THE INTEREST IN FAY CASE

Governor Geer Asks the Executive of the State of Wisconsin

TO ORDER THE RELEASE OF THE OREGON MAN, NOW HELD AT MANDAN — GOVERNOR OF NORTH DAKOTA ALSO APPEALED TO.

Gov. T. T. Geer is very much interested in the case of Mr. C. L. Fay, of Portland, who, on a requisition from Wisconsin based on obviously false affidavits of Wisconsin officers, is now in Mandan, North Dakota, where this afternoon the habeas corpus proceedings will come to a hearing in his case. Every effort is being made by the friends of Mr. Fay in this state to secure his release, and yesterday Governor Geer telegraphed to Gov. R. M. La Follette, of Wisconsin, and urged him to order Sheriff Hess to promptly release the prizoner. He also telegraphed Governor White, of North Dakota, asking him to assist Fay, and explaining the conditions under which the man was taken away. Governor Geer's telegram to Governor LaFollette, of Wisconsin, was as follows:

"I have revoked warrant of arrest for C. L. Fay, signed by me in obedience to your requisition papers. Unimpeachable evidence convinces me Fay is not a fugitive from justice from your state or any other. He has been a resident of Oregon and not in Wisconsin for over six years. The dignity of the States of Oregon and Wisconsin have been imposed upon by false affidavits. If consistent with your ideas of executive power, please request Fred Hess, sheriff of Waupaca county, of your state, to release Fay. They are in Mandan, North Dakota, where Fay and Hess are detained under writ of habeas corpus for Fay's release."

The Portland Journal, of last evening, in speaking of the case, said:

"Blair T. Scott and his attorney Frederick W. Mulkey are still hard at work attempting to obtain the release of Chas. L. Fay, Scott's cashier, from the hands of the North Dakota and Wisconsin authorities.

"A telegram has been received from Judge Martin L. Pipes, who is on his way to Mandan, N. D., to represent Fay as his counsel, dated from Livingston, Mont., stating that he would arrive at Mandan tomorrow morning at 2:30 o'clock. At the hearing takes place on the same day at 2 o'clock in the afternoon, Judge Pipes will have time to obtain the exact details in the case.

"Governor Geer has acceded to the request of the friends of Mr. Fay and has telegraphed to Governor White, of North Dakota, requesting his release and stating the facts in the case. He has also telegraphed to Governor La Follette, of Wisconsin, asking that he investigate the matter, as the affidavit for which he issued requisition papers was obtained through misrepresentation and false swearing.

"Attorney Mulkey will request Mayor Williams, Governor-elect Chamberlain, Senators Mitchell and Simon and Congressman Moody, to wire the Judge who will preside at the trial of Fay at Mandan, urging his release.

"Both Mr. Scott and Attorney Mulkey are full of praise for Governor Geer. Mr. Scott said: 'Governor Geer has acted in a splendid manner and has assisted very materially in the work of releasing Fay. The Governor has been criticised for honoring the requisition papers for Fay. He could not do otherwise. The representations were made to him that Fay is a fugitive from justice from Wisconsin, and no mention was made of his being a resident of Oregon, so it was his duty to honor the papers, but as soon as he ascertained that Fay is a resident of Oregon and an honorable gentleman, and that the warrant for his arrest was falsely sworn to, he acted promptly and did and is doing all that he possibly can for the release of Fay.'"

SALEM'S NEW POSTOFFICE

THE STRUCTURE IS NEARING COMPLETION—TINNERS AT WORK ON THE ROOF.

Salem's new Federal building is slowly nearing completion, and is beginning to assume shape, and show what a comfortable structure it will be when finished. The last stone has been laid on the stack, and the derrick on the building came down last night, when the timbers of the roof were all in place.

Tinners have commenced work on the roof, and are now lining the gutters. The expanded metal lathing is being put on, and a San Francisco contractor is expected here on Monday to begin the plastering of the walls on the upper floor. The gas and water pipes have been tested during this week, and found to stand the pressure well.

On the main floor the skeleton work of the postoffice screen is being put in place, and the big structure is beginning to assume a business-like air.

Major C. F. Cramer, the superintendent, yesterday received the flags for the building, and one of these will fly daily over the structure. The flags are of the best bunting similar to that used by the Revenue Cutter Service, and were sent from that department. The one to be used in ordinary weather, the National Ensign, is 6 1-2 by 12 feet, while the storm flag, to be used in rain or high winds, is 4 1-4 by 8 feet. These will be put to use as soon as the building is occupied, and one of them will be kept flying daily, from the peak of the flagstaff on the building, when it is occupied as the postoffice.

BUSINESS HOUSES CLOSE

ON NEXT MONDAY, LABOR DAY—IT IS A LEGAL HOLIDAY IN THIS STATE.

Monday (Labor Day) being a legal holiday and a non-judicial day, will be celebrated in this city this year as it has never been before, and business generally, in the afternoon particularly, will be suspended as most of the merchants have announced that they will close their establishments after noon and a good many will remain closed all day. The Capital National Bank will not open its doors for the transaction of business during the day and collections will be deferred until Tuesday.

This is the first time in the history of the state that the Governor has proclaimed Labor Day a legal holiday and the local labor unions have made elaborate preparations for the proper observance of the same and the occasion promises to be a gala one for Salem. It will, no doubt, be observed in all cities and towns in the state, but in no city in Oregon, with the exception of Portland, will it be celebrated upon such an extensive scale as in Salem which is, at present, more thoroughly unionized than ever before.

CAVALRY ORDERED HOME.

WASHINGTON, Aug. 29.—General Chaffee has cabled the War Department that another regiment of cavalry can now be spared from duty in the Philippines. The necessary orders have been forwarded to him to send home one regiment.

OREGON HOPS ABOUT READY

For the Pickers and Crowds Are Leaving for the Yards

NEXT WEEK WILL SEE THE GATHERING OF THE CROP IN NEARLY ALL THE YARDS—THE QUALITY IS THE BEST HAD IN MANY YEARS.

The hop crop is looking better daily, and the quality promises to be the best ever seen in Oregon. Growers in every portion of the Willamette valley are preparing for the harvest and next week picking will begin everywhere.

Pickers began leaving this city for the hop yards in the surrounding country on Thursday, and many will leave today for their camping places in the yards. It will be several days before all of them can locate and make themselves comfortable in their camps, and by that time picking will begin. At the Beak hop ranch north of this city, pickers are gathering in large numbers and there the work of harvesting is expected to begin next Tuesday, or possibly Monday.

Hon. I. L. Patterson, who spent several days here looking after his interests in the yards in this and Polk counties, in an interview yesterday, said of conditions:

"The crop never looked better, and should good weather continue the hops will all be saved in first-class condition.

"The hop growers will do well this year in Oregon, and unless very unfavorable conditions arise the state will produce 90,000 bales. At the rate of 20 cents a pound, the snug sum of $3,000,000 will find its way into the state this year from the sale of the hop crop alone. As the hopfields are all owned by actual residents, this money will stay in the state where it will add to the per capita circulation."

Mr. Patterson has ninety acres of hops this year. He says that from all he can learn, pickers are plentiful and many of his neighbors have more applications than they can use. He believes that 40 cents per box will pay for picking throughout the harvest this year.

Valentine Loewi's Sons Co., of New York, dealers in hops, in their Producers' Price Current of last Saturday, say of the condtion of the hop market.

	Bales.
Receipts for week	92
Receipts from Sept. 1	85,487
Receipts same time last year	124,027
Exports to Europe for week	None
Eport from Sxept. 1	42,010
Exports same time last year	70,814
Imports for week	None
Imports from Sept. 1	6,369
Imports same time last year	6,256

In a general way the reports as to the condition of the growing crop have not changed materially. Prospects on the Pacific Coast continue very bright, but picking will be later than usual. In New York state the weather has not been favorable, and there is an attack of lice; whether vermin will cause damage cannot be foretold now, but there is time enough if they get into the burr. Some of the operators here have been occupying idle hours in figuring out the probable home yield, consumptive needs of the trade in this country and the apparent surplus. The most reliable of these estimates runs about as follows: Pacific Coast crop 180,000 bales; New York state 40,000 bales; olds and extracts, say 7,000 bales; probable imports 30,000 bales; stocks in brewers' hands on September 1, 1902, 50,000 bales, which makes a total of 307,000 bales. Requirements on a supposed consumption of 42,000,000 bbls., using three-quarter pound hops to the barrel, 170,000 bales, leaves a surplus of 137,000 bales for export and for fall and winter use in 1903. Advices from Germany report a 10 mark decline under good crop prospects. The English crop looks badly, the weather continuing very unfavorable. Most of the late cables indicate yield of not much over 250,000 cwt. Our local market is very narrow because of the smallness of the stocks. Those who have hops ask extreme prices for them, but there is an exceedingly limited demand, as most of the brewers have some supplies on hand, the cool summer having lessened consumptive requirements. A single bale of new hops arrived from both this state and California.

State, 1901, choice, per lb	28	@27
State, 1901, prime	24	@25
State, 1901, lower grades	21	@23
State, 1900, choice, per lb	18	@19
State, 1900, lower grades	14	@17
Pacific Coast, 1901, choice, lb	25	@25½
Pacific Coast, 1901, prime	22½	@24
Pacific Coast, 1901, low grades	21	@23
Pacific Coast, 1900, choice, lb	18	@19
Pacific Coast, 1900, low grades	14	@17
State and Pacific Coast, old olds	5½	@19

See the New York Racket ad on first page.

HOMESEEKERS AT THE FAIR

A Great Influx Expected During September from the East

ALL WILL HAVE STOP-OVER PRIVILEGES IN SALEM DURING THE STATE FAIR—ARRANGE-SHOULD BE MADE TO ENTERTAIN THEM.

"We expect a great influx of people from all parts of the East into Oregon this year," remarked H. E. Lounsbury, traveling freight and passenger agent of the Southern Pacific Company, yesterday in conversation with a representative of the Statesman, "by reason of the great reduction of rates on all lines which, according to the indications, will be taken advantage of more this year than ever before and we are making active preparations to handle the rush and give them the best of accommodations.

"The low rates go into effect on September 1st, and the trains will start from Omaha, Chicago, St. Paul and other principal Eastern points as early thereafter as loads can be made up, and as often. We calculate that the travel will be at its height just about the time that the State Fair is in progress at Salem and, as the tickets are good as far south in Oregon as Ashland, General Passenger Agent Coman has decided to so arrange it that all travellers on these rates will be given ten days' stop-over privileges in Salem in order that they have an opportunity to visit the Fair which promises to be better this year than ever before in the history of the state.

"President Wehrung and Secretary Wisdom, of the State Fair Board, report that applications for space in every department, for exhibition purposes, are arriving by every mail and, if this keeps up, the present accommodations will be inadequate as every inch of available space will be occupied and the Fair, on the whole, will be a most creditable exhibition to the state, the people and the Fair Board.

"It is my opinion that, under these conditions, Salem will receive more of these colonists than any other point in Oregon and after getting them here, it remains with the Salem people to keep them. These people—although the Eastern states are pretty well covered with literature including the Greater Salem Commercial Club pamphlet, which is an excellent and creditable compilation, and the prospective settlers will have their minds pretty well made up as to their destination—will be 'strangers in a strange land' and any consideration or courtesies shown them will be greatly appreciated and will no doubt have a great deal of influence upon them, to the extent of changing the minds of those who have decided to locate elsewhere in the valley.

"Therefore, I would suggest that the Greater Salem Commercial Club, or some other prominent organization, take this matter under consideration at an early date with a view of appointing a committee on reception, or several committees, whose duties it will be to meet these new comers at the train, supply them with directions and information, and assist them in procuring reasonable and comfortable accommodations during their stay in the city and, if they desire it, to show them into the country surrounding Salem.

"The Commercial Clubs and Boards of Trade of most other cities have already taken the precaution to provide for the entertainment of their prospective visitors, but Salem still has ample time to take up and dispose of the matter and make all arrangements before the settlers begin to arrive. A person has no idea what a weight these little attentions have upon a stranger nor how much they are appreciated unless they have had the experience."

Mr. Lounsbury's suggestion is a very good one and no doubt the Commercial Club, although no regular meeting has been arranged for, will take up the matter, call a special meeting and appoint its committee in order that the committee may have ample opportunity to gather all such information as would be valuable to strangers and prospective settlers, so as to be able to answer all questions which would likely be put to them.

IN GRAIN CIRCLES

THERE IS LITTLE BUSINESS BEING DONE—THRESHING IS STILL IN PROGRESS.

There is little or no activity in the grain market locally and therefore no movement of stocks. Grain is coming in steadily and the receipts at the local warehouses have increased considerably since the big steel bridge has been opened to travel, still it is not coming in as rapidly as it should, in the opinion of the warehousemen. Threshing is still in progress, however, and will last about another week, and it is thought as soon as harvest is over the grain will come in faster.

The market is about the same as it has been for the past month and as the farmers are in no hurry to dispose of their grain at the present quotations, no grain has changed hands this season. Although not up to the standard in quality the grain is very good and has not suffered to any great extent, except as to quantity.

The Portland Commercial Review of yesterday has, of the condition existing in the Northwest as regards wheat, the following to say:

"There is very little doing as yet in the local wheat markets. Sales are daily reported, but wheat growers are waiting for a change in prices before they dispose of their holdings. Those who sold early are reaping the benefit, as prices are not as firm as a few weeks ago. Wheat is pouring into country warehouses, and reports are coming in that harvesting has been finished in quite a number of places and yields have been disappointing and not up to expectation. The season is backward, and farmers are endeavoring to finish up before the fall rains, and every effort is put forth to store grain before rain begins. Exporters are not paying fancy prices as yet, having plenty of wheat on hand to fill present or nearly-due vessels, and no great activity can be noted. It is yet too early for any display of real activity. In thirty days from now when vessels commence to arrive freely, there is no doubt that lively times will be seen in the country. There are a number of vessels in port loading and also on Puget Sound that are keeping shippers busy. The grain for the same is on the docks and no detention from this will be had. Prices at present are: For club wheat, 60@61c; bluestem, 62@63c; valley, 61@62c per bushel. Exporters will not be able to purchase much of the latter, as the mills will be active buyers of this quality."

BIG IMPROVEMENTS.

NEW YORK, Aug. 29.—Only the approval of the Secretary of War remains to put into effect improvements along the North River docks in this city which will cost $12,000,000. It is planned to extend the piers from Thirteenth to Twenty-third streets 1000 feet. The harbor line is to be moved westward 200 feet and the river narrowed to 2700 feet betwen the New York and New Jersey lines. These improvements will keep many of the large steamship companies from transferring their anchorage to Hoboken.

NEW MINING ENTERPRISE

Salem People Will Organize a Strong Company

TO EXPLOIT AND DEVELOP A NUMBER OF CLAIMS IN THE GOLD CREEK DISTRICT OF THE SANTIAM SECTION—PRACTICAL MINING MEN AT WORK.

The Investors' Mining and Milling Company is the name of a new company that will be organized in Salem shortly. It will have a million dollars capital stock, a hundred and fifty thousand dollars having been already subscribed, mostly by the people of Marion and Polk counties.

Col. W. H. Burghardt is interested in organizing the new company. It will own mines on East Gold Creek, north of the Little North Fork of the Santiam, aboct sixteen miles from Gates. The claims to be acquired are the "Wall Street," "Single Standard," Brooklyn No. 1," "London No. 2," "Portland," "Little Mack," "Morning," and "Black Heart." These were formerly known as the Bimetallic group.

S. H. Burghardt and his son Frank have arrived in Salem from Colorado, and will at once go to the mine and commence work. S. H. Burghardt is a brother of Col. W. H. Burghardt, and he has been a miner in Colorado for forty years. He will put a force of men at work right away getting out timbers and preparing to build reduction works. He expects to use the Neil leaching process. The ore has an abundance of sulphur and other materials that will make the cost of treating it very low. This is a copper property, but the rock has sufficient gold and silver to pay for working it.

Col. Burghardt has had many assays made, and he and his associates believe they have a good thing, and that they will before long be paying dividends. They are going at it in a systematic, business manner, with the intention of making a success. They are assured that they have the right kind of rock, and it only remains to successfully treat it and get the proceeds to market.

RECEIPTS OF A MONTH

MONEYS COLLECTED BY THE STATE LAND BOARD DURING AUGUST.

Chief Clerk M. L. Chamberlin, of the State Land Board, has collected $27,125.87, during the month of August, on account of the several funds in the hands of the Board, and this sum was yesterday transferred to the State Treasurer. The money so received was credited to the following funds:

Common school fund, principal, payments on certificates and cash sales of school land	$20,466 08
Common school fund, principal, payments on sales of lands acquired by deed or foreclosure	1,000 00
Common school fund, principal, sales of tide land	72 00
Common school fund, interest payments on certificates	3,490 00
Common school fund, interest rents and payments on sales of lands acquired by deed or foreclosure	1,786 00
University fund principal, payments on certificates and cash sale of school land	131 86
University fund interest, payments on certificates	5 93
Agricultural College fund principal, payments on certificates and cash sales of school land	150 00
Agricultural College fund interest, payments of certificates	23 46
Total	$27,125 87

SPRECKELS' PLANS.

OTTAWA, Ontario, Aug. 29.—Letters of incorporation have been granted to the Federal Sugar Refining Company, with headquarters in Montreal, and a capital of $6,000,000. The applicants wer eClaus A. Spreckels, W. M. Cook, of New York; R. B. McGibbon, T. Chase Casgrain and E. F. Surveyor, of Montreal. The chief feature of Mr. Spreckels' scheme is the purchase of the sugar refinery in Montreal controlled by Senator Drummond and the Redpath estate, and the establishment of a refinery in British Columbia.

Shatters All Records.

Twice in hospital, F. A. Gulledge, Verbena, Ala., paid a vast sum to doctors to cure a severe case of the piles, causing 24 tumors. When all failed, Bucklen's Arnica Salve soon cured him. Subdues Inflammation, conquers aches, kills Pains. Best Salve in the world. 25c at Dr. Stone's Drug Stores.

THE CLAIM IS DISALLOWED

Secretary of State F. I. Dunbar Holds that Mrs. Waggoner

IS NOT ENTITLED TO THE REWARD FOR THE BODY OF MERRILL—SHE DID NOT "CAPTURE AND RETURN" THE BODY OF THE ESCAPED CONVICT.

Secretary of State F. I. Dunbar yesterday disallowed the claim of Mrs. Mary E. Waggoner, of Napavine, Wash., who claimed the reward of $1,500 offered for the capture and return dead or alive, of David Merrill, one of the escaped convicts. Mrs. Waggoner's claim, sworn to, was filed with the Secretary of State about two weeks ago, and since then it has been under consideration. With her claim the lady filed an affidavit, to the effect that she had, on July 14, 1902, near Chehalis, Wash., found the dead body of David Merrill, who had escaped from the Oregon Penitentiary on June 9, 1902; her notification of the sheriff of Lewis county, Washington, the identification of the body, its return by her to the Penitentiary at Salem. Sheriff Edward Deggeler, of Lewis county, Washington, also made an affidavit practically covering the same ground. The coroner's jury also filed affidavits regarding the inquest held, and the proof made, of the identity of the dead convict's remains.

Mr. Dunbar transmitted the claim to Supt. J. D. Lee, of the State Penitentiary, and requested him to attach to it a certified copy of the offer of the reward, and asked him to state whether or not the offer had been complied with by the claimant, and whether the claimant was entitled to the reward offered.

Mr. Lee returned the claim, attached to which was a certified copy of the offer of a reward. He also gave an extended statement of all the correspondence had, the identification of the body, and the decision of the Governor and himself to only pay from $150 to $250 for the finding of the body, and a notice sent by him to Warden J. T. Janes, at Chehalis, to the effect, the Warden being in Chehalis to identify the remains. He tells of the return of the body, his offer of a settlement—$300. He mentions the fact that while the body is guaranteed to be that of Merrill, this is by no means conclusive, as even the coroner's jury stated in its verdict that "we believe" the body to be that of Merrill.

In passing on the claim Secretary of State Dunbar says: "In the matter of the claim against the state of Oregon, of Mary A. Waggoner, of Napavine, Washington, 'for the capture and return, dead or alive, of David Merrill, who escaped from the Oregon State Penitentiary on the morning of June 9, 1902, the dead body of said David Merrill having been returned to and delivered by the undersigned Mary A. Waggoner, in person, to J. D. Lee, Superintendent of the Oregon State Penitentiary, at Salem, State of Oregon, July 17, 1902, as per the reward offered, by J. D. Lee, Superintendent of the Oregon State Penitentiary, $1,500.'

"The foregoing claim, duly verified by the claimant, was filed August 9, 1902. Attached thereto is the sworn affidavit of the claimant, setting forth certain facts in support of her claim; also the affidavit of Edward Deggeler, acting sheriff of Lewis county, Washington, and the affidavit of Francis Donanue, et al, who constituted the coroner's jury in the matter of the inquest on the body of David Merrill. Pursuant to the request of the Secretary of State, J. D. Lee, Superintendent of the Oregon State Penitentiary, furnished a certified copy of the offer of the reward and a statement of facts attending the alleged return of the body of said David Merrill by the claimant.

"It appears that on the morning of June 9, 1902, Harry Tracy and David Merrill, prisoners confined in the Oregon State Penitentiary, escaped from the said institution and, in effecting their escape, shot and killed three guards and shot and wounded one guard and one prisoner; that J. D. Lee, Superintendent of the Penitentiary, issued a circular offering '$300 reward for the capture and return, dead or alive, of Harry Tracy and David Merrill, or $1,500 for each one, who escaped from the Oregon State Penitentiary on the morning of June 9, 1902.'

"The claimant, in her affidavit, states that on the morning of July 14, 1902, she found the dead body of David Merrill near the public highway between Chehalis and Napavine, Lewis county, Washington, about five miles south of Chehalis. That she notified the sheriff of Lewis county of the finding of the body and took him to the place where it was. That at the time she discovered the body she believed it to be the body of Merrill and on July 17, 1902, returned it to J. D. Lee, Superintendent, at Salem.

"The affidavit of Edward Deggeler states that Mary A. Waggoner reported to him that she had found a dead body near the public road, which she believed to be the body of David Merrill, the Oregon State convict; but that inquest was held by the deputy coroner of Lewis county on July 15th and 16th, 1902, and that he was present when Mary A. Waggoner delivered the body to J. D. Lee, Superintendent of the Oregon State Penitentiary, at Salem, July 17, 1902.

"The affidavit of Francis Donahoe, et al, constituting the coroner's jury, states that, after viewing the body and hearing the evidence, they believe it to be the body of David Merrill, who escaped from the Oregon State Penitentiary June 9, 1902, and that Mary A. Waggoner is the person who found said dead body of the said David Merrill.

"Superintendent J. D. Lee states that he received from Mary A. Waggoner, a dead body, presumed to be Merrill's, and that he gave her a receipt therefor as follows:

"Salem, Oregon, July 17, 1902.

"Received from Mary A. Waggoner one human body, encased in an air-tight casket and guaranteed by her to be the body of one David Merrill. The condition under which I receive it is that I reject and ignore all claim of reward for the capture of said Merrill, but will settle fairly for the return of his body.

"J. D. LEE, Supt.,
"Oregon State Penitentiary.

"It seems proper to also consider in connection with this claim, the newspaper accounts of the escape and pursuit of the two convicts and the statements published from time to time said to have been made by Tracy, the accomplice of Merrill, to persons whom he forced to aid his (Tracy's) escape; it appearing from said statements that Tracy shot and killed his companion Merrill to aid his own escape.

"In considering the claim, the law authorizing the offering of rewards and the proclamation should first be considered. Section 2870 Hill's Annotated Laws of Oregon, is the Superintendent's authority for offering a reward. It provides: 'The Superintendent shall have authority to offer rewards and to pay expenses for the apprehension, safe-keeping and return of all escaped prisoners.'

"The offer was 'for the capture and return, dead or alive of Harry Tracy and David Merrill, or $1,500 for each one.'

"The definition of the word 'reward' (Black's Law Dictionary) is 'a recompense or premium offered by a government or an individual in return for especial or extraordinary services to be performed.'

"The offer of reward for the return of an escaped prisoner is in the nature of a contract which only becomes binding upon the state when its terms are accepted and acted upon by some person or persons, who, with a view to securing the same, put forth some effort to apprehend and return the escaped prisoner, or in other words, who take into custody, make prisoner or arrest by legal authority and return the prisoner and who thereby take the risk and assume the responsibility necessarily involved in the doing of such act and who do actually apprehend and return the escaped prisoner.

"The lives and property of the citizens of the state are placed in jeopardy when an outlaw is at large and those who seek to capture or apprehend and restrain him, often do so at the risk of life or limb. The offering of a reward is for the purpose of inducing persons to take those risks which are greatly increased when the outlaw is known to be a desperate man and well armed, and the amount of the reward is governed largely by the character of the prisoner and the manner in which his escape has been effected; hence, in ascertaining whether a claimant has earned the reward it must be shown conclusively that the claimant apprehended the prisoner in accordance with the provisions of law and offer of reward.

"The object for the reward for the 'capture and return, dead or alive, of Tracy and Merrill' was to secure their capture and return; or any one of them, to the Oregon State Penitentiary, and if, in securing their return, it became necessary to take life, the persons assuming the risk and responsibility of capture should not be deprived of their reward, so the offer specified the amount should be paid for the capture and return, 'dead or alive.'

"The 'capture' and 'return,' or apprehension and return are both conditions precedent to the obtaining of the reward and to say that a dead body—incapable of resistance, doubtless killed by another person, and which the claimant states she found—has been captured, would be unreasonable and unwarranted.

"I do not think the compliance with one specification of the offer could be construed as a compliance with all, or—in view of the fact that the entire sum offered for the capture and return of the prisoner is claimed—that I could consistently allow the claim in part; but if allowed, must be allowed for the entire sum claimed.

"If it should be argued that the return of the body of Merrill by the claimant implied a capture, then it must be said that a claim cannot be paid upon implications, but only upon positive proof that it is a valid one and that the service has been actually performed and the amount legally earned.

"In the matter under consideration, it does not appear that the claimant knew of the reward prior to the finding of the body of Merrill, or that she had accepted the terms of the contract as tendered in the offer, or that she acted upon them or did any act or in any manner attempted to capture or apprehend the escaped prisoner, so as to entitle her to the reward she now seeks to have paid to her, or does it appear that she assumed any responsibility or took any risk whatever, or performed any special or extraordinary service. The finding of the body by the claimant appears to have been a mere accident, which occurred probably while she was in the pursuit of other business and this finding of the body of the prisoner after life had been taken away by another person, can in no sense be construed to be a capture; neither does it appear that the claimant complied with the provisions of the law or the offer of the reward.

"In view of the foregoing, after due consideration the claim is hereby disallowed, for the reason that from the facts and evidence offered, it does not appear that the claimant rendered the service claimed or by her act in finding and returning the body of Merrill complied with the provisions of the law or the offer of reward and is, therefore, not entitled to the amount claimed or any part thereof.

F. I. DUNBAR,
"Secretary of State."

A WONDERFUL PACER

DAN PATCH MADE A MILE IN LESS THAN TWO MINUTES AT PROVIDENCE.

PROVIDENCE, R. I., Aug. 29.—The Grand Circuit meeting was brought to a close this afternoon. Dan Patch, the unbeaten son of Joe Patchen, paced an exhibition mile in 1:59½, reducing his record from 2:00¼. The mile was within a quarter of a second of the world's record made by Star Pointer. This is the fastest mile in harness in a half a decade, and Dan Patch is the second horse to beat 2 minutes. No other horse except Star Pointer ever went so fast, and he did it only twice. Myron McHenry drove the famous brown stallion.

An immense throng saw the exhibition. The track was lightning fast. The fastest quarter was the second, in 29 seconds flat. The first half was in 59½ seconds, and the last in one minute. The middle half was made in 59¼ seconds. Dan Patch was paced by a runner.

Legal Blanks, Statesman Job Office.