

NUMBER IS ENOUGH

Local Option Law Does Not Require Precinct Description.

RULING BY JUDGE M'BRIDE

County Court May Hold Up Notice That Prohibition Has Carried for a Time Without Defeating Will of People.

ASTORIA, Or., Feb. 28.—(Special.)—The trial of John Hendrickson on the charge of selling liquor in violation of the local option law, was commenced in the Circuit Court today and nearly the entire session was consumed in arguing preliminary matters. The attorneys for the defense asked that a verdict for the defendant be directed on the ground that the petition which was the basis of the local option law asking that the question of prohibition be submitted to a vote of the people was insufficient in that it did not describe the precinct by metes and bounds.

The court overruled the objection, stating that according to his interpretation of section 10 of the local option law a description by metes and bounds was necessary only when a subdivision of a county, consisting of two or more precincts, was concerned, and was not necessary when only a single precinct was involved. Then a designation by number or name was sufficient.

The defense was expected to object to the order of the County Court made at its February term, by which official notice was given that prohibition had carried, asserting that the law required the order be made within a certain time after election, or as soon thereafter as practicable, and alleging the County Court had not authority to make the order at so late a date.

Judge McBride also overruled that objection, saying he did not think the delay of the County Court in making the order invalid. He allowed to defeat the will of the people as expressed at the polls. He added that the persons who conducted saloons had not been injured by the failure of the County Court to make the necessary order within the time stipulated, and if anybody had suffered as a result of that negligence it was the state, which is interested in the enforcement of prohibition. Continuing, the court said:

The failure of any officer to comply with the requirements of the law cannot serve to set aside the result of an election, if that was so, a County Clerk could, by refusing to issue a certificate of election, keep anybody out of office and a County Court could, by its failure to issue an order of prohibition, prevent the enforcement of a prohibition measure for all time.

Even if the County Court delayed making its order for six months, the order would be in effect from that date. The objection is overruled.

The third contention that was raised by the defense is that the saloons conducted by the defendant is not located within precinct No. 1. The building is on a plot between the high and low water marks of the Columbia River. The precinct as defined by the order of the County Court extends to the shore line, and the defense alleges that the shore line is at high-water mark, hence the saloon is outside the boundary. The prosecution asserts that the shore line is at low-water mark. The argument of this question will be continued tomorrow.

ORPHAN FUND IS CUT DOWN

Senator Malarkey's Error Results in Decrease of \$2000 a Year.

SALEM, Or., Feb. 28.—(Special.)—Through an oversight in amending House Bill 31 there is available for the support of orphans only \$1000 a year instead of \$3000 a year as intended. The purpose of the bill was to reduce the appropriation for orphans for the reason that the amount heretofore appropriated proved to be larger than was necessary. The state appropriation for orphans for the year 1905 of the code was \$12,000 a year, to be expended by the payment of \$50 per orphan to each orphan asylum for each orphan on hand during the year or any part thereof.

The expenditure under this law for the last two years was only \$1000, of which almost \$600 was for the year 1904. The ways and means committee concluded that it was useless to continue an appropriation that is far in excess of the amount required, and the bill reducing the amount to \$1000. The bill passed the House, but in the Senate Senator Malarkey moved to strike out \$6000 where the appropriation was made, which was done, and the bill passed.

It is now found that the bill contained a provision which reads that the total amount expended hereunder shall not exceed \$1000 in any one year. This proviso Senator Malarkey did not notice and the figures were not changed to correspond with the appropriation.

At the present rate of increase in the number of orphans and foundlings, the claim upon this fund will go a little over \$1000 in 1905 and will exceed that sum in 1906. The institutions receiving money under this law in the last two years are St. Agnes' Foundling Asylum, Park Place; St. Mary's Home, Beaverton; St. Mary's Home, St. Paul.

TAXATION IS TO BE STUDIED

Three Commissioners to Be Appointed About the Middle of May.

SALEM, Or., Feb. 28.—(Special.)—Three tax commissioners are to be appointed soon after May 15 to serve for one year in studying the subject of assessment and taxation and drafting a new law upon that subject for this state. The commissioners will receive \$1000 each for their services and have the power to employ a clerk and fix his compensation. The commission must hold its first meeting at Salem on the second Monday in June, 1905, at which time it must organize by electing a chairman. Nothing is said in the law regarding the time of electing a clerk. The tax commission is to be appointed by the Governor, Secretary of State and State Treasurer and its members must be selected from different sections of the state. After meeting to organize on the second Monday in June, 1905, the commission must continue in session until its labors are complete, but must complete its labors and make its report on or before July 1, 1906.

The commission will have power to summon public officers, individuals and members of partnerships and corporations to testify upon any subject with which they may be conversant, relating to assessment and taxation, and persons refusing to testify may be punished by fine of \$50 or imprisonment for six months upon conviction before a court.

PRETTIEST COUNTRY EVER SEEN

General Manager Worthington Lauds West Side of Willamette Valley.

INDEPENDENCE, Or., Feb. 28.—(Special.)—The railroad officials, headed by General Manager Worthington, spent last night in Independence. The party arrived over the Independence & Monmouth motor line from Dallas at 3 P. M. in the afternoon and a run was made to Corvallis

APPEAL TO VOTERS

Yamhill Committee to Give Reason for Referendum.

ENTHUSIASM IS RISING FAST

Campaign to Secure Action Against Normal School Appropriations is Receiving Encouragement and Promises of Support.

SPokane Man to Be Lord Kerr of Eglington, Scotland.

SPokane, Wash., Feb. 28.—(Special.)—Alexander Kerr, of Spokane, says he has been to the estate, and has come to prove it, of Eglington, in Kilmarnock, Scotland. The estate, which Kerr says is worth \$500,000, has been in the hands of the courts of England and Scotland since 1848. He is also heir to the title of Lord Kerr. Notification of the inheritance came through Scottish papers containing advertisements asking the whereabouts of the heirs.

The Eglington estate has been the subject of increasing legal battles in Great Britain. The great Eglington castle, one of the strongholds of the Scotch in their war with England, was controlled by the Kerrs for centuries. In the middle of the 18th century, when the Kerrs were upholding the standard of England during the war with France, Captain Drummond, the Kerrs' enemy, married a daughter of the Kerrs and during the disastrous times so many of the family expired that Drummond claimed the estate, saying he was the true heir. His claim was supported by the Kerrs and Drummond families.

The present Mr. Kerr says he remembers the grandfather discussing the famous case and the large estate he hoped to leave his children if the English courts did him justice. Mr. Kerr expects it will take little time to establish his rights to the title. Other heirs, but not so direct, live in Canada and the East.

Kerr has lived in Newport, Stevens County, Washington, for 12 years. He is a member of the firm of Kerr, Stone & Graves, which controls the American Eagle and the John H. McBride mine. He will remain in Spokane with his wife and 10-year-old daughter until he receives information as to the whereabouts of John McDonald, whom he wishes to find for the purpose of testifying in his behalf in winding up the estate.

Mr. Kerr is a man of some standing in the community and his allegations are readily given credence by his friends.

WOMAN ROBBED ON TRAIN

Tacoma Police Are Given Description and Quickly Catch Thief.

TACOMA, Wash., Feb. 28.—(Special.)—Soon after the north-bound Portland train pulled out of Tacoma this morning there was wild excitement in the parlor car. A suitcase containing a lot of valuable papers and belonging to Mrs. John Mueller, of Everett, was missing. A search through the train failed to disclose it. The conductor at first stopped the train and the police at Tacoma, giving a description of the suitcase and contents and describing a man who had got off here and who was suspected of having taken it.

Twenty minutes after the receipt of the message, Officer Raymond arrested the suspected man and recovered the suitcase and papers. The man gives his name as John Delaney and says he is a miner from Rock Springs, Wyo. The stranger is well dressed and gives his age as 22 years. The police do not credit his story that he is a miner.

Delaney will be held awaiting a formal charge and Mrs. Mueller has been notified of the recovery of the property. It is all the more interesting because the suitcase was valued at several thousands of dollars. Several deeds to valuable property are among the papers.

FERTILIZATION OF URCHIN EGGS

Dr. Loeb, of University of California, Performs Remarkable Experiment.

UNIVERSITY OF CALIFORNIA, Berkeley, Cal., Feb. 28.—Extraordinary results have attended recent experiments of Dr. Jacques Loeb, of the University of California, who has been delving deep into the mysteries of life and what it means, without reservation, that his experiments have produced the production of artificial means of sexual fertilization in the eggs of sea urchin. The summation long sought, but hitherto not attained in any such measure as through the most recent experiments of Dr. Loeb.

Dr. Loeb's experiments have been a long statement regarding his work. "It is obvious that we are now able to imitate the process of sexual fertilization in the egg of the sea urchin completely, and in all its essential features, by purely physical and chemical means."

BIG STRIKE IN BOHEMIA GROUP

Ledge of Twelve Feet of Solid Ore Found Far Underground.

COTTAGE GROVE, Or., Feb. 28.—(Special.)—Telephone cables reached here today from Bohemia of a big strike made in the Oregon and Colorado group. The ledge is 12 feet wide, of solid ore, carrying copper and gold and far exceeds in value any ore yet found on that property. The company drove through a large ore body last Fall on this same level.

The ledge, coming from a reliable source, caused considerable excitement here among the mining men. The tunnel on this level is 100 feet and they have gained a depth of 800 feet. The opening is one or yet found on that property. The company drove through a large ore body last Fall on this same level.

Everett Firemen Resist.

EVERETT, Wash., Feb. 28.—All the members of the fire department have resigned because of inability to cash salary warrants. A recent opinion of the City Attorney placed a cloud on the paper. The City Council has accepted the resignations, effective March 1, and the business men will undertake the work.

Teachers Ask for More Salary.

ASTORIA, Or., Feb. 28.—(Special.)—A delegation comprising all the teachers employed in the city schools appeared before the school board at its meeting last evening and requested an increase in salaries amounting to about 30 per cent. The petition was referred to a special committee.

APPEAL TO VOTERS

Yamhill Committee to Give Reason for Referendum.

ENTHUSIASM IS RISING FAST

Campaign to Secure Action Against Normal School Appropriations is Receiving Encouragement and Promises of Support.

M'INNIVILLE, Or., Feb. 28.—The committee appointed to formulate plans for a campaign to secure referendum of the \$1,000,000 appropriation bill containing provision for the State Normal Schools met this evening. The committee decided to have from 500 to 1000 petitions printed and sent to various parts of the state for signatures. There are many volunteers who offer to sign petitions. It is expected that many taxpayers in the Normal School district will support the movement.

It was also decided that an appeal should be issued to the voters of Oregon. The appeal will be a concise statement of the committee for such action. The committee adjourned to meet again Saturday and consider further plans for an active campaign. The interest did not subside with the close of last night's meeting, which was attended by about 70 of the most representative taxpayers of M'Innville and vicinity, who met without any signed call, thus indicating that it was not the work of calamity-howlers, but a genuine protest against the work that has been done.

Enthusiasm continues and words of encouragement are continually coming to the committee from outlying localities that offer their support to the movement.

PETITIONS NEED 4500 NAMES

Must Be Filed Before May 18 of This Year.

SALEM, Or., Feb. 28.—(Special.)—The strength of public sentiment back of the movement to demand the referendum on the \$1,000,000 appropriation bill is a source of surprise to many prominent men who have watched the progress of the agitation, and in view of the present indications there is no doubt that the movement will be successful to the extent of putting the bill to a vote of the people.

At first it was thought that the agitation had its origin with a few men who were seeking such popularity as could be gained from opposing large appropriations, but it now develops that many solid business men who have a political ambition favor the movement.

"If men are willing to spend the time necessary to circulate petitions they can get the signatures," said the committee today, "and the way public opinion stands today the appropriation bill would be voted down at the polls. The people may look at the matter as a mere formality, but there is no doubt that they are strongly against the bill now."

It will take about 4500 voters, or 5 per cent of the total vote cast for Supreme Judge last June, to submit the appropriation bill to the people. These signatures must be secured 90 days after adjournment or before May 17. The vote on the bill, if referred to the people, will be held on the first Monday in June, 1905, at the same time as the election, and until then the act would not go into effect.

Whether it would go into effect after that time would depend upon the vote of the people. Some of the expenditures for which appropriations are made in this bill will be incurred regardless of the result of the referendum, for certain expenditures are authorized by existing laws. Other items of expense, which are not authorized except by this bill, will not be incurred if the referendum should be demanded.

The items of expense which will be incurred in any event are:

Table with 2 columns: Item, Amount. Includes: Issue transportation, \$400.00; Printing, \$2,000.00; Stationery, \$1,000.00; etc.

The following items of expense contained in the bill will not be incurred if the bill should be held up by the referendum:

Table with 2 columns: Item, Amount. Includes: Asylum improvements, \$47,250.00; Reform school improvements, \$10,000.00; Blind school improvements, \$3,500.00; etc.

Many of these expenditures will eventually be made, even though this appropriation bill be referred to the people and be voted down by them, as the buildings must be erected at the asylum some time and practically all the improvements provided for at other institutions will be made under appropriations by subsequent Legislatures.

The chief doubt that exists as to the normal schools, for it is at these institutions that the referendum will be held, is the bill be referred and voted down, the people demand the referendum on the bill and vote it down, the normals will run just the same and that the Legislature of 1907 will appropriate money to cover their expenses for the intervening two years, together with interest upon the money advanced by private parties for the maintenance of the schools.

In view of the possibility and seeming probability that the appropriations for the state institutions, the university and Agricultural College will be held up because voted down by the people, the bill of the normal schools were added upon the bill, there is a pretty general condemnation of the course the Legislature pursued. Members of the ways and means committee say that they were unable to keep the normal school appropriations out of the bill, for out of ten members of the joint committee there were five from counties having normal schools. These five could control the action of the committee, for they stood together in demanding that their appropriations be carried for.

The knowledge that this situation existed, and that the normal schools are on the basis of the greater part of the log-roll in the Legislature, serves to increase the determination to effect a reform in this direction. It is safe to say that if the Legislature at its recent session had cut out the normal school that has made the poorest showing, there would have been little demand for a referendum upon the appropriation bill.

The method pursued to force the people to maintain four normal schools against their will, is what gives strength to the referendum movement. Governor Chamberlain said this evening:

"I would dislike to have the state institutions at Salem suffer the inconven-

CONSULTS A PHYSICIAN

But does NOT Tell Him All.

SUNDAY-CLOSING BILL PASSED

Idaho Senate Would Shut Up Theaters, Saloons and Race Tracks.

BOISE, Idaho, Feb. 28.—(Special.)—Both houses of the Legislature are doing business this week the last of the session, at a rapid rate. Today the Senate disposed of many of the important measures and the House passed 20 bills, while killing a few as it went along.

The Senate in the Senate was over the Senate bill providing for Sunday closing of saloons, theaters, music-halls and race tracks. The opponents of the bill in the Senate said the judiciary committee, where they held it safe, but a motion to reconsider brought it out, and the bill was passed. Several Senators explained they had hoped to get the bill amended but were obliged to vote for the principle.

At the evening session of the House an effort was made to pass the bill under suspension, but the vote stood 24 to 13, not the necessary two-thirds to suspend.

The House passed the House bill making an appropriation of \$125,000 for the Lewis and Clark Exposition. Another important measure passed by the House was one giving the state the right to purchase the right of way intended primarily to assist in prosecuting cases of polygamy. The bill passed with only one dissenting vote, and it is expected it will get through the Senate.

Johnson's 3-cent fare bill was defeated in the House after a sharp debate. In the speech Johnson said the railroads in Northern Idaho were charging only 3 cents on the main lines and branches, but in the southern portion the charges are 4 cents on the main lines and 5 cents on all but one branch.

The Republican joint caucus this evening received and adopted the report of a special committee on re-apportionment. The new bill provides for 51 members of the House instead of 50, as at present. Ada and Nez Perce each gain one and Shoshone and Oneida, each lose one. Lewis and Clark, the new counties, are given two each, or more than the parent county of Kootenai has been given.

Governor Gooding signed the Lewis and Clark bill today, probably hastening the matter in order that there should be no confusion over the re-apportionment. The two new counties, like all others, have a Senator apiece. Following is the apportionment of Representatives provided in the bill:

Table with 2 columns: County, Number of Representatives. Includes: Ada, 6; Bannock, 3; Bearlake, 2; Blaine, 2; Boise, 5; Canyon, 3; Cassia, 1; Clark, 2; Custer, 1; Elmore, 1; Fremont, 4; Idaho, 2; Latah, 2; Lemhi, 1; Lewis, 2; Lincoln, 1; Nez Perce, 5; Oneida, 2; Owyhee, 1; Shoshone, 2; Washington, 2. Nez Perce includes part of Shoshone annexed.

Capital Will Stay at Boise.

BOISE, Idaho, Feb. 28.—The Senate today passed the House bill providing for the erection of a new Capitol building in Boise. This is a regular session settling the question of location of the state capital. The constitution provides that it shall be located in this city until 1920, when the Legislature may determine the question of changing the location to a new place.

With the new Capitol building erected here at a cost of \$500,000, it is not believed an effort will ever be made to make a change.

NEGRO FEARS JUDGE LYNCH

Confesses Murder of Policeman in Mississippi Years Ago.

SEATTLE, Feb. 28.—William McPhay, a negro who has been sought by the Mississippi authorities for the murder of a policeman at Memphis, in that state, two years ago, has been captured near Seattle by Sheriff Smith, of King County. McPhay confessed and said he was willing to be punished for his crime, but begged to be protected from mob violence if sent back to Mississippi.

Since escaping from the scene of the crime in Memphis, says he has had a narrow escape from capture in many parts of the West. He was recently joined in Seattle by his wife and two children from the South, and it is believed he was through them that he was located.

EASTERN SYNDICATE BUYS IT

Baker City Gas and Electric Plant Will Be Much Enlarged.

BAKER CITY, Or., Feb. 28.—(Special.)—The Baker City gas and electric light plant in this city, which is the power plant on Elk Creek, 20 miles northwest of this city, has been sold to an Eastern syndicate. The sum of \$150,000 has been paid for the purchase price, and it is said to be a large sum, will be paid over in a few days. Isaac W. Anderson, of Spokane, promoted the deal.

It is said that the syndicate will expend \$400,000 in improvements in enlarging the capacity of the power plant in the mountains and the construction of a suburban railroad taking in Haines and the Lower Powder River Valley.

DELUGED WITH BOILING FAT

Idaho Man is Burned From Head to Foot in Explosion.

WALLACE, Idaho, Feb. 28.—While making tallow this afternoon George R. McCullough was frightfully scalded by the explosion of a tank containing 60 gallons of boiling fat. He was covered with the hot liquid.

McCullough was hurried to the Wallace Hospital, where physicians say his condition is critical. He is burned from head to foot. The home of the injured man is in Perry, Dallas County, Ia.

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Few women confide fully in a physician. They simply will not tell him all. That's why many doctors fail to cure female diseases.

Lydia E. Pinkham's Vegetable Compound

Cures more women every year than any other medicine in the world. If you are in doubt about your case, write in perfect confidence to Mrs. Pinkham, Lynn, Mass. You will receive in reply a personal letter of advice free.

DEAR MRS. PINKHAM:—For three months I was sick in bed with female trouble and had four doctors, who all agreed that I must undergo an operation and have my ovaries removed. My sister advised me to try Lydia E. Pinkham's Vegetable Compound before I submitted to an operation. I did so and am very glad to say that after I had used five bottles I was restored to perfect health, which I have enjoyed ever since. I am only too glad to recommend your medicines, as they saved me from an operation which might have proved fatal.

Mrs. M. KUTNER. 556 South Main St., Los Angeles, Cal.

Mrs. Hayes also profited by Mrs. Pinkham's advice.

DEAR MRS. PINKHAM:—Sometime ago I wrote you describing my symptoms (fibroid tumor) and asked you advice. You replied and I followed all your directions carefully and to-day am a well woman.

22 Rugles St., Roxbury, Mass. Mrs. E. F. HAYES.

Lydia E. Pinkham's Vegetable Compound Cures Where Others Fail

—After being out 40 minutes the jury in the case of Saloonkeeper C. C. Kennedy, on trial for murder last November of John T. Brown, his bartender, at Granite Falls, brought in a verdict of acquittal. Kennedy put up a strong case showing self-defense. The state failed to establish a positive motive, Kennedy's wife, baby and sisters were in the courtroom throughout the trial. There was an affecting scene when the verdict was returned.

BABY BOY DROWNS IN A WELL

Mother Arrives in Time to See Child Sink for the Last Time.

HOOD RIVER, Or., Feb. 28.—(Special.)—Marion Davenport, the 2-year-old son of Mr. and Mrs. Warren Davenport, living two miles southwest of this city, was drowned last evening in a well within a few feet of the house. The child was missing from the house but a few minutes, when his mother went down to the well only to see her little son sink from sight for the last time.

The body was immediately recovered and medical aid summoned, but life was extinct.

Saloonkeeper Acquitted of Murder.

EVERETT, Wash., Feb. 28.—(Special.)

Remains of the late D. M. Rison, which arrived here this morning from Lewiston, Idaho, were buried in the L. O. O. F. Cemetery here today. The funeral services were held at the hall of Spencer Butte Lodge, L. O. O. F., of which lodge deceased was a charter member.

Judge Rison was a well-known pioneer of Lane County. He was born in Vermont in 1822, where he spent his early years and received his education. He moved to Illinois in 1848 and taught school for a time, but soon began the study of law and was admitted to the bar in 1850. He crossed the plains to California in 1860 in search for gold, but remained there only a short time before deciding to look to Oregon, and arrived here in December of that year. He located on a donation claim adjoining that of Eugene Skinner, on which the City of Eugene was located. He was always prominent in business affairs, and was elected a member of the Territorial Assembly of 1861-2, after which he served a term as County Judge. He remained here until a few years ago, when he sold most of his property interests and moved to Idaho.

VERY FEW PEOPLE

Are Free From Some Form of Indigestion.

Very few people are free from some form of ind