

Morning Oregonian

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PORTLAND, OREGON, THURSDAY, DECEMBER 25, 1902.

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RUBBER GOODS OF EVERY DESCRIPTION
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And many other new and desirable instruments.

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Sole Distributors for Oregon and Washington.

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American and European Plan. American Plan\$1.25, \$1.50, \$1.75
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OF VARIOUS TYPES OF

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PORTLAND SAFE & LOCK CO.

Will remove to 76 First St. cor. Oak, on Jan. 1st.

BIG CUT IN PRICES DURING THIS SALE

Buy a High-Grade Safe Today 205 Second St., near Taylor

On January 1st, 1903,

On account of increased manufacturer's cost and increase in freight rates the price of the **PIANOLA** will be advanced to

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Sole Agent for Oregon, Washington, Idaho. **M. B. WELLS** 523-525 WASHINGTON ST., PORTLAND, OR.

FOR GOVERNMENT EXHIBIT

Superintendent of Building Named for St. Louis Exposition.

ST. LOUIS, Dec. 24.—Gratz B. Stricker has been assigned by James Knox Taylor, supervising architect of the Treasury Department, to superintend the erection of the United States Government buildings at the Louisiana Purchase Exposition. Mr. Stricker reached the city today and had a conference with Director of Works Taylor.

The site for the Government buildings is now being prepared, and will probably be ready for the commencement of building operations within 15 days if the weather conditions are favorable. The United States Government proposes to erect a large main exhibit palace and a fish pavilion. For both of these buildings the contract has already been closed.

CONTESTS KENTUCKY COAL

New Company Owns All but One Mine in State.

LOUISVILLE, Ky., Dec. 24.—The Courier-Journal tomorrow will say:

A prominent man who is familiar with all the details of the transaction said last night that the Eastern Syndicate, which has been negotiating for coal property in Kentucky, had got control of all the mines in the state except those of the St. Bernard Coal Company. The aggregate to be paid for the mines is \$5,000,000. It is now stated that J. P. Morgan is not a member of the syndicate and will have nothing to do with the management of the mines, though he may have a hand in financing the deal.

MINE SUBMARINE COAL.

Plan of Large Operator on Nova Scotia Coast.

NEW YORK, Dec. 24.—An operation unique in the history of Nova Scotia mining is planned by Ochiltree McDonald, who has bonded coal areas near Fort Morien, according to a dispatch from Glace Bay, N. S., to the Times. The coal areas which he controls are wholly submarine, and he is planning to sink a shaft on a rocky islet known as Flint Rock, mining his coal from under the ocean bed.

There seems to be no doubt that during succeeding generations submarine mining will be carried on extensively in Cape Breton, which has large fields of submerged coal beds.

BOYS FROZEN TO DEATH

Runaways From School Meet Terrible Fate in Illinois.

WOODSTOCK, Ill., Dec. 24.—Hilling Home and Frank Smith, aged 8 and 19 years, respectively, were found frozen to death in a cornfield near here today, and their companion, Arthur Carlson, aged 10, was found badly frozen, but alive. The boys ran away from the Chicago Industrial Home on Monday.

Sues Morgan for Damages.

NEW YORK, Dec. 24.—J. Pierpont Morgan has been summoned to appear in the District Municipal Court to answer in a suit brought against him for \$250 damages. The claimant, a tenant in a house owned by Mr. Morgan, asks these damages on the ground that he caught a severe cold through the house not being heated, owing to the lack of coal.

BRIEF OF ODELL

Speaks for the State of Oregon.

NO SELFISH MOTIVES

Pleads for the Depleted School Fund.

CITES FORMS AND PRECEDENTS

Says Interior Department Has Nothing to Do With the Matter and That State Should Be Presumed to Be Honest.

OREGONIAN NEWS BUREAU, Washington, Dec. 24.—W. H. Odell, State Land Agent of Oregon, has filed with Secretary Hitchcock and Commissioner Hermann an elaborate brief, in which he asserts that many thousands of acres embraced in school sections in Eastern Oregon are mineral lands, and urges that the department promptly certify to their mineral character in order that the state may make selections in lieu thereof, regardless of whether or not the original school sections have heretofore been disposed of by the state. He alleges that it is not necessary to submit detailed proof as to the mineral character of each section, but that the character of adjoining lands may be taken as indicating the character of school sections. He further insists that what the state may do with its school lands is a matter that does not concern the Interior Department. The entire plea to have these lieu base cases rushed through is put upon "patriotic" grounds. Odell averring that the longer the adjustment is delayed the less valuable will be the tracts the state can select in lieu of its mineral school sections, and consequently the smaller the amount that will be converted into the school fund. Throughout the brief there is no intimation that the state will dispose of its school land base at a fixed price per acre, but the impression is repeatedly given out that the state itself intends to select and hold new lands in lieu of those alleged to be mineral.

Secretary Hitchcock gave Odell a brief hearing and permitted him to make a statement in defense of the State Land Board. He made no promises, however, but rather gave Odell to understand that no more lists will be approved until the department is fully convinced that the lands relinquished are mineral in character. This fact is to be determined by special agents or inspectors sent out by the department.

The department contends that the fact that mineral exists on land adjoining a school section does not prove that the school section is mineral in character, and this sort of testimony will be thrown out. Meanwhile, Odell's brief will be considered along with reports that are received from time to time on any of the lands involved.

Proof That Suits Odell.

Odell's brief cites numerous departmental and court decisions defining mineral lands, and tending to show that the character of adjoining lands should be sufficient to determine the character of school sections. Then follows the long plea for an early certification as to the mineral character of the lands in question. Because the Government cancels certificates issued on fraudulent or erroneous entries or sales Odell says it cannot be truthfully charged that Oregon is attempting to avoid its titles to mineral school sections, particularly as the purchase price paid by the original entrymen will be refunded by the State of Oregon. He says the state ought to be permitted as far as possible to correct all mistakes or frauds committed in the administration of its Land Department, and to be credited with the same confidence and fair dealing that is accorded the Interior Department. It is shown that Oregon sold many lands claimed under the swamp act, and in the adjudication of the grant the department never raises the question, "Have the lands been sold by the state?" That matter, he says, does not concern the department. Therefore he asks why a different ruling should be made as to school sections which turn out to be mineral in character.

"It has been shown," says Odell, "that the lands in the case at bar are mineral in character and that knowledge of the mineral character antedates the survey. It therefore only remains for the Land Department to certify to the mineral character and permit the State of Oregon to select indemnity therefor, as provided by law."

"It cannot be truthfully affirmed that the State of Oregon, or any one representing the state, has attempted to prove by indirection or fraud any single or more tracts as mineral within the meaning and intent of the law, and it is only fair to assume that honorable purposes and honest methods controlled the state department of Oregon and its representatives until the contrary is proven."

Must Assume State Is Honest.

"It is not unreasonable for the Government to assume that the State of Oregon is now only seeking a speedy and equitable adjustment of its rights under the school land grants. This is a duty the State Land Board owes to the commonwealth and to coming generations, in order that they may be blessed with the best possible educational facilities."

"A speedy adjudication is imperative to save loss to the state school fund, in that the state's title to mineral in sections 16 and 36 is void, and even when sold by the state is voidable if the mineral character is proven, so that great loss would follow the slow process of individual contests, and that the opportunity to select from unappropriated lands valuable indemnity would be gone, since all the valuable lands in the state are fast passing into private ownership. It is also imperative in order to quiet title and make private ownership secure."

The brief states that nearly all valuable agricultural lands in Oregon are now occupied, and lieu selections "are largely the remnants of cullings of prior settlers," consequently the state school lands can only be rated as second and third rate, which fast necessitates low prices.

Odell closes his brief with a plea that, since it is the purpose of the Government to deal generously with the states in matters educational, it at once adjudicate the status of alleged mineral lands and certify to the same, in the spirit of fairness and liberality born of a high sense of duty and patriotic endeavor.

No Personal Advantage.

"This is not a plea for personal aggrandizement, or a promoters' scheme," says he, "but a plea in the interest of the common school fund for the State of Oregon, a plea that touches the highest sense of honor and patriotism. It is a meritorious plea, made upon high moral principles, founded in justice and not without hope in the fair-mindedness and wise discretion of the Interior Department. If granted, it means large gains to the common school funds of the state and no loss to the Government. It means at least 100 per cent added to every acre sold, and in much not less than 250 per cent."

"It is not the policy of the Oregon Land Board to attempt to profit from the in-advantage or lack of knowledge by any purchaser of the legal status of the land. It is always with the full knowledge of the vendor, as well as the vendee, that if title does not rest in the state its deed is void, and the law provides for the repayment of the purchase price, with 5 per cent interest. In view of the foregoing facts, the State of Oregon urges and expects a speedy decision, and that the adjudication will be made without consideration as to what the state may have done by inadvertence or misleading, in the matter of selling any of the lands alleged to be mineral."

"Such action in no way concerns the Interior Department, and in no way casts a cloud upon the title to the lands. The State of Oregon, through its land department, has not attempted or ever contemplated securing more than an equitable adjustment would give. Every attempted selection of lieu lands is made upon a tender of equal acreage in place as a basis upon or a waiver of all title or claim to the base, and while there may be instances of unwise legislation and deceptive practices in individual applicants to purchase, somewhat in kind with unavoidable frauds in details of management of Government land offices, yet with the practice and policies of the State Land Board, in its earnest efforts to secure and protect the state in all its rights and holdings, there cannot justly be any unfriendly criticism, but rather commendation for alertness and careful attention to the trust committed to their care."

PLAN TO DEFEAT TELLER

Colorado Republicans May Unseat Democrats and Provoked Deadlock.

DENVER, Dec. 24.—The State Canvassing Board today completed the canvass of the election of members of the legislature, awarding the certificate of election to Representative in the disputed San Juan district to C. A. Cooper, Republican. The House contains 34 Republicans and 21 Democrats, and the Senate 21 Republicans and 24 Democrats. The Republican leaders have proposed to unseat the entire Arapahoe County delegation of 15 Democrats in the House on the ground of frauds in the election in Denver, and thus prevent the re-election of United States Senator Teller, who will receive the entire Democratic vote. Should the House attempt to carry out this plan the Senate will retaliate, and a deadlock will probably result.

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IS STILL IN DOUBT

Roosevelt Receives Request of Allies.

CAN GIVE DIRECT ANSWER

All Agree He Is Best Man to Decide for Them.

BLOCKADE GROWS CLOSER

Allied Fleet Captures More Ships and Is to Have Reinforcements—German and Italian Ministers Irritate Venezuelans.

WASHINGTON, Dec. 24.—The President and Secretary Hay were in conference some time this afternoon over the proposals from Germany and Great Britain about the arbitration issue involved in the Venezuelan controversy. They went over the communications very thoroughly, considering the subject from every viewpoint. The acceptance or declaration of the proposals by the President is believed to hinge on the nature of the restrictions the allies have imposed on the arbitration.

If any conclusion was reached at the conference between the President and Secretary of State today, the fact was not made public. Inquiries at the White House regarding the President's intention were referred to Secretary Hay, and the latter sent word to newspaper reporters who called on him that there was no news to be given out on the subject tonight.

AT BLOCKADED PORTS.

Steamer Caracas Stays Outside—People Angry With Envoy.

CARACAS, Dec. 24.—The Red D line steamer Caracas was cruising today before La Guayra. The steamer Merida, of the same line, has left Willemstad, Curacao, for Maracaibo. She will attempt to ascertain whether the blockade is effective. There was much indignation among the people of La Guayra with Signor de Riva and Herr von Pilgrim-Batizani, who are considered responsible for the shelling of the forts at Puerto Cabello. The envoys promenade daily on the beach at La Guayra, and it is feared they may be the object of some demonstration.

At Caracas everything is quiet. President Castro went to La Victoria today.

DOES NOT KNOW IT IS WAR.

News of Declaration a Surprise to Venezuelan Minister.

CARACAS, Dec. 24.—In an interview today with a representative of the Associated Press, Loreto Baralt, Minister of Foreign Affairs, said he had not been informed of a declaration of war by Great Britain, and was greatly surprised at the news that such a step had been taken. Venezuela, he said, does not regard the existing blockade as tantamount to a state of war, but the country is prepared to resist to the utmost.

DUTCH STEAMER SHUT OUT.

Does Not Touch at La Guayra Owing to the Blockade.

LA GUAYRA, Dec. 24.—The Dutch steamer Prins Willem II, from New York, December 5, arrived off La Guayra this morning, but owing to difficulties with the blockading squadron and to the refusal of her agent to pay the port charges she left without communicating with the shore.

French Mails Are Diverted.

PARIS, Dec. 24.—The only official at-

tention thus far given here to the Venezuelan blockade is an announcement of the Postoffice Department that the mail boats leaving Bordeaux and Marseilles will cease to touch at La Guayra, Puerto Cabello and Carapana, and that all correspondence for Venezuela will be carried to Port de France, Martinique, pending the blockade.

Germany Begins Blockade.

BERLIN, Dec. 24.—Commodore Schoeder reports that the German blockade of Puerto Cabello began December 22, and that the blockade of Maracaibo by the Germans commenced today.

Another German Cruiser Going.

BERLIN, Dec. 24.—The German cruiser Sperber is hurrying preparations to sail from Kiel for Venezuela about New Year's day.

British Take Two Vessels.

LA GUAYRA, Dec. 24.—The British cruiser Tribune tonight captured a sloop and a schooner outside this port.

BRITAIN ANXIOUSLY WAITS.

London First Proposed Roosevelt and Kaiser Took the Hint.

NEW YORK, Dec. 24.—The decision of President Roosevelt respecting Venezuelan arbitration has been awaited with keen interest in England, says a dispatch from London to the Tribune. The cognizance of the objections raised by the leading American journals is not denied, but there has been a sincere preference for Mr. Roosevelt as the arbitrator. The old Tory Morning Post proposed the President's name in advance of even the quick-witted German Emperor, and the suggestion has been received with a chorus of acclamation by the English press. There are no ulterior motives. This English preference is based upon respect for the President's character and recognition of his unique fitness for the duties of an arbitrator in a case where a guarantee for payment of an award is urgently needed but may be dispensed with if he consents to act.

The English press is regaining its sobriety of judgment respecting Germany. Mr. Kipling's outburst is generally condemned, and the German Emperor is beginning to have something like justice for his evident desire to maintain the friendship with the United States. The British attitude for the maintenance and preservation of the Monroe Doctrine seems overwrought when two powerful European governments have virtually renounced it and deliberately nominated the American President as arbitrator.

ALLIES' PROPOSAL ARRIVES.

Roosevelt Left Free to Say "Yes" or "No" to It.

WASHINGTON, Dec. 24.—The proposals of Great Britain and Germany that President Roosevelt arbitrate the Venezuelan dispute have reached Washington. They are in such form that the President can accept or reject the proposition outright. So far, the messages having been received while the President was absent from the White House, he has had no opportunity to consider them, and until he does so his decision cannot be known. For the same reason nothing can be gathered here as to the details of the proposals, and although great interest is felt as to the extent of the limitations which the allies will ask to be placed on the arbitration, curiosity at that point must remain unsatisfied until the President has made up his mind what he shall do. It is known that he is disposed to act with all speed in this matter, for he realizes that the conditions on the blockade line are such that almost any moment an unpleasant incident may occur through the obstinacy of some skipper or from a genuine misunderstanding as to the terms of the blockade that may diminish the chances of a peaceful settlement of the Venezuelan trouble.

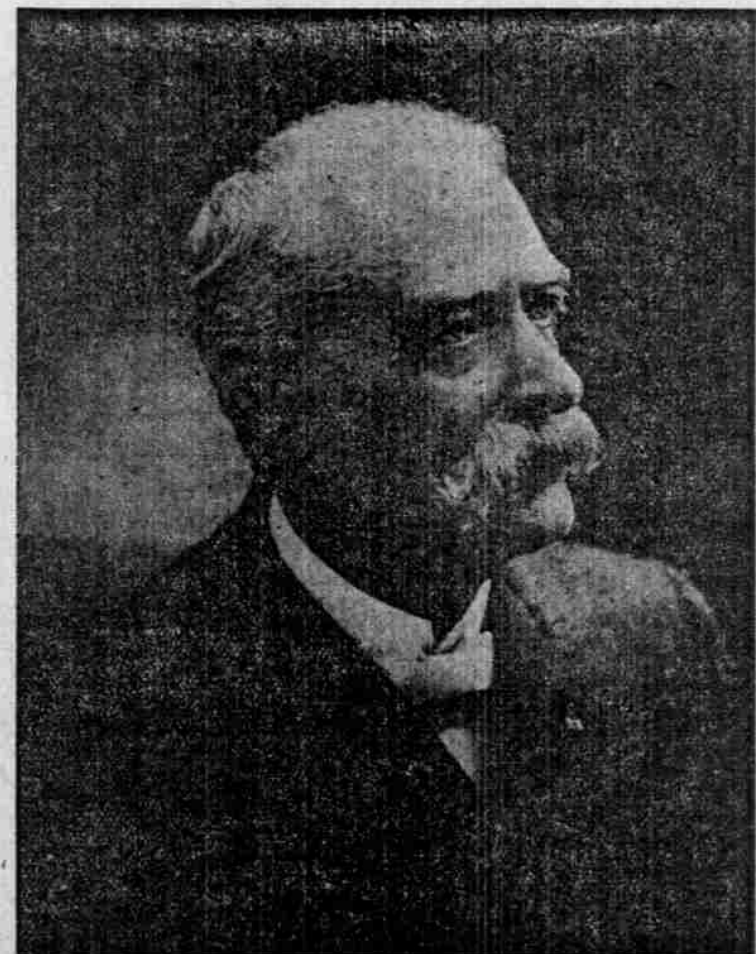
GERMANY WANTS QUICK ACTION.

For That Reason Prefers Roosevelt to Slow Hague Tribunal.

BERLIN, Dec. 24.—Germany is anxious to receive President Roosevelt's acceptance of the formal invitation from Germany and Great Britain to act as arbitrator in the Venezuelan controversy. The German government's preference is very decidedly in favor of arbitration through President Roosevelt, rather than through the Hague tribunal, because it believes that the conditions on the blockade line are such that almost any moment an unpleasant incident may occur through the obstinacy of some skipper or from a genuine misunderstanding as to the terms of the blockade that may diminish the chances of a peaceful settlement of the Venezuelan trouble.

The German steamer Sibiria, which sailed from Hamburg for Venezuela yesterday, carried an expert in international law, who will act as counsel for Commodore Schoeder in technical legal questions arising during the blockade.

NEWLY APPOINTED COLLECTOR OF CUSTOMS FOR SOUTHERN OREGON DISTRICT.



MAJOR MORTON TOWER, OF MARSHFIELD.

WON'T RETURN

Runaway Princess Declines on Divorce.

SHE MAKES CONFESSION

Expresses Contempt for Restrictions of Court.

KING GEORGE WILL OBJECT

Royal Scandal in Europe Will Not Down—Spies Watch Every Movement of the Princess and Her Lover.

DRESDEN, Dec. 24.—It is reported here that the Crown Princess of Saxony left for her husband a written confession of her relations with M. Giron, together with a declaration of her unalterable intention of never returning to the Saxon court.

The court has no official information as to the present whereabouts of the Princess, but it is known here that she is going to Montone, France, to reside. The court at present is concerned with considerations as to the best course to pursue in the matter. It is believed that the pope will be appealed to to grant an absolute divorce.

WILL APPLY FOR DIVORCE.

Crown Princess Will Act Immediately—Bitter Against the Court.

VIENNA, Dec. 24.—The Crown Princess of Saxony, through M. Lachenell, a former professor of Switzerland, has informed the Neues Wiener Tagblatt that she intends to take immediate steps to secure a divorce. She will not go to Salzburg, for fear of being placed in an asylum.

In two letters to her intimate friend, Princess Theresa of Bavaria, the Crown Princess complains bitterly of her treatment at the Saxon court, where she always was subjected to the strictest discipline. She says the official statements in her case are incorrect.

WATCHED BY THE POLICE.

King George Sends Spies to Geneva—He Will Oppose Divorce.

BERLIN, Dec. 24.—The Lokal Anzeiger today prints a dispatch from Dresden saying that King George of Saxony sent several of the highest police officials to Geneva to observe and report on the actions of the fugitive Crown Princess Louise. One of them returned yesterday by way of Vienna. The others will remain at Geneva. A divorce of the Crown Prince and Crown Princess is regarded as impossible during the lifetime of King George, who entertains stringent religious scruples against divorce. The Protestant clergy, however, hopes that Berlin will bring pressure to bear for a divorce.

The Crown Prince beat the Crown Princess, according to an editorial statement of the Vossische Zeitung, one of the most careful newspapers published in Berlin, which adds:

"Their disagreements reached this crisis in June, after Professor Giron became the children's tutor. The Princess at that time considered seeking a divorce, and visited her best friend, the Princess Theresa of Bavaria, who dissuaded her. The Princess, however, after returning to Dresden, did not resume marital relations."

The sympathy of the people of Dresden seems wholly with the Princess, who is of a cheerful, pleasure-seeking disposition. The Crown Prince loved to torment her. Among the writers forbidden her were Tolstoy, Zola and Nietzsche.

Professor Andre Giron is described as an idealist of the extreme type. It is related that his family once considered the question of confining him in an asylum because he refused a legacy on the grounds of delicacy of feeling.

IS SALT TRUST "BROKE"?

Claim Made That Assets Are Being Smuggled and Receiver Sought.

TRENTON, N. J., Dec. 24.—A suit was instituted in the United States Court today to have the National Salt Company adjudged a bankrupt. A former suit was dismissed by Judge Kirkpatrick because of proceedings instituted in the New Jersey Court of Chancery for the appointment of receivers. The complainants in the new suit are James P. Lee, of Tuxedo Park; William H. Berger, of New York; and Ophelia T. Jones, of Brooklyn.

The allegation is made in the new suit that in August last, when the office of the National Salt Company were cognizant of the fact that the company was insolvent, they transferred property to the value of \$1,022,000 to Milo M. Belding for \$450,000, and that Belding was permitted to obtain a judgment for \$238,000 for a balance claimed to be due him as a creditor. It is charged that the claim of Belding was purely "colorable," and in the interests of the International Salt Company, with which he was connected.

Busts of Lincoln for Schools.

NEW YORK, Dec. 24.—An anonymous admirer of Abraham Lincoln is going to place a bust of the great war President in every public school in the Boroughs of Manhattan and the Bronx. The offer was made to the Board of Education through Commissioner O'Brien, and was accepted. Mr. O'Brien would not give the name of the person who is to make the gift. The busts are to be designed by Wilson MacDonald, the sculptor, and are to be as large as the bust of Washington in the meeting room of the Board of Education. Before being placed in the schools they are to be submitted to three well-known artists as