions of the canneries and equipment of the Pacific Packing & Navigation Company. The claim is made that the price offered in the blds does not by any means represent the market value of the property. Only the sales of can-neries at Blaine and Chatham are favored by the petitioners.

### Vakima Teachers' Institute.

NORTH YAKIMA, Wash., Dec. 19.— The Yakima County Teachers' Institute ovened here this morning with 161 enrolled. Superintendent Dickey opened the session and was followed by Rev. H. L. Rose, with an address on the duty of teachers to the youth of the land. Tomorrow Dr. Gault will be here, to remain the rest of the week. Professor E. M. McCulley, the department Superintendent of Public Instruction, was not present today, owing to sickness.

#### Insane Suspect Released.

OREGON CITY, Or., Dec. 19 .- (Special.) -A. A. Pixley, aged 78 years, of Sunny-side, whose arrest on an insanity charge was caused Saturday night on comply of his wife, who charged Pixley with threatening to kill her, was today released after an examination held before Judge Ryan. Pixley was found to be sane and harmless, and his arrest on the insanity charge seems to have been the re sult of family troubles.

#### Petition Not Acted Upon.

OREGON CITY, Or., Dec. 19 .- (Special.) -At a late meeting tonight, the Council authorized the Mayor and Recorder to carry out the deal made with the Southern Pacific Company in return for the muchdiscussed perpetual franchise. Until Judga McBride acts on the petition for an injunction, however, nothing can be done by the officials.

#### Forest Grove Levy Is Ten Mills.

FOREST GROVE, Or., Dec. 19.-(Special.)-The City Council Friday fixed the municipal tax levy at 10 mills. The taxable property this year was appraised at \$235,555, an increase of \$10,-

#### Tramps' Roost Burns.

ALBANY, Ot., Dec. 19 .- (Special.) -- An old barn belonging to the A. Hackleman estate burned tonight with contents, a total loss. The barn was built 45 years ago and was situated just outside the city limits. It contained a quantity of hay. The barn, standing in a grove near the C. & E. roundhouse, was used as a brush and roosting place by hordes of tramps. No as a signal." insurance was carried upon it.

#### More Pay for Officials.

ASTORIA, Or., Dec. 19.-(Special.)-A bill has ben prepared and will be intro-duced at the coming session of the Legis-lature to increase the salaries of the officials of Clatsop County. The bill pro-vides that the cierk shall receive \$2000 per year, the Sheriff \$2000, the County Judge \$1300, and the Assessor \$1800.

#### Off for Christmas.

WILLAMETTE UNIVERSITY, Salem made with his consent. At the close Or., Dec. 12.—(Special.)—School will close plaintiff's testimony a judgment of for the Christmas holidays tomorrow it was given upon the motion of evening and will reopen January 4, after two weeks vacation. Most of the stume Court bolds that, since there dents will return to their homes to spend

# HIS LAST RUN ENDED

Dan O'Neil, Old Purser, Closes Long Life,

WAS PIONEER RIVER MAN

Captain of Famous Little Columbia for a Time, and Afterwards Ran From Portland to The Dalles for Many Years.

OREGON CITY, Or., Dec. 19.—(Special.)
-Daniel O'Neil, a well-known pioneer, died last night at the Rose farm, near this city, after a brief illness. A year ago Mr. O'Neil, because of failing health, sev-Mr. O'Neil, because of failing health, several his connection with the O. R. & N. Company, and returned to this city, where he died in the same house that he was married in 46 years ago.

The accept as per ton, leaving a net profit of the same in the per cent profit yearing. This does not include the profits to be derived by the thrifty farmer from his horses, cattle, poultry, fruits, vegetables, honey, etc. ered his connection with the O. R. & N. Company, and returned to this city, where

married in 46 years ago.

Mr. O'Nell was born at Duanesburg. N. Y., January 8, 1828, and in 1849, when Il years of age, he crossed the plains, coming to Oregon as Quartermaster Clerk of the First Regiment of the United States



Mounted Rifles. This regiment came direct to Oregon City, where they passed the Winter of '49. In 1853 he went to Australia, where he remained for four years, return-ing to Oregon City in 1858, when he mar-ried Miss Minnie Holmes, daughter of the well-known pioneer, William Holmes, at the old Holmes farm near Oregon City. Accompanied by his bride, Mr. O'Netl returned to Australia, where seven years were spent and, after a trip around the world, he returned to Oregon, where they have since resided. He leaves a widow, but no children.

For the last 35 years the deceased was in the employ of the old Oregon Transportation Company, or the O. R. & N. Company, in the capacity of purser on Columbia River steamers. When his health failed him a year ago, Mr. O'Nell was employed as purser between Portland and The Dailes.

The burial will take place Tuesday aftrnoon in the Holmes lot at the Masonic Cemetery, funeral services being held at the Rose farm at ? P. M., Rev. P. K. Ham-

Dan O'Nell was probably more widely ples here displayed. known among the traveling public and had traveled more miles on the Columbia the association for the purpose of gatherthan any other man. His last service was on the Balley Gatzert. Since his resigna- Clark Fair, and it has already secured tion he has been abroad but little. His about one ton of samples. These samples combined with general debility, making him too weak to enjoy traveling.
In July last he came to Portland, ac

empanied by his wife, and said he wanted to take one more trip, his last, over the line to The Dalles and down to Astoria. He made the trip on the Balley Gatzert, and he seemed to enjoy it, and took his last look on faces of many old-time friends at the various points along the

"He had no enemies," said an old friend. "He never worked for anyone to whom he did not give perfect matisfaction." Mr. O'Neil arrived at Oregon City, then the principal city in this region, in the Fall of 1849. It was found necessary to transport quantities of stores from Van-couver to Oregon City for the use of the regiment. As there were no scamboats on the river, and good roads had not been opened up, this transportation was accomplished by batteaux belonging to the Hudson's Bay Company, propelled by

crews of Indians, Among the civilians who accompanies the regiment to Oregon was Captain Jim Frost, who suggested building a steam-boat. General John Adair, of Astoria, and

# were given to packed houses. A third vaudeville show is to be opened here shortly after the first of the year.

Crops Around Echo Are Big Profit-Makers.

ECHO, Or., Dec. 18.—(Special.)—There are lying adjacent to Echo vast tracts of arid lands. A great deal of this land is subject to homestead, desert and other Government entries.

MONEY IN ALFALFA

Several tracts have been brought under ultivation by means of irrigation. O Butter Creek there are perhaps 8000 acres of land that have been brought under irri-gation at a cost of say \$50 per acre. On the famous Meadows there are 3000 acres of raw sugebrush land under cultiration. Small private ditches were used to reclaim this land, which was bought for the price asked by the Government, and which at a cost not to exceed \$30 per acre

is made to produce three crops of alfalfa each year, yielding six tons at \$6 per ton, though there is none for sale at that This would give an annual profit of \$36 per acre. Upon good authority it is found that the cost of producing this crop does not ceed \$1 per ton, leaving a net profit of

The products of Echo and vicinity are as follows, carefully gathered from reflable sources; cattle, 7,600 head

Seef cattle, 1,000 head. \$
Stock cattle, 10,000 head.
Sheep, 40,000 head.
Horsen, 2,000 head.
Wool, 514,162 pounds.
Alfalfa, hay, 30,720 tons.
Wheat, 600,000 hushels.
Fruit, 4,500,000 pounds.
Sugar beets, 1000 tons (first year).
Dairy products, poultry, barley, honey 25,000

#### CAUGHT BY TELEPHONE Advance Man With Queer Checks Arrested After Message.

LA GRANDE, Or., Dec. 19 .- (Special. young man giving his name as Mc-Clegg passed a check for \$35 to one of the La Grande merchants for an outfit of clothing. Soon afterwards, before the clothing had been taken out of the store, the merchant telephoned to Carl Roe, of Baker City, on whom the check had been issued, asking if it were good. The reply came that it was not, and that this same man was wanted in Baker City for forging two checks. When McClegg returned for the goods he had purchased, he was told that the chec. was not acknowledged by Roe. He seemed surprised, asked for the check, and gave the clerk \$35 in greenbacks. Soon after this, officers at Baker City telephoned for this man, and he was captured at Perry, four miles west, having hired a livery team in La Grande, stating that he wished to be taken to Hilgard. Officers have him under arrest. He claims to be an ad-

# COLLECTING MINERAL EXHIBIT

Josephine County Will Be Well Represented at '05 Fair.

GRANT'S PASS, Or., Dec. 19 .- (Special.) -The minerals of Josephine County will be represented at the Lewis and Clark Exposition, although as yet little of the ctual work of collecting the samples has been done. Grant's Pass has a live Miners' Association, which is taking all possible means of placing the mineral wealth of Josephine County before the world in its true light, and endeavoring to show what we really have in the mineral line. To this end they have leased a store build-ing, which is open every day and which is well supplied with sample ore from nearly all the mines in the county. This anhibit room has been visited by mining men from all over the world, and it has been responsible for interesting people in several properties here, through the sam-

of the association until ready for shipment to Portland.

#### Creditors Are Anxious.

OREGON CITY, Or., Dec. 19.-(Special.) Sam Oldstein, who for a number onths has conducted a cigar store in this city, is reported to have left the city, deserting a number of creditors, who are concerned as to his whereabouts. It is known that Oldstein's business venture was not a success, and his stock of goods is believed to be involved. It is also leged that before leaving the city Old-stein mortgaged the stock for about \$200. a Portland jobber making the loan. Old-stein's wife remains in charge of the store.

#### RUN FROM HIGHWAYMAN. Four Young Men Take to Their Heels

With Good Results. OREGON CITY, Or., Dec. 19.-(Sp. -While on their way home at 1 o'clock this morning Frank Henrici, Thomas Grubbs, Carl Fredericks and Austin Nich-ols were held up by a masked highwayman others joined in the scheme, and in a few on Seventh street near Nash's barn, but

#### NEW YEAR'S OREGONIAN FOR 1905

The New Year's Oregonian for 1905 will be issued on Monday morning, January 2 next. The illustrations will be numerous; they will be attractive, and they will cover every feature of

#### THE WORLD'S FAIR

that will be opened in Portland on June 1 next. The text and the engravings together will advertise fully the merits of the great 1905 Exposition.

The New Year's Oregonian for 1906 will be sent to any address in the United States or Canada, postage prepaid, for TEN CENTS a copy. Orders for papers should be sent to The Oregonian at once.

nonths the steamer Little Columbia was City. cheerfully paid.

praised at \$235,555, an increase of \$10,555 over last year. The 10-mill tax,
with the city's income from lights and
water, will give about \$8500 revenue
next year.

City, just below the falls. After the boat
had been running a few months, Mr.
O'Neil took command for a time. The
last time he was in Portland, an old friend encountered him in a crowded Washington-street car. He appeared dazed by the bustle, and when asked what he was thinking about, replied: "I was think-ing of the time when I used to pass the foot of this street on the trip fr gon City to Astoria, and we did not stop here unless someone came out of the brush and waved a handkerchief to us

#### Consider Educational Congress.

SALEM, Or., Dec. 19 .- (Special.) -- Superntendent of Public Instruction J. H. Ackerman will go to Portland Tuesday evening to attend a meeting of a committee having under consideration the project of holding an educational congress at Portland during the Lewis and Clark Fair. Superintendent Ackerman will go to Heppner Wednesday to attend the annual coun

#### Vaudeville in Boise.

BOISE, Idaho, Dec. 19.—(Special.)— Vaudeville has taken Boise by storm. An-other popular-price zhow was opened to-night, the Star. by Mike Goldstein, formerly of Portland. Three performances

none sustained the loss of a cent. Backed | had prepared a will. ompleted and on the route to Oregon up by a gun of large dimensions, the man, ity. The fare for this trip, \$35, was face, demanded the four young me throw up their hands. Instead of doing so, they ran rapidly away, three choosing one direction, while Henrici started back to the city, being pursued by the bandit, who was outdistanced. Henrici reported the incident to the po

lice officers, but no trace was obtained of the man with the gun, who is described as wearing a dark suit and a soft black hat. Sheriff Goes for Agent ..

#### ASTORIA, Or., Dec. 19.-(Special.)-A telegram was received this morning stat-

ing that W. H. Davis, a sewing-machine agent, who is wanted in this city on the charge of embezzing \$100 from Ross, Hig-gins & Co., had been arrested in Spokane. Sheriff Linville left this evening to bring Davis here for trial. Horsethief Sentenced.

WALLA WALLA, Wash., Dec. 19.— (Special.)—Robert Lynch pleaded guil-ty to stealing a horse from James McInroe this morning, and was sen-tenced to three years in the penitentiary. When arraigned the prisoner was very repentant, and almost broke down in tears under Judge Brent's reprimand.

#### Ballard Gets Free Delivery.

OREGONIAN NEWS BUREAU, Washington, Dec. 19.—At the request of Representative Humphreys, city free delivery will be established at Ballard, Wash. early in January.

### BONES SMASHED

THREE BAD ACCIDENTS OCCUR NEAR WALLA WALLA.

Teamster Run Over, Wheels Crush Brakeman, and Injured Passenger Was Thrown From Train.

WALLA WALLA, Wash., Dec. 19 .-(Special.)-William Madison, an employe of Dunham, a local lumber dealer, will probably die from injuries received in a runaway this noon, Madison was driving a wagon of lumber, when the horses became frightened at a train and ran away. In the effort to stop them by hanging on to the lines, Madison was dragged from the wagon, which ran ever him, crushing in his shoulder and breaking all the ribs on his right side. One fractured rib penetrated clear through the sac of the lung. He is an old man and is at the hospital in a very and all unconsciously touched with the large triffical condition tonight.

critical condition tonight.

Herbert Alexander, an employe of
the Northern Pacific Railroad, is lying in St. Mary's Hospital here as the
result of falling off the side of a boxcar at Pasco. The car wheel ran over
his arm, and badly lacerated his leg.
The arm had to be amputated.

Another man, Morris Dole, is a patient at the Wella Walls Hospital ar-

tient at the Walia Walia Hospital as the result of a like accident. Dole was a passenger on the Spokane Flyer, and laims that while standing on the rear platform of the train as it was passing Wallula some one pushed him off. His cries for help attracted the attention of men on a worktrain, who brought him to this city. He is a cook whose relatives live at Endicott

#### ACTIVITY IN GRANT MINES.

Black Butte Property in Competent Hands Is Paying Well.

JOHN DAY, Or., Dec. 19.—(Special.)

—There is unusual activity in mining circles at this time, including ore as well as placer mining and base as well as free-milling rock. The revival of men he turned his head to see whether operations at the Black Butte by deep his men were obeying his order. Instead sinking and milling free-gold rock takes the lead in this activity. This is one of the oldest milling properties in the county, and many years ago paid large dividends. But the upper workings became exhausted and in order to carry on the work it was received. carry on the work it was necessary to operate by means of a shaft and cross-cuts. The owner, Ed C. Allen, of Portland, chose rather to dispose of the property at good figures than to con-tinue in the business. The property passed into the hands of inexperienced niners who could not get profits from heir work and soon abandoned it.

A short time ago Mr. Allen again got controlling interest in it, organized a stock company, and the property is now in the hands of Portland, Pendleton, Sumpter and Providence, R. I., capitalists, who are making it pay big. The manager for the company is O. C. Wright, of Sumpter, while Ed C. Allen s the superintendent

A party of Providence stockholders, ensisting of Dr. Drew, Dr. Justin, C. D. Starr and W. A. Crompton, has just returned from the Black Butte camp, near the head of Fox Valley. The mill with which tests are being made is an antiquated affair, installed many years ago by Pendleton's veteran hotel man. John Gagon, and had run but 11 days on the soft porphyry ore, but the out-put was about \$3000. It is reliably reported that a much better showing ow being made from a ledge that is many feet wide.

iter Gold mine, formerly known as the Prairie Diggings, announces that ope tations will be resumed on that properly in a short time. That, too, is mostly a free-gold producer, but also carries a good quality of concentrates, which go to the Sumpter smelter. Another free-gold property that has made a good showing from surface work is that of Jackson Chambers, lo-

cated as an extension of the prize win-

Joseph Waddell, manager of the Ju-

ning Great Northern. This has been leased to a local company which will open it up at a good depth. A local company is at work opening up a ledge carrying base values in gold and copper. Hitherto but little, atten-tion has been given this kind of min-ing, because of poor transportation facilities; but with improved methods of treating base ore, and the approach of the Sumpter Valley Railway, this may soon become one of the leading in-dustries of the county. The property now undergoing development is located

#### but a few miles from Canyon City. DYING WISH GRANTED.

Supreme Court Says J. W. Collins Did

Not Need Will. OLYMPIA, Wash., Dec. 19.—(Special.)-The Supreme Court has reversed the judg ment of the Superior Court of Skagit County in the case of the State of Washington respondent vs. Frank Phinney administrator, appellant, The case was a novel one, as it involved the right of a dying person to dispose of property prior to death, instead of by will. The appellant was the administrator and the chief beneficiary of the estate of John

W. Collins, deceased, When Collins was on his deathbed and realized that he was about to die, he drew a check upon the bank for all the money he had, amounting to \$4000. This was practically his entire estate, and Phinney paid all expenses of the funeral there from. He was later appointed adminis trator of the estate. The state commenced action to compel the escheating of the estate to the state, Collins having died with-

The Superior Court decided in favor of the state, directing Phinney to return to the funds of the estate the amount of the check, less the money paid out for funeral expenses. Phinney appealed the case to the Supreme Court and has secured a reversal of judgment, the higher court holding that the issuance of the check on his deathbed was as much an express the wish of the deceased as though he

#### Thieves Rald Box-Cars.

NORTH YAKIMA, Wash., Dec (Special.)—Three boxcars of the Northern Pacific were broken open last night and a large amount of merchandise was stolen. There is yet no clew to the thieves. So of the stolen goods have been found. Water Franchise Granted.

NORTH YAKIMA, Wash., Dec. 19. A 39-year franchise was granted to the Northwest Water & Light Company by the City Council tonight. A new system is to be put in by the company, and water will be brought from ten miles up Naches

Mrs. W. C. Martin. OREGON CITY, Or., Dec. 19.—(Special.)
—Mrs. W. C. Martin, aged 45 years, died of consumption last night at the family

#### home at Beaver Creek. She is survived by a husband and seven children. On the Waters of the Inland Sea.

John Fox in Scribner's.

That day and that night and next day we had quiet seas and sunlight. The second night we were dining in Kobbe at a hotel to which Kipling once sang a just pean of praise-Kobbe, which he knew at once, he said, was Portland, Me., though his feet had not then touched American soil. He was quite right. Kobbe might be any town anywhere. The next daybreak was of shattered silver, and it found us sailing through a still sea of sliver from which volcanic islands leaned

everywhere toward a silver sky. We were in the Inland Sea. To the eye it was an opal dream—that Inland Sea—and the memory of it now is the memory of a dream-a dream of magic waters, silvery light and forlorn islands-bleak and many peaked above, and slashed with gloomy ravines that race each other down to goblin-haunted water caves, where voice of the sea is never still. This sea narrowed by and by into the Shimonoseki Straits, which turn and twist through rocks, islands and high, green hills. Through them we went into the open ocean once more. In the middle of the next afternoon we passed for a while mountain-bordered through other straits, and by and bye there set be fore the uplifted eye, Nagasaki, with its sleepy green terraces, rising from water level to low mountain top— where the Madame Chrisantheme of Loti's fiction is a living fact today. Who was it that eaid, after reading that book, he or she would like to read Pierre Lott by Madame Chrysantheme? It must have been a woman—and just-ly a woman—sure. There is an Eng-lish colony at Nagasaki and a few you find him.

#### Hand-to-Hand Fighting.

A Japanese Officer, in Leslie's Monthly. we saw coming out from their hiding places a small band of Russian soldiers. That was the beginning of the flerce onslaught. It was as if somebody had re-vived in this civilized day of ours the scenes from the old story books, when swords, spears, bows and arrows were the swords, spears, hows and arrows were the only weapons of war, and men slashed away at each other. It was actually a hand-to-hand encounter. It was just at this time that we saw a Russian officer rise from the ranks, and leaping over the dead bodies of his men and comrades and outline himself at the head of the ranks dead bodies of his men and comrades and putting himself at the head of the ranks, try by his daring example to revive the spirits of his men. Against the lurid background of blood and fire he made a superb figure, always rushing in front of his men, his sword gleaming over the heads of the fighting men.

At last this officer rushed out, calling

always and loudly upon his men to follow When he was within a few feet of our men he turned his head to see whether ing men were oneying me order. Instead of following at his heels his soldiers were trampling upon each other in the mad effort to run away. The sight broke his heart, evidently. He turned the point of the sword he had held against himself. An instant later he fell with his heart

LINVILLE'S EASY SHERIFF SPIES A JAILBREAKER FROM CAR WINDOW.

#### Harry C. Lowe, Who Escaped From Clatsop County Prison, Stood to Close to the Train at Clifton.

ASTORIA, Or., Dec. 19 .- (Special.)-A telegram was received this evening from Sheriff Linville, who left on tonight's train for Spokane, stating that he caught Harry C. Lowe, one of the escapes from the County Jail, at Clifton,

Lowe was standing near the station as the train came in, and the Sheriff jumped off and captured him. Lowe was taken to Portland, and will be kept there until Wednesday. Stauch, the other escape, has

#### Admiral Converse, Our Best Sallor.

Leslie's Monthly. Half a dozen naval officers at the Army and Navy Club, one night last Winter, were thrown into a spirited discussion by the statement of one of their number that the professional specialty of Captain Con-verse, commanding officer of the battle-

ship illinois, was electricity,
"High explosives," promptly interposed
a second, "is the Captain's special field, although he is an expert electrician."
"Forpedo work is his forte, and has always been since we were at the Academy

together," contended a third,
"He's the best engineer in the service,"
declared a fourth, "and I happen to know that he narrowly missed the appointment as Engineer-in-Chief of the Navy."
"All that you have said may be true," observed number five "but his record

shows that he is primarily an ordnance With an air of finality the remaining member of the company, a fellow-Captain he was of the officer under discussion, sald:

I have, you will agree that he was born to command, and that administrative abil-That President Roosevelt sides with the

That President Roosevelt sides with the last view is evident, from the fact that he has made him, in fact, if not in title, the military head of the Navy and the Secretary's Chief of Staff-for the Chief of the Bureau of Navigation performs the duties of both

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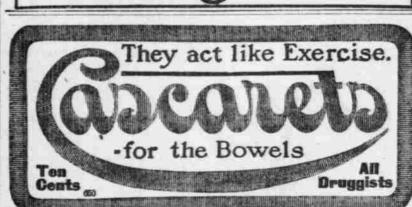
ones that brings the tear right along with the smile," Washington Post The tales are unusually entertaining, not only for their humor and novelty, but for their excellence as stories, and the volume with its comical pictures to help the fun along, is a joyous occasion." Toledo Blade.

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