THE MORNING OREGONIAN, FRIDAY, NOVEMBER, 16, 1906.



formance of their duties. In Oregon City as in other small cities, Councilmen serve the city gratuitously hence there is rec-ognized great injustice in the charter

Innocent Purchasers Say State Should Refund \$50,000 Paid on Cancelled Certificates-Appeal to the Courts if Refused.

WANT MONEY BACK

Holders of Forged Land Cer-

tificates Make Claim.

WILL ASK LEGISLATURE

BALEM. Nov. 15-(Special.)-Whether the state shall repay \$50,000 that has been paid into the school fund on state land certificates cancelled for fraud, is a question that will be presented before the Legislature next Winter. The cancella-fion yesterday of certificates obvering 90,000 acres of land puts the matter in shape for presentation before the Legis-lature. The State Land Board has refused to renay the money for want of authority. lature. The State Land Board has refused to repay the money for want of authority, because the law authorizes repayment only in case the state is unable to con-vey title to the land. In these cases the state was able to give good title, but refused to complete the sales on the ground that the certificates had been ob-tained by fraud. If the certificates were still in the hands

If the certificates were still in the hands of parties who participated in the fraud, there would be no question as to the course the Legislature would pursue. No would vote to repay money to a man who had imposed upon the state. But in this instance the certificates have all passed out of the hands of the perpetrat-ors of the fraud and are owned by men who claim to be innocent purchasers. The holders reside in the East, principally in Minnesota, Illinois and Maine, but are also scattered through other states. They bought the certificates from A. T. Kelli-her. The fraud was committed by H. H. Turner, and, as he says, at Kelliher's suggestion. However that may be Kelli-her out the says to Kelliher's suggestion. However that may be, Kelli-her rold the certificates to Eastern specu-lators at an advance of 50 cents to \$1 an acre. He had already paid the state 50 cents an acre, so the Eastern buyers in-vested \$1 to \$1.50 an acre, thus repaying Keiliber and letting him out of the transaction without loss. The question is not now one in which Keiliber is di-rectly interested. The "innocent pur-chasers" from him are looking to the state to repay to them the 50 cents an acre which he paid the state. Including the certificates cancelled yesterday, the State Land Board has cancelled papers covering 100,000 acres, on which there

covering 100,000 acres, on which there has been paid, in round numbers, \$50,000. This money has gone into the irredu-cible school fund. If it be repaid to holders of state land certificates frandu-lently obtained, it must be paid out of that fund. Though a number of holders lently obtained, it must be paid out of that fund. Though a number of holders of cancelled certificates have talked of binging suits against the state to re-cover the money, it is not thought that this course will be taken until after the Legislature has been appealed to. There is strong probability of defeat in the courts and it is believed that if their claims should fail in the courts the Legislature would look upon them with less favor. On the other hand, they can appeal to the Legislature first and still have as good a standing in court as they ever had. There is question as they ever had. There is question among attorneys whether a suit can be maintained against the state, but those

who have talked of bringing a suit say they have no fears on that point. All efforts to induce the State Land Board to recognize the certificates valid, notwithstanding the original fraud, have been unavailing. The board adopted the policy of cancellation several months ago and the recent order cancelling 300 certificates was merely a move to clear the records before the end of the year.

The holders of the certificates were given a hearing before the order was made Nothaniel Palmer, of Bath, Me, was before the board with a plea that he be permitted to pay the state the remaining



CORVALLIS PLANS A FAIR.

Prizes to Be Given Children for

Agricultural Products. CORVALLIS, Or., Nov. 15 .- (Special.) CORVALLIS, Or., Nov. 13.—(Special) —A committee from the Citizens' League is soliciting funds with which to finance a three days' agricultural fair, to be held in Corvallis next Sep-tember. The plan in part provides for prizes to be awarded the schools and school children of the county for ag-ricultural products they will grow, the list of awards to cover vegetables.

list of awards to cover vegetables, grains, grasses, flowers, fruits and all other things growable in the interim. The merging of the annual horse show

Trial at Moscow.

held here into the new enterprise is contemplated. Success has attended the campaign for funds so far. Governor Chamber-lain, Senator Fulton and H. W. Scott, of The Oregonian, have been invited to deliver addresses on the occasion. The fair will be held immediately preceding hoppicking.

STEIWER GETS COMMISSION.

O. A. C. Boy Appointed to Lieuten-

ancy in Philippine Constabulary.

CORVALLIS, Or., Nov. 15.-(Special) -Karl Stelwer, of the class of '05, O. C. who was recommended several months ago as Lieutenant in the Phil ippine Constabulary, has received his commission. The position is awarded by reason of graduation from the college where a full military course is

given Three graduates were recommended at the same time, Floyd Williams, who went to the islands in January and who has been promoted and now commands a company, Karl Steiwer, the the latter of whom is now at Prine-ville, and is in line for an appointment. if not already named. The appoint-ments come through the War Depart-ment of the United States. Many of the constabulary officers ultimately get positions in the regular army.



CASE IS ON TRIAL IN COURT AT OREGON CITY.

Clackamas Orchardist Claims Dam-

ages for Destruction of Pest-Infested Trees.

OREGON CITY, Or., Nov. 15 .- (Spe-cial.) - The validity of the horticul-tural law, enacted at the last session of the Legislature and making com-pulsory the spraying of orchards, is at stake in a suit in the State Circuit Court here today. It is the case of T. R. A. Sellwood, a Milwaukie orchard-R. A. Senwood, a Milwanks of chard ist, against J. H. Reid, ex-fruit inspector for Clackamas County. Plain-tiff demands judgment for \$2000 for the destruction of 34 10-year-old prune trees last May. It is alleged by the plaintiff that under instructions from Reid, A. J. Lewis, the present county fruit inspector, want unon his premy.

fruit inspector, went upon his prem-ises and deliberately cut down 34 trees in a prune orchard of more than 600trees The case will not be concluded until tomorrow. The plaintiff is not directly attack-

was requested. One hundred men left Asheville on horseback and surrounded the barn. Fire was opened upon the negro, who attempted to escape, returning the shots until he was killed The powers have been composed of the best citizens and the negro population has sided in the search and contributed towards a relief fund for the families of the dead policemen

by an earthquake, which rocked houses but did no particular damage. Re-ports from over the teritory show that the shock was general.

A telephone message from Socorro says that the first shock there occurred st 5 o'clock and lasted five minutes. Several buildings were wrecked and people were severely frightened. Shocks are occurring there, it is re-ported, at intervals of from five to ten minutes, and are very severe. Shocks were also felt at Torrance

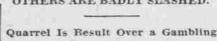
Shocks were also felt at Torrance and Estancia, in Torence County, and at Albuquerque and Las Vegas. The seismic disturbances apparently ran from north to south.

HARRIS GAME TO THE END.

Negro Desperado Shoots at Besieging Posse Till Killed.

ASHEVILLE, N. C., Nov. 15 -- Will Haris, the negro who killed two Asheville licemen and three negroes Tuesday night, was shot by a posse of men today near Fletcher, about ten miles south of Asheville At 8 o'clock this morning word was received that the negro had been discovered in a barn near Fletcher, and aid





cents an acre due on the certificates held by him and receive deeds, but the board denied his request. In speaking with State Land Agent West about the situation he said that this order of the board left him "dead broke." for he had paid Kelliher practically all his savings of a lifetime. There are many others in

a similar situation. Among the holders of the cancelled Among the holders of the cancelled certificates are the John Day Lumber Company, Portland, John De Laitter, Minneapolis; Mrs. Kate Johnson, Hep-pner; Henry La Frieneu, Ashland, Wis-consin, J. A. Lane, Minneapolis; Andrew Erickson, Gisdstone, Mich.; Miss Celia Sargeant, Searsport, Maine; A. L. Young, Auburn Maine C. B. Garrison Portland. Auburn, Maine: C. B. Gartison, Portland, Or. N. T. Paimer, Bath, Maine: Edward Gorgen, Minneapolis, W. A. Foss, Glad-stone, Mich. E. E. Lucas, Dayville, Or.; Edward Bevans, Minneapolis, G. A. Brig-ham, Graion, Mich.

OREGON GOAT SHOW AT DALLAS.

Three Days' Exhibition 1s to Be

Made This Season.

DALLAS Or. Nov 12-(Special)-The eighth annual Oregon angora goat show will be held in Dallas Wednesday, Thursday and Friday, January 9, 10 and 11, 1997. These dates were decided upon the goat breeders at a meeting held in Brown's Hall last Saturday afternoon A large number of farmers were in attendance and an enthusiastic meeting was

It was decided to hold a three days' show this season, instead of a two days' exhibition as heretofore. Breeders apexhibition as herefore. Breeders ap-pointed as members of the committee on arrangements are H. L. Fenton, W. A. Ayres, John Reasoner, Jamès Riddell and U. B. Grant. All of the committee-men have had experience in managing former shows and will enter upon their iuties fully familiar with the work in

The National Angora Goat Association has placed \$200 at the disposal of the Polk County Mohair Growers' Association to be used as prizes for registered stock exhibited at the Dallas show. The local committee will raise a similar amount for prizes for unregistered stock, so that no discrimination may be made among the breeders.

Another important action of the goat men was to appoint a committee to in vestigate the matter of securing a per manent home for the show, the build-ings and grounds so secured to be used for county fair purposes as well as for the goat exhibit.

HELD UP BY ONE JUROR.

Eleven Men Favored Awarding Dam-

, ages to Mrs. Batdorf.

OREGON CITY. Or. Nov. 15-(Special.) -At midnight last night, after deliberat-ing ten hours and failing to agree on a verdict, the jury in the 5000 damage suit of Mrs. Clara Batdorf against Councilmen Knapp, Justin, Brandt, Straight and Williams, reported its inability to agree on a verdict and was discharged. This is the second trial of this case that has

resulted in a disagreement. Eleven of the jurors favored awarding the plaintiff nominal damages assessed at about \$500

stepping through an opening in a de- represented to her. ,

contention that personal property can-not be destroyed or confiscated with-out the owner being adequately com-pensated. Considerable testimony was offered by the defense to prove that the Sellwood orchard was so badly in-fected with the San Jose scale as to prove a menace to adjoining orchards. prove a menace to adjoining orchards. Among the witnesses testifying in be-half of the defendant were Professors Cordley and Lake, of the Corvallis Experimental Station, who told of the disastrous effects resulting to the fruit

industry of the state on account of this pest; C. W. Swallow, County Fruit Inspector Lewis and William Beard, all prominent Clackamas County horticulturists, who had inspected the Sellwood trees and found them to be seriously infected with the scale.

Testimony was also offered showing that Sellwood had been repeatedly notified to spray his orchard before the trees were finally cut down and the work of destroying the entire orchard was only abandoned when a son of the owner of the orchard assured the bortioutural officers that the orchard

the owner of the orchard assured the horticultural officers that the orchard would be promptly sprayed. The case is being heard before the following jury, consisting of farmers with but a few exceptions: William Stawey, Charles Thompson, J. M. Coon, E. H. Cooper, E. R. Williams, W. F. Boberg, O. S. Whitten, Thomas Sconce, C. C. Babcock, C. H. Dauchy, J. L. Mur-dock and John C. Haines.

HUNT IS GIVEN FOUR YEARS.

Arrested for Forgery on Eve of

Marriage to Portland Girl.

SEATTLE, Wash. Nov. 15-A. C. Hunt, alias J. C. Fuller, alias D. R. Chesterfield, who was arrested on the eve of his wed-ding to Miss Nellie Hubbard, daughter of Dr. W. F. Hubbard, of Portland, on the charge of forgery, was found guilty and sentenced to four years in the peniten-tiary yesterday afternoon, in the Superior

Court. He was found guilty of passing a forged check for \$240 on the Frederick & Nelson furniture store, on October 22, He forged the name of A. K. Beatson, a wealthy merchant of Valdes, Alaska

Teachers Demand Higher Wages.

SEATTLE, Wash, Nov. 15.—An in-crease in wages is demanded by the schoolteachers of Seattle. They have organized into a body, and will make a hard fight to gain better wages. It is said that the demand of the teachers will take an active part in the coming election. The educators have appointed a committee of 50 to outline a plan of action, and if they are defeated they will zeek revenze in are defeated they will seek revenge in

Socialist candidates have pledged themselves to vote for an in- Knapp; third, Mat Justin. rease in salary of the teachers, and unless the other two aspirants for the office make known their attitude on the question there are good chances of the Socialists getting in

Timber Broker in Trouble.

SEATTLE, Nov. 15 .- L. C. Dolley, one of the best-known timber brokers in this resulted in a disagreement. Eleven of the jurns favored awarding the plaintiff rominal damages assessed at about \$200 but the twelfth man could not be dis-suaded from his position. The plaintiff sued to recover damages for an injury sustained last January by stepping through an opening is a destination of perjury. It is alleged Dolley got Mrs. Gish, of Aberdeen, to make false declarations in taking up some property which he is also alleged to have falsely rememended to have falsely

termined to have the present status of the electric, telegraph and telephone wiring in this city materially altered, and if possible placed underground At last night's meeting of the Council, the finance committee was instructed to have the City Attorney investigate the various city ordinances and the franchises under which these corporations operate in this ity and ascertain the rights of the muniipality in the premises. Recent investigations, by experts, of

Recent investigations, by experis, of the wiring in this city, disclosed most alarming and dangerous conditions and the city authorities have resolved to insist upon one of three dispositions of these wires as follows: A uniform eleva-tion of 60 feet, placing the wires under-ground, or removing them from Main street entirely. - ar and har the

Nelson Bennett Gets Contract.

TACOMA. Wash., Nov. 14 -- Nelson Ben-tett, of Tacoma, has been awarded the contract for the Great Saltese tunnel on the Rocky Mountain divide between Mon-tana and Idaho, the bore extending from the head of Ramy Creek to the middle branch of the St. Joe River and being \$750 feet in length. The contract was signed at the office of President Williams, for the Milwaukee road, in Seattle two weeks ago, the railroad officials having summoned Mr. Bennett from Spokane, where he was engaged in a heavy con-

tract, together with his attorney, Marshall K. Snell, of Tacoma Work is to begin December 1, 1995, and to be completed December 1, 1995 This, therefore, marks the point that the Chicago, Milwaukes & St. Paul rail-road will be completed to Tacoma in two

Raising Fund for Present.

OREGON CITY, Or., Nov. 15 .- (Special) -Report having been made that the widow of ex-Night Officer George J. Hanlon, who was murdered while in the discharge of his duties, by Smith, the desperado, is in need, the Council pro-posed the raising of a popular subscrip-

tion as a Christmas present for the deserving woman. A committee, consisting of one Councilman from each ward, was named to circulate a subscription paper among the residents of this city. The members of the committee are: first ward. William Andersen: second, A.

Oregon City Tax Levy Higher.

OREGON CITY, Or., Nov. 15-(Spe-OREGON CITY, Or. Nov. 15.-(Spe-vial)-The city's annual tax levy was fixed by the City Council last night, as follows: 6 mills for general municipal purposes; and 3 mills for the permanent street improvement fund. This is an in-

crease of one mill over last year in the levy for municipal purposes.

Sentiment Favors the Purchase.

OREGON CITY, Or., Nov. 15 .- (Spe ial.)-Sentiment favoring the propose purchase of the old McLoughlin home -The annual teachers' institute for Clark

The commission will recommend that yard privileges of convicts be extended, that underclothes be furnished all convicts and that overcoats be given con-victs discharged in mid-Winter. It is generally believed here the commission them. generally believed here the commission will agree on reforms already outlined by Governor Mead, including plan for separating youthful from hardened crim-inals and conversion of present prison hospital into women's ward separate from male convicts.

J. B. Catron is the only member of the commission who has any practical know-ledge of workings of the penitentiary. Most of the other members never visited the penitentiary before and their recom-mendations are based chieffy upon sen-timent and theory.

DEAD OF THE NORTHWEST.

Funeral of Dr. Charles Lee.

CORVALLIS, Or., Nov. 15-(Special)-The funeral of Dr. Charles Lee, who died here Tuesday night, occurred this after-noon, and was under the auspices of the Masonic fraternity. The interment in Crystal Lake cemetery. Dr. Lee was a native of Ohio, and was 55 years of age. He died, after an illness of but a few days, of heart disease.

Pioneer Palouse Woman.

GARFIELD, Wash., Nov. 15 -(Special.) -Mrs. Reed, a ploneer of the Palouse country and the mother of J. Reed, pro-prietor of the Hotel Garfield, died at the home of her son here Tuesday, aged 82 years. Mrs. Reed came here from Oakes-dale three days ago to visit her son and his family

Wanted in Oregon for Perjury.

SEATTLE Wash, Nov. 15 -T. J. Luper alias Jackson, has been arrested in Seat-tle at the request of the Sheriff at Sa-lem, Or., who is said to be wanted in Ore. gon on a charge of perjury. The prisoner has agreed to return to Oregon without requisition papers.

It is alleged that Luper recently sued It is alleged that Duper recently such for a divorce from his wife, and that he swore to an affidavit that his wife had been served with a copy of the com-plaint, when she had not. The divorce was secured by default.

Pretty Women Pass Bad Checks.

EVERETT, Wash., Nov. 15 .- The man agers of two Everett business houses are anxious to learn of the whereabouts of two pretty and stylishly dressed young women who worked them to a frazzle yes-terday. The young women succeeded in passing two forged checks on Mann Broth-ers for \$88. When pursued they fied to the brush on the outskirts of the city and effected an escape

> Teachers' Institute at Vancouver. VANCOUVER, Wash , Nov. 15-(Special.)

ists attacked the Vistula Railroad depot at Suchedniow this morning, killed a gen-darme, blew up the safe and escaped with

SANTA Fe, N. M., Nov. 15 .- Between

Horseless carriages-Wireless telegraphy-Now lardless cookery

Improvement is the order of the age. sentially a product of nature and contains only the only shortening. To-day, the only people who use lard for shortening and frying purposes are those who are not familiar with the virtues of Cottolene. It pays to be abreast of the times. Cottolene is not only superior to lard from a health standpoint, being a vegetable rather than an animal product, but it will make more palatable food than lard; and it is more economical than lard because, being richer, onethird less is required than of lard or cooking butter.

Lard cooked food is not digestible because lard is a hog-fat product. Cottolene makes food to your digestion. You'll more digestible and healthful because it is es- never go back to Lard.

There was a time when Lard was considered that which is digestible, healthful, and a real means of sustaining life.

> If your grocer is an up-to-date, progressive man, he will have Cottolene in stock. More than that, if he has ever used it in his own family, he will recommend it in preference to lard or cooking butter. If he does not do this, it is only because he is unfamiliar with the virtues of Cottolene. Prove our claims to your own satisfaction by giving the product a fair test.

> Give Cottolene a good, fair test, use it according to directions, and note the benefit



Negroes Will Resist Posse.

FLOYD'S LANDING, Ky., Nov. 15 -Sheriff Bryan, of Monroe County, at the head of a large posse, left last night for Pea Ridge to capture, if possible, Jesse Coe, the pegro, who with George Williams, another negro, murdered two poicemen and wounded another at Indian-polis. Coe is surrounded by negro apolis.

a small sum of money, marching off in military order. Cossacks are pursuing 3 and 4 o'clock this morning Santa friends, who swear he shall not be taken Fe was shaken for several seconds alive.