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A STUDY IN SCARLET

BY A. CONAN DOYLE.

PART II—Chapter IV—Continued.

One fine morning John Ferrier was about to set out for his wheat fields, when he heard the click of the latch, and looking through the window, saw a stout, sandy-haired, middle-aged man coming up the pathway. His heart leaped to his mouth, for this was none other than the great Brigham Young himself. Full of trepidation, for he knew that such a visit to the floor to greet the Mormon chief, would be a great honor, and he rushed to the door, and opened it. He greeted him with a stern face into the sitting room. "Brother Ferrier," he said, taking a seat, and eyeing the farmer keenly from under his light-colored eyelashes, "the true believers have been good friends to you. We picked you up when you were starving in the desert, we shared our food with you, led you safe to the chosen valley, gave you a goodly share of land, and allowed you to be rich under our protection. Is not this so?"

"It is so," answered John Ferrier. "In return for all this, we asked but one condition; that was, that you should embrace the true faith, and conform to its laws. Have I not given you this? Have I not given you a common report says truly, you have neglected."

"And how have I neglected it?" asked Ferrier, throwing out his hands in exasperation. "Have I not given you the common fund? Have I not attended at the temple? Have I not married? Where are your wives?" asked Young, looking round him. "Call them in, that I may greet them."

"It is true, I have not married," Ferrier answered. "But women were few, and there were many who had better claims than I, I was not a lonely man; I had my daughter to attend my wants, and she was in the land."

"It is of that daughter that I would speak to you," said the leader of the Mormons. "She has grown to be the flower of Utah, and has found favor in the eyes of many who are high in the land."

John Ferrier groaned internally. "There are stories of her which I would fain disbelieve—stories that she is sealed to some gentle. This must be the gossip of idle tongues. What is the thirteenth role in the code of the sealed John Smith? Let every maiden of the true faith marry one of the elect, for if she wed a gentle she commits a grievous sin. This being so, it is impossible that you, who profess the holy creed, should suffer your daughter to violate it."

John Ferrier made no answer, but he played nervously with his riding whip. "Upon this one point your whole faith should be tested—so it has been decided in the Sacred Council of Four. The girl is young and we would not have her wed gray hairs, but gladly welcome her to all choices. We elders have many wives, but our children must also be provided. Stangerson has a son and Drebber has a son, and either of them would gladly welcome your daughter to their house. Let her choose between them. They are young and rich and of the true faith. What say you to that?"

Ferrier remained silent for some little time, with his brows knitted. "You will give us time," he said at last. "My daughter is very young—she is scarcely of an age to marry."

"She shall have a month to choose," said Young, rising from his seat. "At the end of that time she shall give her answer."

He was passing through the door when he turned with flushed face and flashing eyes. "It were better for you, John Ferrier," he thundered, "that you and she were now lying blanket skeletons upon the Sierra Blanco than that you should put your weak wills against the orders of the Holy Four."

With a threatening gesture of his hand, he turned from the door, and Ferrier heard his heavy step crunching along the shingly path. He was still sitting with his elbows upon his knees, considering the matter to his daughter, when a soft hand was laid upon his head, and looking up, saw her standing beside him.

One glance at her pale, frightened face showed him that she had heard what had passed. "I could not help it," she said in answer to his look. "His voice rang through the house. Oh, father, father! What shall we do?"

"Don't you scare yourself," he answered, drawing her to him and passing his broad, rough hand caressingly over her chestnut hair. "We'll fix it up somehow or another. You don't find your fancy kind of loosening for this chap, do you?"

A sob and a squeeze of his hand was her only answer. "No, of course not. I shouldn't care to hear you say you did. He's a likely lad, and he's a Christian, which is more than these folk here, in spite of all their praying and preaching. There's a party starting for Nevada tomorrow, and I'm going to send him a message telling him that the hole we are in. If I know anything of that young man he'll be back here with a speed that would whip electrographs."

Lucy laughed through her tears at her father's description. "When he comes he will advise us for the best. But it is for you that I am frightened, dear. One hears—oh, one hears such dreadful stories about those who oppose the prophet, something terrible always happens to them."

"But we haven't opposed him yet," her father answered. "It will be time to look out for squalls when we do. We have a clear month before us; at the end of that, I guess we had best shirk out of Utah."

"Leave Utah?" "That's about the size of it." "But the farm?" "But the farm?" "We will raise as much as we can in money, and let the rest go. To tell

the truth, Lucy, it isn't the first time I have thought of doing it. I don't care about knocking under to any man, as these folk do to their darning prophet. I'm a free-born American, and it's all new to me. Guess I'm too old to learn. If he comes browbeating about his farm, he might chance to run up against a charge of buckshot traveling in the opposite direction."

"But they won't let us leave," his daughter objected. "Wait till Jefferson comes, and we'll soon know what to do. In the meantime, don't you fret yourself, my dear, and don't get your eyes swelled up, else he'll be walking into me when he sees you. There's nothing to be afraid about, and there's no danger at all."

John Ferrier uttered these consoling remarks in a very confident tone, but she could not help observing that he said unusual care to the fastening of the doors that night, and that he carefully cleaned and loaded the rusty old shotgun which hung upon the wall of his bedroom.

CHAPTER IV.

On the morning which followed his interview with the Mormon prophet, John Ferrier went in to Salt Lake City, and, having found his acquaintance who was bound for the Nevada Mountains, he entrusted him with his message to Jefferson Hope.

In it he told the young man of the imminent danger which threatened them, and how necessary it was that he should return.

"Having done this, he felt easier in his mind, and returned home with a lighter heart. As he approached his farm he was surprised to see a horse hitched to each of the posts of the gate. Still more surprised was he on entering to find two young men in possession of his sitting room.

Both of them nodded to Ferrier as he entered, and the one in the rocking chair commenced the conversation. "My name is Joseph Stangerson," he said. "This here is the son of Elder Drebber, and I'm Joseph Stangerson, who traveled with you in the desert when the Lord stretched out his hand and gathered you into the true fold."

"As he will all the nations, in his own good time," said the other, in a nasal voice; "He grindeth slowly but exceedingly small."

"We have come," continued Stangerson, "at the advice of our fathers, to solicit the hand of your daughter for which ever of us may seem good to you and to her. As I have but four wives and Brother Drebber here has six, it appears to me that my claim is the stronger one."

"Nay, nay, Brother Stangerson," cried the other; "the question is not how many wives we have, but how many we can keep. My father has now given over his mills to me, and I am the richer man."

"But my prospects are better," said the other, warmly. "When the Lord removes my father I shall have his mining rights and his leather factory. Then, as your elder, and am higher in the church."

"It will be for the maiden to decide," rejoined young Drebber, smirking at his own reflection in the glass. "We will leave it all to her decision."

During this dialogue John Ferrier had stood fuming in the doorway, hardly able to keep his riding whip from the backs of his two visitors.

"You will give us time," he said at last, rising up to them, "when my daughter summons you, you can come; but until then, I don't want to see your faces again."

The two young Mormons stared at him in amazement. In their eyes this competition between them for the maiden's hand was the highest of honors both to her and her father.

There are two ways out of the room, cried Ferrier; there is the door, and there is the window. Which do you care to use?"

His brown face looked so savage, and his gaunt hands so threatening, that his visitors sprang to their feet and beat a hurried retreat.

The old farmer followed them to the door. "Let me know when you have settled which it is to be," he said, sardonically.

"You shall smart for this!" Stangerson cried, white with rage. "You have defied the prophet and the Council of Four. You shall rue it to the end of your days."

"The hand of the Lord shall be heavy upon you," cried young Drebber. "He will arise and smite you." "Then I'll start the smiting," exclaimed Ferrier, furiously, and he would have rushed upstairs for his gun had not Lucy seized him by the arm and restrained him.

"The young, canting rascals!" he exclaimed, wiping the perspiration from his forehead; "I would sooner see you in your grave, my girl, than the wife of either of them." "And so should I, father," she answered, with spirit. "But Jefferson will soon be here."

fers which hung over him. Any known danger he could face with a firm will, but this suspense was unendurable.

He concealed his fears from his daughter, however, and affected to make light of the whole matter, though she, with the keen eye of love, saw plainly that he was ill at ease.

Upon rising next morning he found to his surprise a small square of paper pinned on to the coverlet of his bed, just over his chest. On it was printed in bold, straggling letters:

"Twenty-nine days are given you for amendment and then—"

The dash was more fear-inspiring than any threat could have been. How this warning came into his room puzzled John Ferrier sorely, for his servants slept in an out-house, and the doors and windows had all been secured.

He crumpled the paper up and said nothing to his daughter, but the incident struck him. The twenty-nine days were evidently the balance of the month which Young had promised.

What strength or courage could avail against an enemy armed with such mysterious powers?

The hand which fastened that pin might have struck him to the heart, and he could never have known who had slain him.

Still more shaken was he next morning. They had sat down to breakfast when Lucy, with a cry of surprise, pointed upward.

In the center of the ceiling was scrawled, with a burnt stick, apparently, the number 25. To his daughter it was unintelligible, and he did not enlighten her.

That night he sat up with his gun and kept watch and ward. He saw and heard nothing, and yet in the morning he found the door painted upon the outside of his door.

Thus day followed day and as sure as morning came he found that his unseen enemies had kept their register, and had marked up in some conspicuous position how many days were still left to him out of the month of grace. Sometimes the fatal number appeared upon the walls, sometimes upon the floors; occasionally they were on small placards stuck upon the garden gate or the railings.

With all his vigilance John Ferrier could not discover whence these daily warnings proceeded.

A horror, which was almost superstitious, came upon him at sight of them. He became haggard and restless, and his eyes had the troubled look of some hunted creature.

He had but one hope in life now, and that was the arrival of his daughter, who he believed would be still left to him out of the month of grace. Sometimes the fatal number appeared upon the walls, sometimes upon the floors; occasionally they were on small placards stuck upon the garden gate or the railings.

Whenever a horseman clattered down the road or a driver shouted at his team, the old farmer hurried to the gate, thinking that help had arrived at last.

At last, when he saw five give way to four and that again to three, he lost heart, and abandoned all hope of escape. Single-handed, and with his limited knowledge of the mountains which he had never explored, he knew that he was powerless.

The more frequented roads were strictly watched and guarded, and none could pass along them without an order from the council. Turn which way he would, there appeared to be no avoiding the blow which hung over him.

Yet the old man never wavered in his resolution to part with life itself before he consented to what he regarded as his daughter's dishonor.

He was sitting alone one evening pondering deeply over his troubles, and searching vainly for some way out of them.

That morning had shown the arrival of two upon the wall of his house, and the next day would be the last of the allotted time. What was to happen then?

All manner of vague and terrible fancies filled his imagination. He thought of his daughter—what was to become of her after he was gone? Was there no escape from the invisible network which was drawn all around them?

He sat at his head upon the table and sobbed at the thought of his own impotence.

What was that? In the silence he heard a gentle scratching sound—low, but very distinct, in the quiet of the night. It came from the door of the house.

STRIKE CONTINUES

PRESIDENT'S PEACE CONFERENCE IS A DISMAL FAILURE.

Miners are Willing to Submit Their Grievances to an Arbitration Board—Operators Squarely Refuse Such a Move, but Want Men to go to Work Without Union Being Recognized.

Washington, Oct. 4.—The great coal conference between the president and the representatives of the operators and miners came to an end at the temporary White House at 4:55 o'clock yesterday afternoon, with failure to reach an agreement, and, apparently, the rock upon which the conference split was the recognition of the miners' union.

The president had urged the pending parties to come to a settlement, but the miners, through the president of their union, had expressed a willingness to submit their grievances to arbitration trial to be named by the president, and to enter into an agreement to abide by the terms fixed by the arbitration for a period of one to five years; and the operators, through the presidents of the railroad companies and a prominent mine operator, had squarely refused arbitration, had denounced the miners' labor organization as a lawless and anarchistic body, with which they could and would have no dealings; had demanded federal troops to insure complete protection to workers and their families in the mining region, and court proceedings against the miners' union, and had offered, if the men returned to work, to submit grievances at individual collieries to the decision of the judges of the court of common pleas for the district of Pennsylvania in which the colliery was located. There the matter closed. Last night both the miners and the operators remained in the city, but today they returned to their several localities, saying that the struggle will continue.

Address of the President.

The president's appeal to the mine operators and the miners was short and to the point. He said in part: "I wish to call your attention to the fact that there are three parties affected by the situation in the anthracite trade—the operators, the miners, and the general public. I speak for neither the miners nor the operators, but for the general public. The questions at issue which led to the situation affect immediately the parties concerned—the operators and the miners; but the situation itself vitally affects the public."

"I disclaim any right or duty to interfere in this way upon legal grounds or upon any official relations that I bear to the situation, but the urgency and the terrible nature of the catastrophe immediately impending over a large portion of our people in the shape of a winter fuel famine impel me, after much anxious thought, to believe that my duty requires me to use whatever influence I personally can bring to effect a settlement of the situation which has become literally intolerable."

"I do not invite a discussion of your respective claims and positions. I appeal to your patriotism, to the spirit that sinks personal considerations, and makes individual sacrifices for the general good."

Mitchell on the Result.

Following is the text of President Mitchell's statement, made after the conference had failed:

"As a consequence of this refusal of the operators to submit to arbitration or to refer to individual arbitration the coal strike will go on. I am firmly convinced that the miners will win, although we deeply regret the refusal of the railroad presidents to defer to the wishes of the chief executive of the United States. The president expressed the hope that there would be no lawlessness in the coal fields, and the representatives of the miners assured him that their every effort would be exerted to maintain peace."

Vice-President Wilson's Views.

David Wilson, vice-president and general counsel of the Delaware & Hudson railroad, in his statement to the president, said in part:

"The United Mine workers is the most extensive combination and monopoly which the country has ever known. It habitually enforces its orders and directions by whatever means may be most effective, including strikes, boycotts, picketing, beating and the like, not confined to its own members alone, but in which are compelled to join, as far as possible, all other persons similarly employed. Its violent methods have already received the condemnation of the circuit court of the United States."

"The question at present is merely whether an unlawful association shall be permitted in this country by means which are illegal to decide who shall be allowed to work; and what he shall be paid. This is contrary to the spirit and letter of our laws. If they are enforced, such an effort will cease at once."

The statements made by the other operators present at the conference were along the same lines as that of Mr. Wilson.

Ordered to Suspend Work.

Birmingham, Ala., Oct. 6.—President Flynn, of the United Mine workers of America, district of Alabama, stated today that he had issued orders for all the miners of the Tennessee Coal & Iron Railroad company, at the Blue Creek and Blocton mines to suspend work. About 1,600 men will be involved. The strike grows out of the refusal of the company to withhold assessments made by the miners' union for the anthracite strikers.

She—After all, what is the difference between illusion and delusion. He—Illusions are the lovely fancies we have about ourselves, and delusions are the foolish fancies other people have about themselves.—Life.

MOB DEMOLISHES CARS.

Militia Called to Suppress Hudson Valley Railway Strikers.

Glens Falls, N. Y., Oct. 7.—A mob of fully 5,000 sympathizers of the Hudson Valley railway strikers paraded the streets, stopping all cars as they came through, storming the cars and breaking the windows and cutting the trolley ropes. So great did the disturbance become that Sheriff Gill ordered out company D, of the national guard, stationed here, to disperse the mob. When the rioters began their work, the majority of the non-union employees of the company gave themselves into the hands of the police for protection, but some deserted to the strikers. Four cars were stalled on the switch and all the windows in them were broken.

The trouble was precipitated by the calling of a mass meeting by the Federation of Labor. This brought out an enormous crowd. No effort is being made to run the cars, and it being evident that the police were unable to cope with the situation, the sheriff was appealed to, and he asked the aid of the military. It was thought several of the strikers would go back to work, but this demonstration made a change. One of the non-union employees left his car, as the stones were coming too thick for him. The mob seized him, and he is now in a serious condition under the care of a physician.

WALSH ON IRRIGATION.

President of National Congress Tells What He Thinks It Should Do.

Denver, Oct. 7.—Thomas F. Walsh, president of the National Irrigation Congress, has arrived in Denver from the East, and will preside and deliver the opening address at the session of the congress in Colorado Springs. Asked for his views as to the attitude of the congress on the recent government action, he said:

"The first duty of the men who are interested in this movement should be to try to eliminate sectionalism. The question of the reclamation of arid lands should be kept a national one. The congress should urge that the first reservoir sites be wisely chosen. Future success and the future good opinion of the East will depend upon the beginning, and we should bend all our efforts to securing an auspicious start."

"The congress, I think, should take cognizance of the question of rural improvement, the beautification of rural homes; at least start such a movement, and help create a feeling of pride on the part of those that open up the public domain."

WILL NOW APPEAL TO MINERS.

Resumption of Work to be Urged on Condition of National Unity.

Washington, Oct. 7.—A final effort, with hopes of success, is to be made to end the coal strike. It has been discussed by the president and some of his advisors, and while the idea is still in an uncompleted state, and the final result still uncertain, yet it offers a method which now seems to be the only solution of the problem.

The suggestion is made that President Mitchell, of the United Mine workers, may be able to have his men now on strike return to work, in order to avert the impending disaster which a fuel famine will cause, and that as early a date as possible there shall be a complete investigation by the national legislature and by the state legislature of Pennsylvania into the anthracite coal situation, with a view of bringing before the public the facts and conditions of the miners, with a view of legislation or recommendations for relieving the condition of the miners in the near future.

While it is not absolutely possible to guarantee such an investigation, there is little doubt that recommendations by the president and the executive of Pennsylvania would be promptly acted upon by congress and the Pennsylvania legislature.

WILL TRY TO START MORE MINES.

Operators in Wyoming District are More Determined Than Ever.

Wilkesbarre, Pa., Oct. 7.—It is said that the coal operators of the Wyoming region will make a more determined effort than ever this week to start up additional collieries. They allege they can get the men if the military authorities will protect them and their families.

Vice-President Wilson's Views.

Coal Trains on Sunday.

Norfolk, Va., Oct. 7.—The Norfolk & Western railroad issued orders to its employees to run coal trains on Sunday through the state of Virginia and elsewhere to expedite the delivery of coal.

The law of the state prohibits the running of freight trains on Sunday, but, as unusual conditions exist, it is understood the action of the road will not be construed as a violation of this law.

Trains Collide on a Curve.

Holena, Oct. 7.—A Burlington west bound train and the Northern Pacific east bound express met in a head-on collision between Columbus and Park City, Mont., on a curve on the Northern Pacific track this morning. Two men were killed and the engines and mail cars were wrecked.

NEWS OF OREGON

ITEMS OF INTEREST FROM ALL PARTS OF THE STATE.

Commercial and Financial Happenings of the Past Week—Brief Review of the Growth and Development of Various Industries Throughout Our Commonwealth—Latest Market Report.

Burglars entered the Woodman post-office but were scared away before they had opened the safe.

The construction work on the new barracks building at Fort Columbia is practically completed.

Extensive preparations are being made for the dedication of Agricultural hall at the agricultural college October 15.

The medical department of Willamette University opened its 37th annual session with an enrollment of 35 students.

The Willamette valley is filled with hunters after the Chinese pheasant, the law against killing them having expired October 1.

Master Fish Warden Vandusen has just returned from a trip to the north, where he has been on duty at the hatchery at Ontario, Eastern Oregon. He reports that the prospects there are exceptionally good.

A Chinaman, who has leased the Salmon Creek placer mine, in Eastern Oregon, has discovered a nugget worth \$15,000. This is by far the largest nugget ever found in this state.

The prevalence of smallpox, diphtheria, scarlet fever and measles in Eugene has awakened the authorities to the need of more vigilant quarantine regulations, and in the future the strictest caution will be observed.

The Indian war veterans of Oregon held a meeting at Salem and passed a resolution asking the legislature to issue a 4 per cent 20-year bonds to the amount of \$300,000 for the purpose of paying the veterans the balance of \$1.45 per day for their services in the Indian wars. At the time of the trouble the state agreed to pay \$2 per day, but the men have never received but about \$4 cents per day.

Six harvest hands were held up at The Dalles and relieved of \$300.

A cold storage and meat company has been formed in Ashland with a capital of \$25,000.

The prune crop in Marion county will be pretty generally gathered by the end of the present week.

The board of regents of the state university, at Eugene, have made arrangements to include a music department.

Mrs. Florence Atwood, state president of the Rebekahs, died at her home in Baker City September 28 of pneumonia.

Over one-half of the Washington county agricultural and horticultural exhibit, which took the first prize at the state fair, has been sent East, where it will have a place in a number of fairs and carnivals.

Pardons have been asked for Con victs Louis Level and H. S. Warriner, sentenced from Multnomah county for burglary.

The 16th annual fair of the Butte Creek Agricultural association, held at Marquam, had a large attendance and was very successful in every respect.

Preparations are well advanced for the district fair to be held at Roseburg during the five days beginning October 7. A splendid livestock exhibit is expected.

PORTLAND MARKETS.

Wheat—Walla Walla, 62c; bluestem 65c; valley, 63c.

Barley—Feed, \$19.50 per ton; brewing, \$20.50.

Flour—Best grade, 3.30@3.65; Graham, 2.85@3.20.

DEATH IN COAL MINE.

Explosion Near Black Diamond, Washington, Kills Eleven Miners.

Seattle, Oct. 4.—A special from Black Diamond, Wash., to the Post-Intelligencer says: Eleven men were killed and three injured in a mine explosion on the fourth level at the Lawson mine, a mile from this place, about 9 o'clock last night.

The men employed in the workings, or chutes, were instantly killed. Two gangway men and a driver, working further in the level, or gangway, evidently escaped the force of the explosion, and instinctively started toward the slope for safety. The deadly after-damp swept down on them and they succumbed, after not more than a few minutes' struggle against the fate their experience as miners told them they would meet.

Only the bodies of the men in the workings are burned, showing that the sheet of flame which followed the explosion did not extend to the slope, which is though it is declared by some watchers to have been seen from the air shaft, and some of those miners whose bodies were burned were discovered lying in cramped positions, their legs closely drawn up to their bodies and their faces clinched. Dust covered their faces so they were unrecognizable when first taken from the mine. Their clothes were torn and thickly coated with coal dust. The other bodies were not disfigured.

Fourteen men were working on No. 4 level and four on No. 4 north. Nine men had been assigned to duty on No. 3 level. Prior to the entrance of the first shift the mine had been inspected for gas, and before the second shift went on duty the dust was sprinkled. Of the 14 men in the crew on No. 4 south, the three who were injured were working in the main slope, and the rest were in the workings.

JOHN WHITEAKER DEAD.

First Governor of Oregon Under Its State Constitution Passes Away.

Eugene, Or., Oct. 3.—Ex-governor John Whiteaker, the first governor of the state of Oregon, died at his home in Eugene at 7:45 o'clock last evening. He lingered in a state of unconsciousness all day, and the watchers at his bedside expected his death at any moment. He had been unable to take any nourishment since Wednesday morning. Yesterday morning he seemed to give some indication of consciousness by making a slight motion with his left hand, which was taken to mean beckoning to his aged wife, whom he wanted near him constantly. When she would take his hand he would become calm, which was the only sign of consciousness. His last moments were peaceful.

He suffered a stroke of paralysis two years ago, which occasioned alarm, but from which he recovered. About three weeks ago he suffered a second stroke, from which he never recovered. He leaves a wife, two sons and one daughter. He was a member of Eugene Lodge A. F. & A. M., under whose auspices the funeral services will be held, probably Saturday.

JOHN WHITEAKER.

Born in Indiana 1820. Married in 1847. Came to Oregon in 1853. Elected probate judge in 1856. Member of territorial legislature in 1857. Elected governor in 1858. Elected to legislature in 1866. Re-elected 1868. Speaker of house 1870. President of senate 1875. Member of congress from Oregon 1878. Collector of internal revenue at Portland in 1885. Died 1902.

McKinley Fund Piling Up.

Cleveland, O., Oct. 4.—Colonel Myron T. Herrick, treasurer of the National McKinley Memorial Association, is receiving hundreds of letters daily containing small contributions to the memorial fund. Some time since unknown persons started a 10-cent, 5-cent and 2-cent endless chain scheme in connection with the monument fund. Up to date fully 50,000 of these letters have been received by Judge Day, president of the association, at Canton, and forwarded to the treasurer's office. Many letters are from Europe.

Holds Canal Title Good.

New York, Oct. 4.—William Nelson Cromwell, general counsel for the new Panama Canal company, who has returned from Paris, says he delivered to Attorney General Knox, in Paris, every document relating to the properties of the new Panama Canal company, and its unquestionable power to convert the canal, the plant, concessions and other property to the United States, free and clear of all liens or claims of any kind.

Reservoirs Gave Way.

Camden, N. J., Oct. 4.—The city reservoir near the Delaware river broke today, and about 8,000,000 gallons of water escaped and flowed down Twenty-seventh street, flooding the cellars of many houses and doing other damage. A watchman, whose duty it is to open a valve when the water reaches a certain height neglected to do so, and the water flowed over the embankment, washing away the earth to such an extent that the break followed.