

stone, oil, mica, diamonds or iron where not found in rock in place.

In the course of the opinion the commissioner says: "Although, as a matter of convenience, the department from time to time allowed entries to be made of mineral substances, such as rock, chalk, kaolin, gypsum, petroleum and other similar minerals, under section 2329, Revised Statutes, as placer claims they were allowed upon a strained construction of the statutes, but whatever views might be entertained in disposing of these lands as placer claims, where they did not conflict with the rights of others, I know of no decision of the department that holds to this construction of the statute when it impairs or defeats the rights of others under the general land laws providing for the disposal of the public domain."

If this construction of the mining law is to stand it means that possessory rights to such lands must fall before a homestead entry covering such lands, and that even if already they are covered by a mineral patent that such patent may be annulled or declared to be of no effect as evidence of the placer claimant's rights to his land, as the issuance of such patent was without the jurisdiction of the land department. But this decision may be reversed upon appeal, and the anomalous proceeding of acquiring title to recognized mineral lands as agricultural land may be avoided.

The decision affects vast areas of land in this state, and has caused consternation into the hearts of the placer claimants. However, many miners who are already informed of this ruling are engaged in preventing future possible complications by homesteading their mining claims under the general land law of the United States.

#### NEWS NOTES.

Hiram Clem, the fourteen-year-old son of Mr. and Mrs. H. M. Clem of Watsonville, Cal., was run over and instantly killed by a freight train between Watsonville and Pajaro Saturday morning.

George W. Smith, a pioneer of Visalia, Cal., fell from a wagon Saturday afternoon while going from Visalia to his home three miles north of this city, and received injuries which resulted in his death next morning.

Judge D. Thomas was found dead Sunday morning about 7 o'clock, hanging to a tree in his yard at San Diego, Cal. He had been on a debauch and his wife refused to give him more money. He leaves a wife and four little children.

An unknown man who was beating his way over the railroad by riding on brakebeams was killed near Vina, Cal., on Saturday. He fell from his perch under a car and was cut to pieces. There was nothing found on the unfortunate man to indicate who he was.

A strange fish was recently captured in the south bend of the Columbia, Oregon. It appears to be a species of catfish, but its head is so constructed that its mouth opens directly upward. It has not scales, but is a bright silver color, except on the back where it is a dirty gray.

The life saving patrol found on the ocean beach Sunday morning the bodies of three victims of the wreck of the steamship Arago. They were brought to Empire City, Oregon, and an inquest held. The names of the unfortunates are Patience and Speck, steerage passengers, and Sanders, a seaman.

Phil Waite, aged 13, undertook to climb between a coal train at Puyallup, Wash., when the train started, throwing him under the cars inside the rails, where he lay flat on his face trying to keep the brake beams from striking him. This presence of mind saved his life. His head and back were bruised quite severely.

Prosper Keisel, a painter, was found dead in his shop at 403 Gough street, San Francisco, Cal., with his neck broken, Saturday morning. The body lay at the foot of a flight of stairs in such a position to show clearly that the deceased had accidentally fallen down stairs. Keisel was a native of Germany, 54 years old and married.

Oneida, Idaho, Herald: A sad accident occurred at Fairview Saturday, Oct. 24, in which the twelve-year-old son of Edward Bodily lost his life. He was driving a roller, leveling newly plowed ground, and just how he happened to get under the roller we did not learn, but he was found there, with the horses standing quiet, and his life extinct.

Healdsburg, Cal., grape growers have had difficulty in securing labor. About the first of October there was such a rush in the vineyards to gather the grapes that threatened to rot, that enough laboring people could not be found to supply the demand. Some growers even offered twice what they originally paid, and yet they could scarcely increase their forces.

John Lamarton, a swamper at Carl Schmidt's sawmill, ten miles above Nevada City, Cal., fell in front of the wheel of a loaded truck late Saturday afternoon and was pushed along the ground fifteen or twenty feet. His thigh and groin were badly crushed, and the unfortunate man died of his injuries about an hour later. Deceased was a native of Dutch Flat, aged 35 years and unmarried.

Among the passengers on the steamer Coptic, which arrived at San Francisco Sunday, was J. A. I. Lechudnowsky, a Russian physician, who has been in the employ for some years past of the Dutch government in Java and Sumatra. He is on his way back to Russia on a pleasure trip and expects to spend a year and a half in this country and Europe before returning to the Orient.

On Tuesday Louis Wurl, a ranchman living near Tie Siding, Wyoming, returned home from a visit to Laramie city, and found that his house had been robbed and his wife murdered. Mrs. Wurl's body was found in the barn, with her head crushed and her throat cut. The knife was left sticking in her neck. She was alone at the ranch, and it is believed tramps committed the awful crime.

The remains of an unknown tramp were found hanging by the neck to a rafter of the old fishery building near Glen Ellen, Cal., Sunday, by a man who went there to obtain shelter for

the night. It is not known whether the man committed suicide or was killed during a quarrel and his body hung to a rafter for the purpose of deception. The fishery building has for some time been the trusting place of tramps and of late frequent quarrels have been going on among the men.

While the family of J. F. Lindsay, a prominent farmer of New Whatcom, Wash., was driving home Saturday from a fishing excursion the horses became unmanageable and the five occupants were thrown out of the wagon. Edward Lindsay, a young man of 20 years, had his skull crushed and died almost instantly. Another son sustained a fracture of the spine and cannot recover. The farmer has been unconscious since and there is no hope of his recovery. Two other children were seriously injured.

A gunning accident that cost Frank Trainer, a 16-year-old boy, his left arm occurred near San Jose, Cal., Sunday afternoon. He was hunting near Alviso and had jumped over a fence. The boy was in the act of pulling his left hand at the end of the barrel through the fence, when the trigger struck a board and the gun was discharged. A heavy load of buckshot entered the arm, shattering the bones and mangle the flesh in a fearful manner. It was necessary to amputate the arm just below the elbow.

Edward Dwyer, the fifteen-year-old stepson of William Higgins of Loris, Cal., had his ankle badly crushed by a freight train Saturday afternoon. The train was hauling rock for street grading, and Dwyer, with a number of companions, had been jumping on and off the cars during the afternoon. As the Berkeley cannon ball with the rock cars came up at 3:30 o'clock, Dwyer jumped off, and after going about fifty feet the train stopped suddenly. He was riding between two of the cars, and his ankle was caught between the couplings and shattered.

A tramp named McCoy was thrown from a freight train at Vina, Cal., Saturday morning, receiving injuries from which he will die. He had been put off the train twice as it was pulling from the station by the brakeman, but it is presumed that he waited for the rear end of the train and in trying to board it slipped and struck his head against the car. The trainmen did not see the accident and he was found some time after the train had gone by the station agent, who telegraphed here. His skull is crushed and the doctors say that he cannot recover.

Isadore H. Steinhelm seated himself in front of a mirror Saturday night in his bedroom, at Los Angeles, Cal., and shot himself in the head. He died instantly. Steinhelm left his wife in San Diego several months ago, and had been spending all his money. She followed him to Los Angeles six weeks ago, but he deserted his lodging place and would not see her until Saturday, when he choked and beat her because she would not give him money. When threatened with arrest he hurried away and killed himself. He had attempted his life several times before.

Captain George A. Johnson, an old-time resident of San Diego, Cal., predicts an early and wet winter. He says: My observations on this coast