

CIRCUIT COURT JUDGES ARRIVE.

Sessions Open in Federal Building Tomorrow.

Seattle.—The autumn meeting of the United States circuit court convened here Monday morning. The members of the court which will sit are Judge William B. Gilbert, of Portland, Judge Erskine M. Ross, of Los Angeles, and Judge William W. Morrow, of San Francisco. All the judges arrived in Seattle last night and registered at the Washington hotel. Clerk Frank D. Monckton was with the party, as were also Mrs. Ross and Mrs. Morrow.

Court will open in the federal court room at 10 o'clock in the morning and continue for four or five days. The judges expect to finish their work here in time to open court in Portland Saturday. While the number of cases on the docket is not great, some are very important, and the decisions handed down will doubtless have a far-reaching effect.

Few people realize it, but the court which convenes tomorrow is really, in one sense, the supreme court of the United States. Previous to 1891 its functions were performed by the supreme court, but it was found that there was more work than the court could dispose of. In consequence, the United States was divided into nine circuits and a court of last appeal established in each.

The law provides that the court shall be made up of the three circuit judges in each circuit, sitting together. One supreme judge is appointed to represent each circuit, and is entitled to sit in the court and, when present, presides.

Judge Joseph McKenna, of California, is the supreme court justice for the circuit, but in his absence Judge Gilbert, of Portland, will preside. If he is present one of circuit judges should be disqualified from sitting, one

of the seven judges in this circuit would be entitled to sit. In event such a contingency should arise while the court is in session in this city, Judge C. H. Hanford would be entitled to sit with the court. The other judges privileged to sit in this circuit are the following district judges: Judge Hiram Knowles, Judge Thomas P. Hawley, Judge James H. Beatty, Judge Charles B. Bellinger, Judge Olin Wellborn and Judge John J. De Haven.

The circuit court of appeals has final jurisdiction in all matters save those in relation to questions regarding the constitution of the United States and treaty rights. The Ninth circuit embraces all the territory west of the Rocky mountains, except Alaska. The court's relation to Alaska and Hawaii is rather peculiar. In most territories there is a territorial, or in states a state supreme court, but in Alaska and Hawaii the court acts as both supreme court and court of appeals.

Formerly the court for the Ninth circuit held its sessions only in San Francisco, but about five years ago congress declared that the court must meet in at least two other cities, Seattle and Portland were chosen and the court has held annual sessions here during September ever since.

WOMAN SAVES ANOTHER.

Ella Johnson Rescues Helen Beecher From Drowning.

New Westminster.—Prompt action on the part of Miss Ella Johnson, a local newspaper agent, saved the life of Miss Helen Beecher, of the New York Herald, at Pitt Lake Saturday. Miss Beecher struck her head against the ceiling of a launch and fell over into the water. Miss Johnson promptly plunged in and held the unconscious girl until the boat returned.

MORGAN'S MERGER

Is Now Conceded To Be Colossal Failure.

SHIP COMPANIES WITHDRAW

The Cunard Line Led the Fight Against the Big Combine and Has Won.

Boston.—"Clement Griscum has failed to deliver the goods Morgan's merger has uncovered. The White Star Line has acquired the Dominion Line, which means that W. J. Pirie and the Ismays have transferred to their right hand what they have held in their left."

That is the declaration made to-night by a high official in the International Mercantile Marine Navigation company in response to the report that the White Star Line had withdrawn from the ship trust and had absorbed the Dominion Line. He added:

"The merger is on its last legs as a trust. Reorganization must come and come soon. The American Line, never a success, has really reacted upon the attempt to make it the parent of the trust, with the Dominion Line as the first born."

"It was Clement Griscum who got Morgan into the mess. Goodness knows who will get him out of it. From all appearances the British bond holders, who received from four to ten thousand for every one invested, will soon foreclose at a settlement of equal disparity between valuation and prices."

Cunard Breaks the Trust. "The business has not been successful, and the general sympathy—misplaced though it may be—for the Cunard line has cut the trust's business here greatly. While the Cunard has come and gone with full cargoes and passenger lists."

"The unwieldiness of the trust has been apparent from the beginning, and the bookkeeping has been paralyzing. The fact is, there have been so many wheels within wheels in the shape of railroad intrigues, differential rates and counter cuttings, that even the actual business proposition has departed from sane contemplation. The stock jobbing aspect became obscure some time ago."

"But, as a matter of fact, the real cause of the downfall of that merger which seems to be indicated, will be found to be the personal element; blighted hopes of steamship men, who have grown old building up a business; jealousies of rival former managers of component lines, and in general an entire lack of harmony with the merger idea."

"In other words the privates have thwarted the generals who would deliver them to their enemies for a consideration."

TRIES TO MURDER PRISONER.

Niagara Falls Chief of Police Shoots at Criminal in His Office.

Niagara Falls, N. Y.—Chief of Police John Maloney made a desperate and almost successful attempt to murder William H. Davey, a prisoner at police headquarters at 8 o'clock Saturday night.

Davey was arrested last night on a charge of attempted criminal assault on an 11-year-old girl and this morning no less than thirteen other complaints were made against him, his victims being girls between 6 and 14 years.

This morning the chief made the remark that no one could be blamed for killing Davey, not knowing how soon he was to learn that his 11-year-old daughter was among the man's victims.

At supper tonight Maloney learned from his child of an attempt Davey had made on her, and rushing with his daughter to the station, ordered the prisoner brought out. When the child identified the man Maloney drew his revolver and was in the act of shooting when Sergeant Lyons pinned his arms.

After the scuffle the chief was overpowered. Davey was taken from the station under cover and hurried to the county jail at Lockport. Indignation runs wild about the streets tonight.

For two years past Davey has been enticing children into the cellar of his automobile repair shop.

"De rich man can't take his money wid him ter de hereafter." "No; paper en silver melts in dat country!"

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ANOTHER ATTEMPT.

Will Be Made to Break the Anti-Gambling Law.

Olympia, Wash.—Another attempt will be made to break the law passed by the last legislature making the conducting of gambling resorts a felony. The first step was taken Saturday when there was filed an application for a writ of habeas corpus for Otto Stuth, who was arrested in this city last Thursday on a charge of conducting a money playing slot machine in a local saloon. The application was made direct to the supreme court, Judge Linn of the superior court being ill, and the court made the writ returnable at 10 o'clock September 25. It is contended in the application for the writ that the new law is in conflict with section 19, article 2 of the constitution, in that the subject matter of the act is not expressed in his title. It is contended that the subject matter of the act is directed against those who open or conduct certain gambling games, while the title refers to those maintaining gambling resorts.

Different From Dietrich Case.

This point was not touched on in the recently decided Dietrich case, wherein the constitutionality of the law was upheld by the supreme court. In the latter case it was contended that the new act was amendatory of an old one and should therefore set out the amended section of the old act in full in the title of the new.

There is a coincidence in that in each case the gamblers' attorney is a member of the legislature that passed the law. Dietrich's attorney was Senator Wm. Graves of Spokane and Stuth's is Representative Charles N. King of Thurston county.

Organized Movement.

Theat an organized movement is back of the effort to defeat the law and that Stuth's arrest was caused by his own friends is not doubted here. It is known that gamblers in all parts of the state have chipped in and that 5 per cent of a big purse is now available, the balance to be paid if the law is knocked out.

A little finer hand is visible than in the Dietrich case, where the victim escaped the penitentiary by a hair's breadth. The complaining witness against Stuth was a well dressed stranger giving the name of Robert Hamilton. A time was chosen when there was no chance for immediate interference by the lower court, Hamilton promptly disappeared and no one knows from whence he came or where he went. There are no other witnesses named in the information and if the supreme court again upholds the law the case can never come to trial in the lower court for want of prosecuting witnesses. It is said a prominent law firm of Seattle will later appear in the case.

Freaks of Photography.

"Photography is a strange profession," muses the young man. "Because it develops negatives?" asks the young woman with a knowing look. "Not that exactly. But, as an example, the other day I had my picture taken in my riding togs—not on a horse, you know, but just standing, in my riding outfit, with my crop held in my hand. And today the photographer writes me that the pictures are ready for me and that they are mounted."

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FAIRHAVEN AND ITS TWIN CITY

Whatcom May Soon Be United by a Vote of the People—Movement Now on Foot.

Whatcom.—Another attempt is to be made to consolidate the two Bellingham Bay cities of Whatcom and Fairhaven. Three previous attempts have resulted in failure, Fairhaven in every instance opposing the proposition.

Whatcom has always favored the proposition. It is claimed by the men behind the present movement that there has been a complete revulsion of sentiment on the south end of the bay, and that the proposition will carry there this time by a large majority.

The new petition calls for consolidation under the name of Bellingham, after the magnificent body of water on which both the cities are located. The name by which the consolidated cities shall be known has always been one of the stumbling blocks in effecting a union. The Fairhaven people have been loath to part with their name, claiming that their city is the best advertised over the country, while Whatcom people think their name should be retained, it being by far the oldest town, as well as the largest, and bearing the same name as the county in which it is located, and of which it is the county seat.

There can be no doubt that the great interests in the two cities are now ready for consolidation and that they are behind the present movement. They argue that this move will make this city the fourth in population in the state, and place it in the category of the cities of the second class, if not in the first.

TO USE 17 BILLIONS.

Great Quantity of Water Under Appropriation.

North Yakima, Wash.—O. L. Waller, of Pullman, who has charge of the water survey of the Yakima valley, has given out some interesting figures on appropriations to be made out of the various lakes for storage purposes and out of the rivers for irrigation and other purposes. Out of the three lakes at the head of the Yakima 17,266,666,000 cubic feet of water per second has been appropriated for storage reservoirs. This is more water than flows down the Mississippi river. About 69,000 cubic feet of water per second has been appropriated out of the Yakima river in Yakima county for irrigation purposes. This is by far more than all the water that flows normally down the river for 12 days. Many of the appropriations have lapsed.

Mr. Waller also finds that there is enough water appropriated to water 225,000 acres. There are 125,000 acres under cultivation or subject to these appropriations. By storing water, about 200,000 more acres can be watered in the valley. These figures are not officially correct, but they are about what his report will contain this fall. S. O. Jayne of Pullman, who has charge of the work here, is sick, and in his place P. A. Tilmont of Spokane has been stationed.

FIND IRON DEPOSITS.

Prospectors Locate Rich Vein of Hematite on Vancouver.

Victoria, B. C.—A rich discovery of hematite has been made on the west coast of Vancouver island. For over a year rumor that a body of bog iron existed there has been circulated. Two prospectors, T. J. Hick and C. W. Frank, had knowledge of it, but kept the exact location a secret up to the present time.

In the meantime local capitalists were interested under the name of the Iron Mountain syndicate and twenty claims of about 1000 acres were located. Seven of these were retained by Hick and Frank, while the remainder

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are in the hands of the syndicate. The deposit, which is the only one so far located of commercial value in British Columbia, is on the west arm of Quatsino sound, a tract which has been but little explored.

The prospectors have now brought samples to the city and have announced the character of the find. A government assay gives 53.8 per cent metal. A vein eleven feet thick has been uncovered for a considerable distance and 1000 feet distant it has proved to be eight feet thick. But little earth covers it, and it is only half a mile from salt water. In the low ground adjoining bog iron has been located in considerable quantities.

Already offers have been made to the locators for the property. Among those wishing it are mentioned the Seattle Steel company, with Homer Swaney at its head, which controls other magnetite mines also on the west coast of the island. There is talk of organizing a company to work the mines in the province, and to putting up a smelter to utilize the product in connection with the rich magnetite deposits of Vancouver island.



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