

TO IRRIGATE OREGON LAND

Judge J. A. Waymire of San Francisco Visits This State

WITH A VIEW TO RECLAIMING A PORTION OF THE DESERT EAST OF THE CASCADES—A FORMER RESIDENT OF THE CAPITAL CITY.

(From Saturday's Daily.) Judge James A. Waymire, of San Francisco, was in Salem yesterday, looking up the records at the Capitol, in connection with the plan of the Oregon Irrigation Company, to reclaim a large tract of land in Eastern Oregon under the Carey act, he being interested in the company. In speaking of Judge Waymire's work in Oregon during the past two weeks, the Oregonian of yesterday has the following: "Judge James A. Waymire, of San Francisco, and Benton Killin and C. C. Hutchinson, of this city, returned last evening from an inspection of the Deschutes Valley with reference to its irrigation possibilities. They spent 10 days driving over the country on the east side of the river from Agency Plains to the southern boundary of Crook county, and away out into the 'desert' beyond Prineville. They examined sites for head works for irrigation ditches along the river, and made a reconnaissance of between 400,000 and 500,000 acres of land that would fall under the ditches to be constructed in pursuance of the project they have in mind.

"Mr. Hutchinson is now president of the Oregon Irrigation Company, which has made a pretty thorough survey of the Deschutes country, and which applied last fall for a contract with the state for the reclamation of about 180,000 acres. That application was found to be in conflict with one from the Pilot Butte Development Company, of which A. M. Drake is the head. That company applied for a contract to irrigate 35,000 acres in the vicinity of Bend. After a short delay the Oregon Irrigation Company withdrew its application and the other company got its contract. But there is yet a great deal of land in the Deschutes Valley susceptible of irrigation that nobody has applied for. This, it is understood, is what Messrs. Waymire, Killin and Hutchinson were examining. Judge Waymire last night said it was the intention to organize a new company with much larger capital than the Oregon Irrigation Company has, and to proceed with reclamation works in accordance with the Carey law. This new company will succeed to all the rights and property of the Oregon Irrigation Company, and will take up the work where the old corporation now rests. This will give it a great advantage in the matter of time over any other company that can enter the field.

"Still a work of this magnitude cannot be put through in a day," said Judge Waymire, "and I think it will be two years before our main ditches are completed and the land really opened to productive farming. But what a country that will be! It will support a denser population than Western Oregon will. The soil is strong and friable, and can be tilled at any season of the year. Absolutely the only thing lacking is water, and when we put water on the land there will be hardly a limit to its agricultural possibilities. It is a beautiful country, too, with an equable and invigorating climate and in full view of the snow-capped ranges to the westward. I regard it as offering the best opportunity today that can be found in the United States."

"What the capitalization of the new company will be, or just the extent of land that will be reclaimed by it, are details that have not yet been settled. Judge Waymire will leave this morning for the south, stopping over between trains at Salem to ascertain precisely the condition of the record of the present company and application. Then he will go to California, and he expects to return in two or three weeks to perfect arrangements for putting the new enterprise in the field. He has been extensively engaged in irrigation projects in California, his latest work having been in the construction of a system of irrigation ditches in Stanislaus county, in the San Joaquin Valley. He has a complete construction plant ready to bring to Oregon and set to work in the Deschutes Valley.

"Judge Waymire is an Oregon pioneer. He spent his early life here, and was admitted to the bar in Oregon. He removed to California in 1872, and has had an active career there. Of late years his activities have been chiefly in connection with irrigation matters, in his legal aspects, and in his practical construction and operation, and he is deemed well qualified for prosecuting that work in Oregon."

"While Judge Waymire was in Salem yesterday he called on Hon. J. H. Albert and several others of his old friends here. Judge Waymire was for a long time a resident of the Capital City. He was city recorder here, and largely interested in the Salem Water Co., during the early years of its operations. He left Salem thirty years ago and went to California, where he has long been a prominent figure in the financial and political world. His father was Fred Waymire, of Polk county, prominent in the early history of this state."

FUNERAL OF DR. BYARS

WILL BE HELD THIS AFTERNOON—ASHES OF PERRY CARD TO BE BURIED TOMORROW.

(From Saturday's Daily.) The funeral of the late Dr. J. Rex Byars will take place today (Saturday, August 23d), at 2 p. m. There will be no services at the house. Burial services will be held at the grave. Card will leave Willamette Hotel with the funeral party at 2:10 p. m.

The funeral of the late G. Perry Card will be held from the residence of J. M. Brown, on South Commercial street, in this city, tomorrow, Sunday, at 9 a. m. There will be services at the house, and Salem Camp No. 118,

Woodmen of the World will have charge of the services at the grave. The ashes in an urn, as received from Honolulu, where the remains were cremated, will be placed in a casket. Burial will be had in the Rural cemetery.

SMART CHILD

Congressman Brownlow, of Tennessee, has a smart granddaughter, whose clever sayings are the delight of her parents. The other day she came to her grandfather with her face all smiles. "Grandpa," she said, "I saw something this morning running across the kitchen floor without any legs. What do you think it was?" Mr. Brownlow studied for a while, but finally gave up. "What was it?" he asked. "A cater," said the youngster, triumphantly.—St. Louis Post-Dispatch.

TO EXCLUDE CHINESE

NEW YORK, Aug. 1.—Governor Gota of the province of Formosa, Japan, has visited Ellis Island to study American methods of excluding Chinese immigrants. Japan is said to be preparing to adopt an exclusion act, and Governor Gota is gathering data as to the manner in which this country has carried out the system of keeping Chinese from our ports.

SHERMAN STATUE PROGRESSING

Two groups of casts for the Sherman statue to be erected in Washington have just been completed by Stephen Sinding, the Norwegian sculptor, whose home is in Copenhagen. These groups are allegorical, representing war and peace and stand about 10 feet high.

TURTLES SENT TO PORTLAND

An Industry that has Recently Developed in This City

HOP LEE, THE CHINESE LAUNDRY MAN, MAKES REGULAR SHIPMENTS—PAYS A GOOD PRICE FOR THEM—ONE MAN SUPPLIES THE MARKET IN SALEM.

(From Saturday's Daily.)

The Statesman of yesterday contained a brief item on the shipment of turtles from this city to Portland. This was only one shipment of many. The turtle business has been conducted here for some time. The shipment mentioned, on Thursday morning, was of three sacks, weighing 154 pounds. There were 128 turtles in the shipment.

The turtles are bought and shipped by Hop Lee, who owns the Chinese laundry opposite the Willamette Hotel. He has for a long time been making shipments of chickens, ducks, geese, etc., to a Portland Chinese firm. He commenced the shipment of turtles to this firm some months ago, and has kept it up since.

He pays from \$1.50 to \$2.50 per dozen for the turtles here, owing to size and quality. What prices are realized in Portland he does not know. The turtles enter into the turtle soup consumed by the Chinese residents of Portland, and this is a dish much sought after by the people of that nationality. The French and the Americans, too, are very fond of turtle soup; but it is not known that they use turtles of the kind found here in Oregon.

Mr. Wautenspaugh, a very tall man with a long white beard, has been furnishing most of the turtles for the demand supplied by Hop Lee. He brought in forty-three fine specimens on Thursday evening, and Hop had them in a barrel behind his place of business yesterday, waiting for enough additional specimens to make a good sized shipment, when they will go forward by Wells, Fargo & Co. express. The turtles are shipped alive. In fact, they are very hard to kill. About a year ago one of the specimens dropped through the floor, and Hop Lee found him only a few days ago, alive. There is no other animal that is more tenacious of life. Even after the head of one of them is cut off, life will not be extinct for a long time.

For the forty-three turtles Mr. Wautenspaugh brought in on Thursday evening he was paid \$1.50 per dozen, so he had over \$6 for his day's work. Hop says he does not know how Mr. Wautenspaugh gets his turtles, or where, but he thinks he uses a barrel with which to trap them, in the creeks and sloughs.

A Salem man who came from Indiana says when he was a boy he used to have to catch the turtles and kill them, in order to protect the young ducks. He says he used to put hot coals on their backs to see them stick out their heads. He avers that it is used to be said that a turtle has twelve kinds of meat. He did not mention the kinds, or whether beef steak, pork chop, mutton chop and chicken were included.

Now that the turtle business is a public matter, it is safe to predict that Mr. Wautenspaugh will no longer have a monopoly of it. He will not be a trust or a merger all by himself any more. Seeing that turtles have a commercial value here of \$1.50 to \$2.50 per dozen, there will be plenty of small boys to engage in their capture, and the turtles of this section would better harden their shells and pull their heads further into their holes.

KIDNAPED A CHILD

MAMON, Ind., Aug. 2.—Several members of a band of Gypsies are imprisoned in the county jail here, charged with child stealing. The three-year-old daughter of Henry Herman, a glass manufacturer, was stolen yesterday from the home of her grandparents, where her parents had left her while they were enjoying an outing. Gypsies were driving past the house kidnaping the child and drove south with her. In South Marion they stopped at a saloon, where the little girl was recognized by Mr. Wilson, a friend of her parents. Mr. Wilson rescued the child from her captors and took her to his own home. Later the Gypsies were pursued and arrested.

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PROGRESS ON POSTOFFICE

The New Federal Building is Nearing Completion

FINE FURNITURE CONTRACTED FOR AND WILL BE INSTALLED AS SOON AS THE STRUCTURE IS READY—WORK ON THE ROOF UNDER WAY.

(From Sunday's Daily.)

Progress on the new federal building has a decided boom, for the reason that the stone work is so far advanced as to allow the roof work to be commenced. Carpenters are now putting on the roof, two trusses are already up, and the others will be up in a few days. The electric wiring is about one-fourth completed and the plumbing about one-half.

John Stout has the interior finishing well under way; the expanded metal lath is here, and the plastering, for which a San Francisco contractor has the contract, is expected to be begun work soon. The marble work and plumbing have been ordered to rush, and the building is gradually assuming shape and nearing completion.

The roof of the structure will be of tin, painted in imitation of copper, and the gutters, which will be on the inside of the firewall, will be of the same material. The water from the gutters will be carried off by wrought iron pipes, inside the walls of the building, to the sewer.

The fixtures for the new postoffice have been contracted for, and in some instances they are here. Among them are the following contracts:

Lock boxes, furnished by the Yale & Towne Co., of New York, now here, \$844.50. There are 50 per cent more of them than are now in use in the postoffice. Gas fixtures, the California Gas Fixture Company, of San Francisco, \$860. Chairs—W. B. Moses & Sons, Washington, D. C., \$141.15. Cuspidors, mats, towel racks, etc.—Manhattan Supply Company, of New York, \$123.32. Bicycle racks, wire screen work—Ray Farmer, Salem, \$205. Window shades and awnings—Chas. A. Gray, Salem, \$405. Quarters oak furniture—Robert Mitchell Furniture Company, of Cincinnati, \$1237.60. Pain oak furniture, American School Furniture Company, of New York, \$1380.38.

THE COUNTY TREASURE

REPORT FOR THE MONTH SHOWS AN EXCELLENT CONDITION IN MARION COUNTY.

(From Saturday's Daily.)

County Treasurer W. Y. Richardson yesterday made his financial report embracing that portion of the month of July between the 7th, the date of his inauguration into office, and the 31st, inclusive. The report shows a very satisfactory state of affairs in that department, all expenses being paid up to date of the last meeting of the county commissioner's court, and almost \$50,000 on hand to the county's credit. The summary of totals shows the amount of cash on hand July 7th to be \$54,696.96; the receipts \$1,569.84; the disbursements \$8,292.85, and a balance of cash on hand, August 1st, of \$48,263.95. The report, showing the condition of the several funds, follows:

Table with financial data for various funds including Cash on hand, Disbursements, Receipts, and Tax Sale Fund.

THE CITY ROAD TAX

WILL BE APPORTIONED AMONG THE MUNICIPALITIES BY THE COMMISSIONERS' COURT

At the coming session of the Marion county commissioners' court, on Wednesday of this week, the court will take up the matter of disbursing among the several municipalities of Marion county the money collected on the 1 1/2 mill levy upon the real and personal property within the corporate limits of these cities which money applies to the road fund and under the new tax law reverts to these towns to be expended in keeping up the repairs upon the roads and bridges in these towns. The towns af-

ected by this law are: Aurora, Battleville, Gervais, Hubbard, Jefferson, Mt. Angel, Stayton, St. Paul, Silverton and Woodburn. On account of the city council of Salem making its own levy of 1 1/2 mills, the county court excluded Salem when the general levy was made and it is, therefore, excluded from the list.

County Clerk John W. Roland has been engaged in compiling a statement of the amounts due each of the above named towns to submit to the court but upon nearing its completion it was discovered that some mistakes had been made and a new report will have to be made.

The charters of these towns require that the roads and bridges within the corporate limits must be kept in repair by the corporations and the county court has no jurisdiction over them in such matters.

RAILROAD TO THE COAST

NEW COMPANY TO BUILD FROM DALLAS, VIA FALLS CITY TO NEWPORT.

The Dallas, Falls City & Pacific Coast Railway Company filed articles of incorporation in the State Department yesterday. The company proposes to construct and operate a railroad, telegraph and telephone line from Dallas to Falls City and on to Newport. The company has a capital stock of \$500,000. J. S. Talbott, I. N. Drake, B. M. Talbott, J. R. Howie, A. Davidson, N. N. Wright and J. F. Talbott are the incorporators, and Falls City will be the headquarters.

WAS KILLED AT WOODBURN

An Unknown Man Ground to Death Under Overland Train

WAS RIDING ON THE BRAKE-BEAM WHEN ACCIDENT HAPPENED—THE BODY WAS DRAGGED A MILE BEFORE IT WAS DISCOVERED—NO INQUEST.

(From Sunday's Daily.)

WOODBURN, Aug. 2.—An unknown man apparently about 28 years old, was killed here this morning as he was riding on the brake beam of the last coach of the northbound Overland that left here at 6:15. He had evidently slipped and was caught in the right side by a beam, while his feet dragged nearly two miles before the trainmen were attracted by the car crushing stones that were thrown on the track.

The man had no doubt died by inches. Both feet were broken and mangled at the heels, one leg was badly cut, the forehead crushed in, part of the skull torn from back of the head and brains being found along the track. In the right side was a gaping wound made fast. The man's clothing was stripped by the instrument that held the body from him and strewn along the track, the only thing left on him being the neckband of a shirt, which remained around his neck. The wearing apparel, picked up consisted of two overalls, one undershirt, trousers, overalls, socks, a pair of new shoes and a black cap. The only articles found in the clothes were two small keys on a ring and three nickels. One tooth is missing from the man's mouth. He had a smooth face, prominent features, dark hair, was of medium build, and five feet six inches in height. The body was buried in Belle Pass Cemetery this afternoon. Coroner Comery arrived from Salem on the Albany local and decided that no inquest was necessary.

Mr. Clough Investigates

Coroner A. M. Clough was notified of the death of the man killed by the train at Woodburn yesterday morning, and he at once went down. On his return to Salem, Mr. Clough said that he found where the body had first been seen to drag, about one-half mile out of Woodburn, and traced the abrasion in the center of the track to the place where the body was found. Upon examining the remains it was found that all of the bones in the lower limbs were broken in several places, and that much of the flesh was knocked off of them; the whole top of the head was knocked off and the brains scattered all along the track. From the looks of very deep rent in the side, which was several inches in length, it is believed that the young man had lost his hold and balance, probably had fallen asleep, and had rolled over onto the brakeman when his head or feet had struck the ground and his body perked with such force as to cause the rod to penetrate the abdomen and hold the body securely. The young man was smooth shaven; had dark brown hair, and wore a red striped and a blue striped overshirt, a pair of blue serge trousers, but no signs of a cap or vest could be found nor even a scrap of paper to identify him by. He also had on a new pair of shoes and a small black cap, and had three neckties and a keyring, with two small keys in it. These were found upon the track, evidently the only contents of the pockets.

Mr. Clough received a telegraphic statement of the case from Conductor Sam Veitch, of the train, and as everything was so clear, he decided that no inquest was necessary. The remains were buried at Woodburn yesterday afternoon at the expense of the county.

DEFRAUDED GOVERNMENT

NEW YORK, Aug. 2.—According to rumor, custom house officials have discovered another series of frauds, says the World. It is said by wholesale dealers in chinaware that a certain firm, known throughout the country as importers of the Dresden and other chinaware, has been caught in a large fraud on the Government. The scheme to defraud the Government, officials are said to be investigating the matter in Europe.

FATAL MOSQUITO BITE

NEW YORK, Aug. 1.—According to a report made to the Board of Health, the recent death of Alfred Cronberger, 31 months old, was due to the bite of a mosquito, which caused erysipelas.

FOUR SUPREME COURT CASES

Decisions Handed Down by the Justices Yesterday

A SWAMP LAND TITLE SET ASIDE FOR A HOMESTEAD ENTRY—OTHER ORDERS MADE AND ENTERED OF RECORD BY THE COURT.

In the Supreme Court, yesterday, decisions were handed down in four appeal cases. Among them were the following:

George H. Small, respondent, vs. Elmer D. Lutz, appellant; appeal from Lake county. Hon. Henry L. Benson, judge; reversed and complaint dismissed. Opinion by Associate Justice R. S. Bean.

This was a suit to remove a cloud from the title to 160 acres of land in Lake county. The plaintiff claims title under the swamp land act, and the defendant under the homestead law. In 1882, the land in controversy was certified to the state as swamp land, and in 1886 the state conveyed the land to J. M. Allen and the plaintiff succeeded to Allen's title. Later it was reported to the Interior Department that the report on which the swamp land selection was made was fraudulent, and the Department cancelled the approval of the swamp land selection. In 1893 the defendant settled upon the land under the homestead act and in 1894 he commuted his entry and the patent was issued to him. This suit was brought to set aside the patent as void because the land was not swamp land. In the trial court plaintiff secured a verdict, and defendant appealed. The appellate court holds that the legal title of the land rests in the Government, and can be revoked at any time before patent issues, as in plaintiff's case, and the decision of the lower court is therefore reversed and the case dismissed.

J. O. Hawthorn, respondent, vs. James Quinn, appellant; appeal from Columbia county. Hon. T. A. McBride, judge; reversed. Opinion by Associate Justice R. S. Bean.

The plaintiff and defendant made an agreement in 1894, that plaintiff should operate defendant's fishing grounds, establish a fishery and conduct it, for ten years, and that after all expenses were paid the profits should be divided. Plaintiff after several years work failed to establish the fishery, and after expending \$16,000 called on defendant to pay that amount, and defendant refused to do so, but terminated the contract, when plaintiff brought this action to recover the expenses from defendant, the owner of the land. He secured judgment in the trial court, and defendant appealed. The appellate court holds that "however onerous may be the burden placed upon the plaintiff to establish and operate a fishery upon the leased ground, provided to be by actual experience, the hardship affords no excuse for his failure to perform his contract, or ground for relief as against the defendant. He did not in fact establish and operate a fishery, and this was a condition precedent to his right to enforce against the defendant the provision requiring the latter to share in the profits and losses of the fishery to be established. It follows that the decree of the court below must be reversed and it is so ordered."

Two other cases were decided. They are:

Thomas Miles, appellant, vs. The Columbia River Packers' Association, respondent; appeal from Clatsop county. Hon. Thos. A. McBride, judge; affirmed. Opinion by Chief Justice F. A. Moore.

H. B. Parker, appellant, vs. Chas. H. Page, and James Brown, executors and trustees of the estate of E. C. Crow, deceased, respondents, an appeal from Clatsop county. Hon. Thomas A. McBride, judge; affirmed. Opinion by Associate Justice C. E. Wolyerton. Minor orders were made in the following cases:

Newton Hoover, appellant, vs. Alice L. Bartlett, et al., respondents; ordered a stipulation that respondents have until August 20th to serve and file their briefs, and the cause to be submitted on briefs when filed without oral argument.

Anthony Neppach, respondent, vs. Oregon & California R. R. Co., appellant; ordered on stipulation that appellant have until September 30th to serve and file its brief.

CAUSED BY A SPREE

A PORTLAND STEVEDORE ATTEMPTS TO MURDER HIS WIFE AND HIMSELF.

PORTLAND, Or., Aug. 4.—Wm. Lockington, a stevedore, made an attempt tonight to kill his wife and himself with his pocket knife after a drunken spree. His wounds are severe. His wife will recover.

A Drunken Row

Fort Benton, Mont., Aug. 4.—As a result of a drunken row, John Reavis and John Allen, the former a bartender and the latter a sheepherder, are fatally wounded, with no chance of recovery.

Wreck in Montana

Butte, Mont., Aug. 4.—A special to the Miner from Bozeman says the east-bound Northern Pacific passenger train ran into a light engine at Sappington, killing Fireman Dearing. Engineer Brown was severely injured.

A Premature Discharge

Boise, Idaho, Aug. 4.—Ole Garret, a bookkeeper for the Central Lumber Company, at Caldwell, was accidentally killed last evening near Ketchikan, by a premature discharge of a shotgun.

JOHN DOOLE BURED

WALLA WALLA, Aug. 4.—The funeral of John Dooley, the pioneer resident and wealthy farmer, was held from the Catholic church this morning at 9 o'clock. Rev. Father Florin conducting the services. The body was removed from the family residence on North Second street to the Catholic church, where the impressive burial service was rendered.

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