

WINS ELEVEN CASES

Part of Tillamook Timber Land Contests.

DECISION AT OREGON CITY

Local Officials Declare the Evidence of Fraud Are Too Convincing to Permit Entries to Pass—Contestants Didn't Appear.

Register Moore and Receiver Bibe, of the Oregon City Land Office, have just rendered a decision covering a batch of the Tillamook timber land cases that Claude Thayer and several others are charged with conspiring to defraud the land office contrary to law. Charles E. Hays is the contestant in these, as well as in many others now pending before the Oregon City office involving the same general issues. The decision is in favor of Hays and against the entrant and takes the ground that the evidence of fraud is too strong to justify any other finding in the matter. The entries are held for cancellation.

The case in which this decision was rendered is that of Charles E. Hays vs. Robert Sturgeon. By stipulation, the testimony that was submitted in this matter was accepted for each of 10 others in which the same contestant appears against the following entrants: W. J. Stephens, Fred Skoppe, Sarah A. Bayley, Delphina Whalen, Margaret E. Nolan, Maurice Leach, Catherine O. Witherell, Oliver E. Quick, John H. Hathaway and Eureka H. Quick.

These entries were made in the Fall of 1899. Soon thereafter the Northern Pacific Railroad applied to select the same lands. That application was rejected and the company instituted a contest, which, however, was withdrawn in the following July. Hays instituted his contest in March, 1900. About 100 entries were involved in similar proceedings. One batch of 75 has been disposed of so far as local proceedings are concerned. Eleven more are in the lot now decided. Others are pending. In five of the cases the entrants relinquished and the contestants dismissed his contest and exercised his preference right by putting state land scrip upon the land. All the cases may be in the same boat when the entrants choose to relinquish, if they ever shall, or when they are beaten, if that shall come about. Hays has fought the cases stubbornly and has at various times been represented by four attorneys. His latest counsel being Dan R. Murphy.

The decision just rendered discusses the merits of the controversy and states very clearly the proceedings that have resulted in this conclusion, and it follows:

"The claim of the contestant that the entry of the contest was fraudulent is supported by a chain of proven circumstances that are so convincing that, as explained, must be accepted as conclusively showing the truth of the allegations contained in the contest affidavit. The contest has been allowed, with utterly unsatisfactory results. In the first case so transferred a hearing was regularly had, but by instruction of the counsel for contestee a number of witnesses refused to answer questions that, in the judgment of this office, were pertinent, and necessary to shed light upon the most damaging allegations of the contestant. In the remaining cases the contestants, upon the advice of the counsel for the contestees, continued the case, before the hour for hearing had arrived, without notice of any kind to the contestants, in the judgment of this office, violating the whole proceeding. In the consideration of all these motions for a transfer to Tillamook County this office has without refusal urged upon counsel for contestee the great importance of affording us an opportunity to examine and cross-examine, in at least one case, those resident in Tillamook who are alleged to be the chief conspirators in the matters in controversy. These suggestions have been couched with the assurance of this office that the testimony so obtained, in a single case, would be accepted, so far as the law would permit, as given in all the cases, and it is to be noted in this connection that the contestant indicated his willingness to acquiesce in this arrangement. The reasons why this hearing should be held in the District Land Office, in view of the fact that fraud and open violation of law are charged, in our judgment greatly outweigh any reasons that can be urged in favor of the transfer. For these reasons this office has refused to order any hearing in Tillamook County, and the contest herein has submitted no testimony. We have therefore to deal with the testimony of the contestant alone.

"The filing of the entrant whose claim is being contested, dated September 23, 1899. He is one of a large number of wards of 100-making filings during that month upon lands in the same general neighborhood. All of these parties apparently were acting under a sudden impulse, inspired by a small coterie living in Tillamook, who appear to have had entire control of the matter of making the entries, and arranging for the final proofs, and the subsequent disposition of the lands. From September 11, 1899, to September 30, 1899, nearly 100 persons decided to make timber filings in the same general neighborhood. They were all groups from Tillamook County, the home of Messrs. Thayer, Hadley, Leach and Cohn, and go in groups to the Portland office of Thayer and St. Rayner to have their papers made out by Miss Parker and Watts, who have been previously advised of their coming by Thayer and his associates. 'Contestant's Exhibit AA,' a letter dated September 23, 1899, gives a list of 33 of these filings have been made, and whose notices have been forwarded for publication. 'Contestant's Exhibit A,' which is a letter from Tom Coates to Miss Parker, dated September 23, 1899, acknowledges receipt of these notices and incloses data for another batch of timber filings. It notifies her that the parties interested will reach Portland Thursday evening. She is also notified that Mr. Thayer, who is named in the contest affidavit as one of the chief conspirators, is on hand to direct the people. In 'Contestant's Exhibit C' Thayer assures Watts that he 'will try to ascertain how he fared in the lottery in the way of getting a good claim.' Mr. Hadley is referred to by Claude Thayer in this exhibit as one of an 'iniquitous combine,' consisting of Claude Thayer, George Cohn, Morris Leach and Clark Hadley, 'united together to steal timber land, etc.' It is a violent presumption to suppose that he is not one of the firm of Morris, Clark & George to whom Thayer is writing in 'Contestant's Exhibit F 1, F 2 and F 3,' in which letter he writes that he thinks he has the lands sold at \$5.25, and in which he warns them to 'look out that no one tampers with your people' and 'advice against allowing 'your people' to get excited like sheep,' when they get here to prove up. He also refers significantly to the dangers of a contest. Evidently these people are all operating under a common management. Mr. Hadley, who, accord-

ing to the Coates letter, is to be on hand to direct the people, is the Clark Hadley referred to by Thayer in 'Contestant's Exhibit C 1,' and one of the firm of 'Morris, Clark & George,' who is operating with Thayer in working a deal for the disposal of timber lands upon which the entrants have not yet proven up. That the deal referred to lands upon which proof had not been made is specifically proven by Thayer's letter. It also conclusively appears that these deals referred to by Thayer were coincident and concurrent with the visits of all these contestees to Thayer's office in Portland, and their filings and the various preparations being made by them for submitting their final proofs. It is not denied that the contest herein was in one of these several groups whose papers were prepared in Thayer's office in Portland.

"Contestant's Exhibit L," which is a letter from Claude Thayer, written while all these parties were advertising to make proof, says that the lands, the sale of which he is negotiating, and on which, he says in another letter, final proof has not been made, aggregate practically 14,000 acres, and are located in T. 1 N., R. 6 W.; T. 2 N., R. 7 W.; T. 3 N., R. 7 W.; T. 1 N., R. 7 W.; T. 1 S., R. 8 W.; and T. 1 S., R. 7 W. This amount approximates the amount filed upon by all of these Tillamook contestees, and the townships named correspond to those in which are situated the lands filed on by them.

"The exhibits that are undisputed show beyond any reasonable doubt that there was a deal, contrary to law, for the disposition of upwards of 14,000 acres of timber lands in the townships upon which this and other contestees were filing; that the final proofs upon said lands had not yet been made; and that Thayer, Hadley & Co. were engineering the deal. It further appears that the contest herein was associated with the other entries, who are involved in the general charge of conspiracy, which is made the basis of all these contests; that he went direct from Tillamook to the Thayer headquarters in Portland to have his filing papers made out by an agent of Thayer; and that the land upon which he made his filing is in one of the townships designated by Thayer in the Bradley letter.

"On top of these undisputed exhibits we have the testimony of Kate Parker, who specifically testifies that the filing papers of the contestee were prepared by her and J. F. Watts, in the Portland office of Claude Thayer's father, and at that time Thayer requested that she know he was sent to that office, for that purpose, by Claude Thayer, Clark Hadley and Maurice Leach; that the papers were prepared under their instructions; that payment for the preparation of the papers was made by Thayer, Hadley & Leach; and that Clark Hadley had charge of the party. She further declares specifically that the contestee herein was one of the parties whose land was referred to in the Bradley letter as being in the market; that Thayer, Hadley and Leach told her they were to furnish all necessary expenses and the purchase price of the land, and were to divide the profits on the lands when they were sold; and that the contestee herein was cognizant of the whole scheme.

"The testimony of Hays has little direct bearing, but, so far as it goes, corroborates that of Miss Parker.

"In consideration of all the testimony submitted we cannot escape the conclusion that the charges set forth in the contest affidavit herein have been sufficiently sustained, and that the contested entry should be canceled, and we so recommend."

BELFAST'S STRANGE ILLS

Wanders Around Loose With Pneumonia and Heart Disease.

Accused of forcing his way into the patrol station in order that he might attract the attention of the prisoners in the City Jail, Barney Belfast was in the Municipal Court yesterday.

"I'm suffering from pneumonia and heart disease," announced Belfast. "I've had pneumonia for weeks," and his voice ended triumphantly.

"You look it," remarked Municipal Judge Hogue, sarcastically.

"I'm just a poor fellow," said Belfast, "just rapped at the jail window to see Kelly," said the prisoner.

"Kelly was out of jail the day before," said Jailor Roberts.

"Belfast, if I allow you to go now, will you promise me that you will not get drunk on Christmas day?" asked the Judge.

"He won't get drunk, for he has not the price to pay for any liquor," said Roberts.

Belfast said something under his breath, but the Judge was in a lenient mood, and the prisoner was allowed to retire on probation.

THE FOLKS AT HOME

Would Enjoy a Visit From You—Why Not Take It?

On January 8 and 9 the O. R. & N. places on sale tickets, Portland to Kansas City and return, at the rate of \$1.00, good for 20 days, with stop-over privileges on return passage. Call up O. R. & N. ticket office, Third and Washington, and learn particulars.

BUSINESS ITEMS.

If Baby Is Cutting Teeth.

Be sure and use that old and well-tried remedy, Mrs. Winslow's Soothing Syrup, for children's teething. It soothes the inflamed gums, allays all pain, cures wind colic and diarrhoea.

FOR MORE HATCHERIES

CRY OF MEN INTERESTED IN THE SALMON INDUSTRY.

State Should Build and Raise Money to Maintain From the Fish Licenses—Close Season.

"Hatcheries, more hatcheries," is the burden of the recommendations for legislative action in the matter of the salmon industry. The following letters from practical men emphasize the demand for increased propagation. Both favor state appropriations for construction of hatcheries, with such an adjustment of the license schedule as would bring revenue sufficient to maintain the hatcheries, thus making the industry bear the main burden of perpetuating itself. Both urge the importance of up-river propagation, and Mr. Seufert thinks it would be wise to take care from the Columbia over to a large state hatchery on the Snake at On-

gation methods that utilize such lakes as reservoirs and increase their storage capacity as well as raise the head of water by means of dams impede the passage of the fish, or prevent them from reaching the natural spawning grounds. This condition, supplemented by draining the young fry into irrigation ditches, ends the history of the blueback's posterity in a chapter of disaster. It has been repeatedly asserted that many coast streams are dammed for logging and power purposes, and many interior streams and lakes for irrigation. And this practice, with the unscreened ditches, greatly curtails the extent of the natural spawning beds on the one hand, and destroys millions of young fish on the other. Fishways can be installed upon all dams and screens in ditches. All varieties of salmon suffer greatly from these causes, but in the case of the blueback, it means destruction. The chinook and steelhead runs are much more favorable to keep up the supply, in spite of the heavy drain of the fisheries and the casualties of the dams and ditches, for the reason that a limited quantity of these fish are running in the river during most of the months of the year; so that a good many escape into the upper waters during the close season and at times that dams and ditches are not in full way. This is an advantage that the blueback does not enjoy.

It is reported that the Warden recommends an open fishing season throughout the entire year. No doubt his experience seems to indicate that this would be a practicable and a safe measure to enact, and the very excellent results that he has secured on the upper river would seem to bear out his opinion (that sufficient salmon escape into the upper waters, under any conditions, to keep up the supply, provided proper facilities for hatching are supplied, and no doubt with no close season on the river, a considerable expense might be saved for more important work and a vexatious source of trouble in administering the law avoided. On the other hand, it is possible that the Warden is too conservative to keeping up of the fish supplies that are not dreamed of in our present philosophy on the subject. Most of the various interests on the river seem to be pretty well satisfied with the present status of open and close seasons, and it might be safer to err on the side of the greater security for the future of the salmon run, rather than to risk a mistake that would be very serious if it should fall out that this theory was a mistaken one. All efforts should be toward securing the best results for the future on the lines indicated by the longest period of operations and the most extensive experience so far secured, and to get these benefits by setting out the facts and the requirements plainly, so that every reasonable person can understand the present conditions as compared with the past; the results that are aimed at; and the perfectly reasonable proposals that are made for their purpose.

P. J. MCGOWAN & SONS, Inc.
Per H. S. McGowan, President.

ENFORCE SPRING CLOSE SEASON.

Take Eggs From Columbia to Ontario to Hatch.

THE DALLIES, Or., Dec. 23.—(To the Editor.)—The only change in season I should recommend is: Enforce the Spring close season from March 1 to April 15, to the letter of the law, regardless of expense. The summer close season might be shortened a trifle, from August 10 to September 1 closed. This would protect more chinooks and allow the taking of more steelheads, of which there is a surplus, instead of allowing them to run to waste, as now, for after September 1 there are but few chinooks below the mouth of the Deschutes River, and above that point they are protected the year around. What we need on this river is a large hatchery at Ontario, Or., on the Snake River, where the hatchery could have a capacity of at least 100,000 eggs, and will cost \$25,000. The state should appropriate this amount in a lump sum to build this hatchery. From present revenues received in the hatchery fund but \$11,000 annually is paid in. Under present work laid out by our Fish Warden the expenses were \$22,000 for the past year. Licenses should be raised so as to raise from \$20,000 to \$25,000 annually by the people interested in the industry. This could be accomplished by a tax of \$2.50 per ton for all salmon caught and sold, and a tax of \$1.00 per ton for all steelheads caught and sold. Today with all the vast increase of population the river supplies the people with a cheap food, besides what is shipped all over the Eastern States. They turned in \$50,000,000 fry for the past 10 years. The Columbia River should produce from 40,000 to 50,000 tons of salmon annually, and at an expense of only \$25,000 for the next four years; then at an annual expense of \$15,000 for river racks and hatcheries, and once constructed, their operation can be maintained at a very small expense if five years produce 1,000,000 cases annually, the state constructs this plant trout can also be raised here, as they spawn where salmon do not and can be planted in all mountain streams from this point. In this way you can soon teach a force of men that can be employed the year round to hatch the sportsman's delight, as well as the fisherman's livelihood, and make it an institution that any state can be proud of.

F. A. SEUFERT.

The Distinctive Value

of Syrup of Figs is due to its pleasant form and perfect freedom from every objectionable quality or substance and to the fact that it acts gently and truly as a laxative, without in any way disturbing the natural functions. The requisite knowledge of what a laxative should be and of the best means for its production enable the California Fig Syrup Co. to supply the general demand for a laxative, simple and wholesome in its nature and truly beneficial in its effects; a laxative which acts pleasantly and leaves the internal organs in a naturally healthy condition and which does not weaken them.

To assist nature, when nature needs assistance, it is all important that the medicinal agents used should be of the best quality and of known value and Syrup of Figs possesses this great advantage over all other remedies, that it does not weaken the organs on which it acts and therefore it promotes a healthful condition of the bowels and assists one in forming regular habits. Among its many excellent qualities may be mentioned its perfect safety, in all cases requiring a laxative, even for the babe, or its mother, the maiden, or the wife, the invalid, or the robust man.

Syrup of Figs is well known to be a combination of the laxative principles of plants, which act most beneficially, with pleasant aromatic liquids and the juice of figs, agreeable and refreshing to the taste and acceptable to the system, when its gentle cleansing is desired. The quality of Syrup of Figs is due not only to the excellence of the combination, but also to the original method of manufacture which ensures perfect purity and uniformity of product and it is therefore all important, in buying, in order to get its beneficial effects, to note the full name of the Company—California Fig Syrup Co.—printed on the front of every package.

CALIFORNIA FIG SYRUP CO.

San Francisco, Cal. Louisville, Ky. New York, N. Y.
FOR SALE BY ALL LEADING DRUGGISTS. PRICE FIFTY CENTS PER BOTTLE.

GAS FOR THE UNIVERSE

Americans Form Big Company to Supply Cities of Europe.

CHICAGO, Dec. 24.—The Daily News today says that capital to the amount of nearly \$1,000,000 is reported to be represented in the formation of a gigantic gas trust, which will include the different companies in nearly all the principal cities of Europe and the large interests of London. A Chicago man is alleged to be the originator of the scheme and Chicago and New York capital is represented in the project. John D. Rockefeller is credited with being a prospective stockholder to the amount of \$300,000. Other New York capitalists said to be interested are Anthony Brady, D. O. Mills and A. R. Fiske. The Billings of the People's Gas Light & Coke Company, and Anthony Brady, said to be the prime mover in the venture, the story runs, will leave within ten days for Paris, to perfect the deal.

Block-Pavers Take a Holiday.

The Belgian block pavers on the Morrison-street improvement of the City & Suburban Railway Company are having Christmas holiday and have no programme. The pavers are anxious to work, but yesterday a difference between them and the contractor doing the work

for the company arose, and as a result the pavers quit work. The cause of the quarrel between the contractor and the men seems to be that he refused to have the stone blocks laid conveniently along the track. Heretofore he has hired laborers to carry the blocks to the pavers, paying the laborers himself, but now he comes out and demands that the pavers pay the block-carriers or get the blocks themselves. The pavers refused to pay what they considered should be paid by the contractor, and as a consequence they struck yesterday morning. The company wishes to get the blocks laid as soon as possible, and rather than delay the improvement, they may take the matter in their own hands and hire carriers themselves.

Christmas Day.

If we have care—and all have care,
Some have less, and some have many—
Let's put them off for one short day,
And vow we have not any.

If people from those fretting cars
For one short day let heaven,
It reads a step beyond the bars
That shut us out from heaven.

Peace and love make heaven on earth,
And long we all have known it;
For pass our friends in daily strife
And seldom once have shown it.

The loving thought, the kindly deed,
Falls like manna from the sky
On those who bear the heavier load,
Tet heedless oft we pass them by.

With careless not or cold hand-clasp,
Forgetting over and over again
Words of gold our Savior taught:
"Peace on earth, good will to men."

The Tule log burns with a brighter glow
If it holds in its warm embrace
A tender care for another's woe,
Or a smile on a weary face.

MRS. THOS. MOFFETT.

Jim Dumps at Christmas formerly
Was cross and cranky as could be.
But see him now among the holly,
From eating "Force" grown spry and jolly.
You'll find, by looking hard at him,
That Santa Claus is "Sunny Jim."

"FORCE"
The Ready-to-Serve Cereal

brings peace
and good will.

Sweet, crisp flakes of wheat and malt.

A Wonderful Boon.
"Force" Food has been a wonderful boon to me, and I have eaten almost three cases now. I want to thank you very much for the benefit I have received from it. I can't see how I could have got along without it.
H. H. MILLER.