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### THE PIANOLA

## M. B. WELLS

Sole Agent

Four Years for Fraud. TRENTON, N. J., Nov. 20.—W. B. Lawrence, who by misrepresenting himself as the agent of State Superintendent Carrington sold books to school districts in different parts of the state, was today convicted of obtaining money under false pretenses, and his punishment fixed at four years in the penitentiary.

Morocco Sultan Gives Widow Present. NEW YORK, Nov. 20.—The Sultan of Morocco has presented \$5000 to Mrs. Cooper, widow of the English missionary who was murdered by a native last month, and whose assassin was shot to death in front of a mosque on order of the Sultan.

Colorado Hotel Destroyed. DENVER, Nov. 20.—A special to the Republican from Montevista, Colo., says the Hotel Blanco has been destroyed by fire. The loss is \$75,000. The building belonged to the Travelers' Insurance Company.

Overdue Bark Arrives. VICTORIA, B. C., Nov. 20.—The overdue German bark Edith, 83 days from Hong Kong, China, is coming up the Straits bound for.

## VOIDS ITS DEEDS

### Strange Ways of Oregon Officers.

### SELL SCHOOL LAND TWICE

### No Assurance That Title is Good.

### INNOCENT PURCHASERS LOSE

### Instead of Trying to Keep Its Conveyances Good, State Encourages Proceedings to Vilitate Them in Interest of Speculators.

SALEM, Nov. 20.—(Special.)—The proceedings for the creation of 100,000 acres of "base" in Eastern Oregon, made public through The Oregonian dispatches from Baker City, disclose the further fact that the State of Oregon has entered upon a policy of attempting to void its own deeds by using, as "base," lands which it has already sold. If the state shall continue its present course regarding mineral base, titles to hundreds of tracts of school lands heretofore sold by the state will be rendered unsound and hereafter no man can claim title to school land through the mere fact that he has a deed from the state. As it is commonly expressed, the state has begun selling its land twice—first selling the land in place at \$1.25 per acre, and then permitting base hunters to condemn the land as mineral; whereupon the state renounces its claim to the land, relinquishes it to the Government, selects other land in lieu of it and sells the lieu land to another purchaser. The first purchaser is ousted from possession and given back his \$1.25 per acre, with interest at 5 per cent. "If a private individual should do what the state is doing, he would be branded as a fraud," said a prominent man yesterday, who has had considerable to do with state land matters.

If the state is to continue the policy now entered upon, it should at once give notice to the general public that any man who accepts a conveyance of school land based upon a deed from the state must do so at the risk of being ousted by the state at some later time, unless he knows beyond question that there is no mineral upon the land.

### How Scheme is Worked.

The manner in which a purchaser from the state may be ousted under this lieu-land scheme may be stated in the form of an illustration: John Smith finds school land that he believes to be worth the price the state asks for it. He pays the amount required, and receives either a certificate of sale or a deed. He sells it to a newcomer from the East, and it passes through the hands of several persons who rely upon the deed or certificate of sale from the state as an absolutely safe title. Finally some operator in "base" lands discovers that this land has mineral on it. He begins proceedings to adjudicate its mineral character, publishes his notices in some obscure paper, and gets his decision from the Federal Land Department without the owner of the land knowing anything about it. This done, he asks the State Land Agent to permit him to use this land as "base," and the request is granted. This land which has already been sold by the state is then surrendered by the state to the general Government, and the state takes other land instead. Some new purchaser, who has paid the base hunter \$1.50 per acre for the base, gets a deed to the lieu land and the first purchaser finds himself a trespasser on Government land. If he will come to Salem and surrender his deed, the state will give him back his \$1.25 per acre and interest, but he is out his improvements.

This is a policy the state has recently adopted and it has been brought to light by the protest made in Baker City. A large quantity of the 100,000 acres, which it was sought to have adjudicated has already been sold by the state and in answer to inquiries State Land Agent L. B. Geer informs The Oregonian correspondent that if the land should be declared to be mineral he would use it as base for the selection of lieu land. In other words, he would make application, under the signature of Governor Geer, to relinquish the state claim to this land and take other land instead. On the face of it, this proceeding would seem to be a breach of faith with the first purchaser and The Oregonian correspondent inquired how the state could lend itself to such a scheme. Mr. Geer replied that the state never acquires title to mineral land. The general Government gave the state every 16th and 36th section, except mineral lands, etc. Now, if a 16th or 36th section be mineral, the state does not acquire title to it and cannot give title. A man who wants to buy school land should first ascertain whether it is mineral, and if it is, he is presumed to know the law and should not buy it.

### State Doesn't Support Its Deeds.

According to Mr. Geer's view of the matter, the state does not give up the land nor take any part in the adjudication by which the land is declared to be mineral. Some private individual shows the facts to the Government land officials and the Government "wrests" the land from the state. Since the land has been "wrested" from the state, the state has a right to take other land in lieu of it, and has a right to sell the lieu land.

"But don't you think the state should protect the man who holds a deed from the state, to the extent, at least, of giving

the first purchaser notice that the state is about to oust him?" was asked.

"The purchaser does have notice through the publication required by the Government land officials. This is all the notice that can be given. We do not have the address of the owner of the land, and if the original certificate of sale has been assigned we do not even know who owns the land. The law requires notice by publication, and that is all the holder of the certificate or deed is entitled to."

"Then a man who buys land from the state must read all the obscure country weekly papers near his land in order to know whether some man is trying to condemn his land as mineral?"

"Yes, sir."

"Don't you think the state ought to protect its purchasers?"

"No, sir. The Government doesn't protect homesteaders or other persons who take public land. If a man takes timber land under the homestead laws he is liable to lose it in a contest in which his only notice is given through a newspaper. The state should do no more than the Government does."

### Not Honorable Practice.

This explanation seems to meet the objection to the policy of dispossessing purchasers from the state, yet few will be found who will say that the state is acting honorably toward those who hold its deeds when it aids or quietly permits base hunters to step in and take the lands once sold. It would seem that the state should either not give a deed in the first instance, or, having given it, the state is in honor bound to defend that deed, at least to the extent of refusing to be a party to the proceedings by which it is made void.

As quoted above, State Land Agent Geer says that the state is not a party to the adjudication by which the land is "wrested" from the state. That may be true, but General W. H. Ouell, who conducts the adjudication proceedings, has his desk in the office of State Land Agent L. B. Geer, in the Statehouse, the state encourages the adjudication proceedings and has recently raised the price of lieu land, excepting those lands secured upon mineral base adjudicated or in process of adjudication, and the Governor makes the application by which the lieu land is selected from the base thus created. Besides all this the state makes \$1.25 per acre by the transaction by which it throws out one purchaser and lets in another. It may be that the state is not a party to the transaction, but the man who gets thrown out will always have a more or less persistent belief that the state had something to do with the deal.

General Odell tells The Oregonian correspondent that in adjudications upon the character of land, the question is not whether the land is more valuable for its mineral deposits than for its timber or agricultural resources. If the land can be shown to be mineral in character it will be so declared, even though it may also carry a wealth of timber or be perfectly adapted to farming. A man who buys state school land is not safe, therefore, in ascertaining that the tract he wishes to buy is chiefly valuable for its timber, or that it will make a good farm. He must determine that it is not mineral land.

In all the years that the state has been selling school land, it has never given purchasers warning that they must guard against buying land which has mineral upon it. The state has pretended to the public that it had a right to sell any school section, and school land has been bought and sold with that understanding. Men who are in a position to know say that hundreds of tracts of school land have been sold because they had timber

(Continued on Page 12.)

## SMITH TO GET IT

### Presidency of Washington State Senate.

### GOUP BY THE RAILROADS

### Pull Down Own Men; Back Up King County.

### DISMAY IN THE M'BRIDE CAMP

### Plans of the Anti-Commission Forces Not Likely to Fail, Unless Senator Smith Should Withdraw in Order to Help Preston.

SEATTLE, Wash., Nov. 20.—(Special.)—In the endorsement of Senator J. Smith, of King County, by the railroad forces for President of the Senate, the railroads have gained what is considered a signal victory over Governor McBride. As a matter of fact, the railroad managers seem to have executed the smoothest piece of good politics in the recent political history of the state. They have, according to all surface indications, executed a coup d'etat, and the Governor is facing what seems to be certain defeat, so far as the organization of the Senate is concerned.

It was all done very smoothly and very quickly. Dr. Smith, who is one of the youngest men of any prominence in state politics, was himself unaware of what was going on when his name was presented to the King County Senators last Saturday as a candidate for President of the Senate. Smith is friendly to the railroads, and had all along believed that either Senator Hamilton, of Pierce, or Senator Baker, of Klickitat, would be selected by the railroad managers for President of the Senate, Saturday afternoon Senator Smith arrived here to attend a caucus of the Senators-elect from King County. He was informed that his name had been agreed on as a King County candidate for President. After a little discussion he agreed to run, backed by the seven Republican Senators from King County.

This was done in the office of Senator Preston, King County's candidate for the Senatorial toga. The story was immediately wired over the state. Monday, at Tacoma, Senators Hamilton and Baker met in conference with the railroad managers. The situation was talked over in detail. Senator Hamilton, while long desiring the Presidency in order to even up certain matters which have been standing since the last session between himself and Governor McBride, declared his willingness to get out of the race if thereby harmony would be promoted, and the defeat of the McBride commission bill be assured. Senator Baker, who has long had aspirations to the honor of presiding over

the deliberations of the Senate, after meditating for some little time, announced his willingness to sacrifice himself, it being clearly shown that King County, with seven votes, held the balance of power. In the organization of the Senate and in the fate of the railroad commission bill. It was further shown that for the railroad forces to accept Dr. Smith as President would be to give King County one of the choicest Legislative plums and would naturally place the King County Senators under obligations to the railroads.

Senators Baker and Hamilton after the conference, went out together for a little heart-to-heart talk. Few words were spoken, and then it is related one invited the other to take a drink. This function being performed, together they signed a telegram to Senator Smith, announcing their joint withdrawal from the race for President of the Senate, and that they would support him.

The full import and significance of this move on the part of the railroads has not yet become thoroughly understood over the state, except among the politicians who are in close touch with events. There is no question that Senator Smith is opposed personally to the passage of the McBride commission bill, but neither the Governor nor his friends have the least fear that he will be fair in his rulings as the presiding officer of the Senate. Still his selection by the King County delegation as President of the Senate, and his endorsement by the friends of Senators Hamilton and Baker, make his election practically certain, and this means that the railroad forces will obtain the prestige which goes with having succeeded in electing the President of the upper chamber.

There is one phase of the matter, however, that remains to be examined. It is this fact, that in the resolution endorsing Smith for the Presidency of the Senate by the King County Senators, the following language was used:

The newly elected Republican State Senators from King County resolved, That we present the name of Senator J. J. Smith, of King County, as our candidate for the presidency of the State Senate, such candidate to be at all times subordinate to the candidacy of Harold Preston for the United States Senate.

Now, this resolution makes it obligatory on Senator Smith to withdraw from the race if at any time between now and the organization of the Senate it shall be found that his election would handicap or injure Mr. Preston's interests. Since his endorsement by his colleagues from this county for the presidency, Senator Smith has several times told Preston that he would step aside if at any time he (Preston) believed it necessary to protect his Senatorial interests.

It is just possible, in view of these facts, that Governor McBride, who has not yet given up his attempt to organize the Senate, will induce Mr. Preston to ask Senator Smith to get out of the race. The Governor is not at all pleased by a positive man. He is one of the most aggressive fighters in the state, and if all reports from Olympia are true, the Governor is not at all pleased by the way things have been going. He was particularly incensed, it is said, at the trick which the railroads played on him, and it is now stated by persons who should know, that the Governor is busy trying to undo the work of the anti-commission men.

In the event that McBride is unable to gather any considerable strength for a candidate against Senator Smith for the presidency, it is not improbable that he may ask Senator Preston to pull the King County candidate off and thus reopen the fight. Such action by the Governor might result in a sacrifice of Mr. Preston's candidacy, and it is altogether doubtful whether or not the Governor would go to this extent in his fight against the railroads.

Efforts are now being made by the friends of the Governor and of Mr. Preston to bring Senator Smith and Governor McBride together in order that an agreement and understanding may be reached between them. Senator Smith and the Governor are close personal and political friends, and it is believed that satisfactory understanding may be reached between them by which no opposition to Smith for president would appear next Winter at Olympia.

The line-up at present for the further organization of the Senate seems to be Senator Hamilton as floor leader for the anti-commission force, chairman of the committee on railroads; Senator Baker as chairman of the appropriation committee, and either Senator Clapp, of Jefferson, or Senator Van De Vanter, of King, as chairman of the fisheries committee.

## GRINDS CANADIAN WHEAT

### Project of Minneapolis Mill-Requires \$50,000 Bond.

ST. PAUL, Nov. 20.—One of the big milling companies of Minneapolis bonded one of its mills for an indefinite period to grind nothing but Canadian wheat. The bond demanded by the Custom-House and given today is for \$50,000. According to the terms of the bond the mill shall have continually within its walls Government storekeepers, who will see that only Canadian grain is used. The grain will be delivered to the mills in cars from Canada, which will be in charge of Custom-House men. The entire product of the mill, flour, bran and shorts, will be bonded into bonded cars and will be taken East for shipment entire to Liverpool. The custom heretofore was to ship the grain from the Canadian Northwest bonded through the United States to Liverpool. The grinding of the grain in Minneapolis instead of in England will create a great saving in the expense of transit to Europe.

## JOHN HANCOCK'S ESTATE

### Seeks to Recover Money Lost in Revolutionary War.

NEW YORK, Nov. 20.—An attorney of the city has filed a petition, says a Boston dispatch to the Times, asking that he be appointed administrator of the estate of John Hancock, the Revolutionary patriot.

John Hancock, late in the 18th century, was to some extent an underwriter, taking insurance risks on vessels out of the port of Boston at the time when relations between France and this country were strained. Some of the vessels so insured by Hancock were captured by French privateers and condemned in the French prize courts. The underwriters had to pay the insurance, and Hancock, like many others, was a loser in this way.

The purpose of the appointment of an administrator is to recover from the United States the money which John Hancock was compelled to pay.

### New Crisis in Peru.

LIMA, Peru, Nov. 20.—It is reported that a crisis has occurred in the Peruvian Cabinet, the composition of which was announced November 4.

## AID TO ORPHANS

### Walla Walla Man Makes Rich Bequest.

### TO BUILD A FINE HOME

### Late J. S. Stubblefield Leaves Estate of \$100,000.

### CITIZENS MUST RAISE \$10,000

### Orphans and Widows of Oregon and Washington to Be Generously Provided For—How Trustees Are to Be Named.

WALLA WALLA, Wash., Nov. 20.—The will of the late Joseph L. Stubblefield, which was filed for probate in the Walla Walla courts today, sets aside the sum of \$100,000 of the estate for the maintenance of an orphan's home in or near this city, provided an additional \$10,000 is raised for the purpose of securing suitable grounds and the erection of buildings. In case the provisional sum is not raised within a year, the trustees of the home may take the asylum to any other place in the States of Oregon or Washington. The will also provides for the educating and the teaching of some useful trade or occupation to the children inmates. The leading ministers, members of the City Council and prominent business men expressed themselves as highly favoring the plan, and they declare the \$10,000 will be easily raised.

The clause relating to the inmates of the asylum is as follows:

"For the support of a home for the fatherless or motherless and indigent children residents of the States of Oregon and Washington, and worthy elderly indigent widows, residents of Oregon and Washington, and to their maintenance and to the giving of a common school education and the teaching of some useful trade or occupation to their children inmates."

In case of the death or resignation of a trustee, his successor shall be selected by the Commissioners of Walla Walla and Umatilla Counties, with the consent of the other two trustees. It is the desire of the testator that not more than two of the trustees reside in one state.

For good and sufficient cause the Boards of County Commissioners may, by a two-thirds vote of each body, remove a trustee. Not more than two can be removed until another is appointed.

The widow is provided for by a bequest of \$5000, and 30 other heirs are remembered to the extent of \$30,000 in sums ranging from \$25 to \$2500.

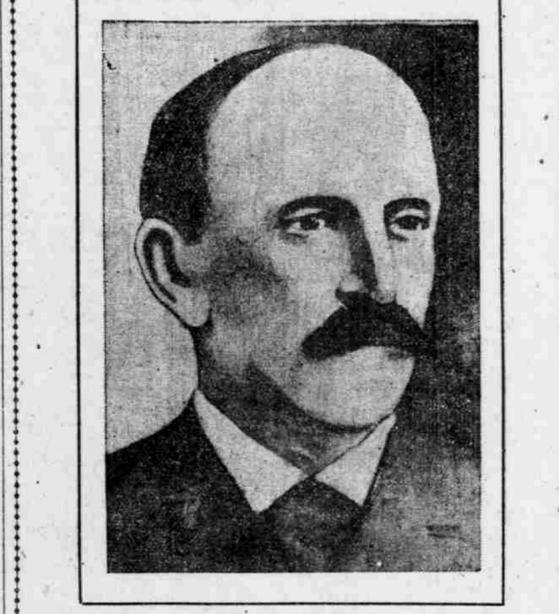
Joseph L. Stubblefield died last Sunday at the age of 84 years. He came to the Pacific Coast in the early '60s, and at the time of his death owned extensive farming interests just over the Oregon line in what is known as the Cottonwood country. His estate is estimated to be worth in the neighborhood of \$200,000. The will was drawn up May 9, 1902, but its contents were not made known until today.

R. M. Donohay and E. H. Reaser, of Umatilla County, Oregon, and C. M. Rader, of Walla Walla, are named as the executors of the will and as the trustees of the home, with full power to act. These gentlemen will meet next Monday to formulate plans.

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## NOTED LAWYER WHO REPRESENTS THE COAL OPERATORS



WAYNE MACVEAGH.

Among the lawyers who are representing the coal operators before the strike commission is Wayne MacVeagh, who has had a distinguished career. He was born in Phoenixville, Chester County, Pa., April 19, 1823. He was graduated at Yale in 1853, studied law, was admitted to the bar in 1856, and served as District Attorney for Chester County from 1859 to 1864. In 1862 he was Captain of cavalry when the invasion of Pennsylvania was threatened, and in 1863 he was chairman of the Republican Central Committee of Pennsylvania. In 1870-71 he was United States Minister to Turkey, and in 1872-73 was a member of the Pennsylvania Constitutional Convention. He was chief member of the "Mac Veagh Commission" that was sent to Louisiana in 1877 by President Hayes to represent him unofficially and endeavor to bring the conflicting parties in that state to an understanding. In 1881 he was appointed United States Attorney-General in the Cabinet of President Garfield, but resigned, with other members, on the accession of President Arthur, and resumed his law practice in Philadelphia. He received the degree of LL. D. from Amherst in 1881. He has been chairman of the Civil Service Reform Association of Philadelphia, and also chairman of the Indian Rights Association of that city. During the campaign of 1892 he cast off his Republican party ties and participated in the campaign in behalf of the candidacy of Mr. Cleveland for the Presidency. He was rewarded by the appointment of Ambassador to Italy, serving from 1892 to 1897. Since then he has practiced law in Washington, D. C.