THE MORNING OREGONIAN, THURSDAY, NOVEMBER 25, 1909.



Mr. Smith said that there never had, been any intention of holding the claims for some outside corporation. He said that he knew that it would be impossi-ble for one man or three men working together to operate successfully a mine in the Kattala district, owing to the isolation of the properties and the great in the Kattala district, owing to the isolation of the properties and the great expenditure that would be required to get the coal to tidewater. He said that it was the understanding that they would act together for the purpose of carrying on that work which could not be suc-cessfully carried out by the cialmants acting separately.

As a reault of the efforts of this com

was chartered.

was chartered. Smith then told of a little tilt he had with L. R. Glavis, at that time a special agent for the Government. Mr. Cunning-ham brought Glavis into Smith's office after the claims had been held up. Cun-ningham said Glavis wanted them to sign an affidavit setting forth that they had no intention of holding the coal

## claims for the Gugs

Combination Not Designed.

"I talked a little short." said Mr. Smith on the stand. "and I told Glavis that I had made all the affidavits I was going I had made all the affidavits I was going to make. I had already signed three or four declaring I had no intention of forming an illegal combination and I was tired of the delay. I said that I was willing to let the matter rest on the statements I had already made, but when Glavis explained he wanted this affidavit to clear up a belief provalent in the Land Office that we were working for the Guggenheims I consented. "I was under the impression that this would clear the whole matter up and

I was under the impression that this would clear the whole matter up and that there would be no further delay in the delivery of our patent." Smith was not cross-examined, but it is probable that the attorneys for the Government will take him in hand the first thing Friday morning.

### Forestry Agents Hurried.

One point brought out in the hearing was the fact that the forestry agents who were sent to Alaska to go over the claims made only a cursory investiga-tion owing to the demand of the General Land Office that they hurry through with the work the work.

the work. S. N. Snowden, a numpriaker in the em-ploy of the Government, who prepared the maps showing the location of the improvements of the claims, admitted that he spent only six days in the field, during which time he was supposed to go over upper than 5000 acres of mounho said that there might be some points that he had missed

One of the points claimed by the Gov-ernment is that some of the claims are more valuable for the timber that is on them than for cost, and in proof of this contention Forestry Agent W. A. Langtlie testified that he found several million feet of standing limber on these million feet of standing timber on those portions of the claims that are included in the Chugach National Reserve.

EYES BLOWN OUT: DIES Seattle Man Meets Slow Death

## After Explosion.

SEATTLE, Wash., Nov. 24-Frederick L. Kerl, of 54 Fifteenth avenue, who left the city on November 2 to go to his mining claim in the mountains near Ber-lin, was killed in his shack by an ex-plosion of Hynamite while he was changing his shoes. Both eyes were blown out and conditions in the shack indicate that he may have lived some time after the accident. This was the story of Kerl's death brought back last night by a Dep-

uty Sheriff who brought the body to this Apparently Kerl had come in from the

hills to his shack and built a fire in the stove, forgetting the sticks of dynamite that he had placed in the oven. He had sat down to change his shoes, and while making the change the dynamite ex-ploded. He had been dead several days

OFFICIAL GOES TO PRISON Former County Auditor of Washington Must Serve Time.

OLYMPIA. Wash. Nov. 15.-(Special)-It is hard labor at the Penitentiary for stamps removed.

the permanent school fund, may secured in cash to meet the state penses. But this may not be done. State warrants, if issued, will run only until Spring, and, although they draw higher interest than state bonds. the permanent school fund can be in-vested only in 20-year school district bonds. State Treasurer Lewis believes the latter investment with its long term would be a better investment of the permanent fund and will urge war-rants be issued rather than bonds.

SELF-DEFENSE FREES HIM

Jury Acquits C. E. Drake of Murder of Stranger Near Holcomb.

SOUTH BEND, Wash. Nov. 24.-(Spe-clai.)-Clinton E Drake, who for the past two days has been on trial in the Su-perior Court for killing C. A. Styinger last july, was acquitted by a jury this even-ing, after being out since 3:20 o'clock. Trake and Stringer had trouble over the sele of a shack in a logging camp, near Holeomb, and in an alternation which fol-lowed Stringer made an attempt to strike prake. Drake, at the third attempt by Stringer to hit him, pulled a revolver from his pocket and shot Stringer through the breast, death ensuing in about 20 the breast, death ensuing in about 20

The jury on the first ballot stood six for acquittal, five for manslaughter and one for murder in the second degree.

TAX LEVY CALLED ILLEGAL

City Attorney Censures Action of

Port of Astoria.

ASTORIA, Or., Nov. 22.-(Special.)-City Attorney Abercrombie has filed a written opinion with the City Council stating that the special tax lawy of 11/2 mills, recently made by the Port of As-toria Commission, is illegal. The opinion says that soveral of the members of the says that soveral of the members of the commission are ineligible, as under the act creating the Port, a man to be eligi-ble as a commissioner must have not less than \$25 as city taxes during the last year; also the act does not give the Commission authority to levy a tax, and the act creating the Commission was never lawfully enacted and is therefore SV fk SF

### Good Road Boosters to Meet.

null and void.

SALEM, Or., Nov. 24.-(Special.)-The County Court has called a general good roads meeting to be held in this city probably on December \$ 9 and 10. Farmers, road aupervisors and others inter ested in the subject are invited. New road laws will be discussed and plan for securing the greatest amount of good roads will be discussed.

### Gracksmen Carry Away Safe.

BOISE, Idaho, Nov. 21. - (Special.)-Cracksmen, not satisfied with entering entering the Postoffice at Heyburn on Saturday night and carrying away the cash in the money drawer, loaded the sufe on a railroad truck and hauled it away. The atrong box was taken to the baseball grounds near by and opened, and be-tween \$500 and \$1000 worth of cash and

Sues for Share. ROSEBURG, Or., Nov. 24 .- (Special.) The suit of George Chauncey against about 200 property owners in the southern part of Roseburg, was begun about 200

in the Circuit Court this morning. At her death in 1865, Mrs. Aaron Rose, wife of the founder of Roseburg. was the owner of 147 scres of land, comprising what is now the central comprising what is now the central part of the southern half of the city. After his wife's death, Mr. Rose, desir-ing to acquire the land for himself, bought off for \$296 each all of Mrs. Rose's heirs, except two whom he was unable to find. One of these, nephew, is dead, while the other, George Chaun-cey, is the pinintiff in the present suit.

The property is now valued at be-tween \$700,000 and \$1,000,000. The Bouthern Pacific Company's carshops. adhouse and other property are situnted on the land.

WIFE TORTURED, SHE SAYS

## Mrs. Sult Avers Husband Tied Her to Hayrack in Meadow.

BOISE, Idaho, Nov. 24 .-- (Special.)-BUISE, Idaho, Nov. 24.—(Special.)— With the plaintiff swearing that her husband, the defendant in the divarce suit of Grace B. Sait va. Charles A. Suit, pulled her out of bed by the hairs, dragged her to the meadow where he was cutting hay, and tied her to a havrack from morning until noon and ayrack from morning until noon, and he husband taking the witness stand ind flatly contradicting the avermant, he domestic affairs of the Sult family, of VanWyck, are being recounted in the

Ada County District Court. This is the first time in the divorce court history of this state that the hay-rack has appeared as an instrument of inhuman treatment.

# COUNTIES MUST PAVE WAY

# No State Roads Until Bills Are Pald,

Board Declares.

OLYMPIA, Wash. Nov. 24.--(Special.)-No state roads will be built until free right of way has been secured, according to a decision of the State Highway Board in session here today.

in seasion here today. If condemnation or other proceedings are necessary to secure right of way the counties must foot the bills and pay the damages. This ruling particularly affects a state road in Whatcom County and one near Lyle.

EXPORTS OF WHEAT CEASE

High Price at Tidewater Prohibits

Shipments to Europe.

TACOMA, Wash., Nov. 24-(Special.)-Unless conditions change, this month will mark the close of the expert grain will mark the close of the export grain business to forelarn countries. Such a state of affairs has not existed in many years, as this year's grain season has been open only a month and a half. Exporters say that the principal reason for the lack of expertation is the high

SEATTLE, Nov. 24 .- Mrs. Marie Edwards, of Los Angeles, was married in the County Jail today to C. W. Brazee, formerly dity salesman of a fish company of this city, who is charged with larceuy of a large quantity of fish from his former

employer. Bather than eat Thanksgiving dinner tomorrow alone, and in oper that she might sharo her husband's, discomfiture. Mrs. Edwards procured a matriage license and called upon the prisoner's attorney to make arrangements for the sattorney to make arrangements for the ceremony. While it was in progress, Mrs. Elwards' former husband, E. G. Edwards, a railway mail clerk, who had been held at the City Jali on a charge of threatening to kel her, was released on suspended sen-

ries Another Prisoner.

CABIN LANDMARK BURNED

New Owner of Old Homestead Destroys Building as Unsightly.

BRISTOL, Wash, Nov. 24.-(Special.)-Believing it to be unsightly and not in harmony with improvementis he projects, James Rye has burned the first log house

ever built in this section. Mr. Pys came here from Minneapolls. He bought the west half of the Henry Johnson place and, will burn also the other old build-ingm on the place and grub up two acres of old orchard.

The log nouse was built in the '70s and was Henry Johnson's home for many years. It was a typical squatter's cabin, with a picturesque stone chimney, a with a picturesque stone chimney, a landmark in the neighborhood

SKELETON FIND PUZZLES

Bones of Dead Man Exposed to Air for a Year.

EL CENTRO, Cal. Nov. 34.-The skela-ton of a man, a woman's waist, spotted with blood and a pair of silk stockings

with bread and a pair of six sociality were found today in a drygoods box near Calexico. The box bears a label reading "Mean Dairy Company. Phoenix, Ariz." and is addressed to a Calexico firm. The ekcleton is that of a man apparently 40 years of age. The skeleton indicates exyears of age. The skeleton indicates posure to the mir for possibly a year.

MOTOR CAR RUN IS BEGUN

From Dayton to Wallula.

SAYS ARREST IS FRAMEUP Attempt of Theodore Martin to Prove Tacoma Suicide Is His Father Fails-Loses Job-Engaged to Portland Girl. Baggage Service Vexes Lawyer. SALEM, Or., Nov. 24.-(Special.)-Jay H. TACOMA, Wash. Nov. 24 .- (Special)pton. a ith the state railroad comm

County will be held in this city of Satur-day. Among the speakers will be State Superintendent J. H. Ackorman, E. D. Ressler, of the O. A. C. faculty, and C. L. Starr, secretary of the State Tax NEWPORT MAN ARRESTED

> Restaurant Keeper Charged With Theft of Whisky.

NEWPORT, Or. Nov. 24.-(Special.) -Late last night R. B. Smith, who keeps a restaurant here, was arrested, harged with entering the wareroom of

County will be held in this city on Satur-

charged with entering the wareroom of a saloon and stealing 32 bottles, of whisky and whe. He was given a hearing this after-noon in Justice of the Peace Berry's court, pleaded not guilty, whived exam-ination and was bound over to appear before the grand jury in the February term of the Circuit Court, and in de-fault of bonds was committed to the County Jall. County Juli.

CANBY, Or., Nov. 24.-(Special.)-At a ge Service Vexes Lawyer. Or, Nov. 24.-(Special.)-Jay H. Portland attorney, today flied state ralfroad commission a for-gand A. H. Knight for Councilmen and state ratirpad commission a for-plaint against the manner in L. D. Walker ren

which baggage is handled on the Southern Pacific between Portland and Sheridan He states that last August he went 10

Sheridan en route to Nestucca Bay, that his baggage was several duys late in ar-riving and that when it did come it was

is asserted also that the company tried to collect storage for the baggage for the

McMinnville Host to Congressman.

MEMINNVILLE, Or., Nov. 24 .- (Spacial.) -- Congressman Willis C. Hawley, who arrived in the city today, was given a reception and banquet at the rooms of the Commercial Club this

rooms of the Committen Cital the evening, and was formally asked to use his influence with the department toward seeming for McMinaville an ap-propriation for a postoffice building. A committee from the Walnut Citb also walted upon Mr. Hawley with a propo-sition for the establishment of a Gov-

ernment experiment station at this place in the interest of wainut culture.

Ticket Named at Canby.

ime for him to return to Portland.

time that it was delayed.

**REMOVES THE CAUSE** 

S. S. S. cures Catarrh by removing the cause from the blood. It so thoroughly purifies the circulation that there is nothing left to inflame and irritate the mucous linings of the body, which is the most prominent and dangerous effect of Catarrh. As long as the nuccous membranes and tissues are kept in a state of inflammation and irritation by an impure and infected condition of the circulation, Catarrh will remain. Its disagreenble symptoms of ringing noises in the ears, nuccus dropping back into the throat, headaches, watery eyes, difficult breathing, and even stomach disorders and weakened health, cannot be permanently relieved until the blood is purified. Local applications alone can have no real curative value, because such treatment does not reach the blood. Sprays, inhalations, lotions, etc., are valuable only for their cleansing and antiseptic effect, but if depended on alone Catarrh sufferers will find a cure impossible. Nothing if depended on alone Catarrh sufferers will find a cure impossible. Nothing equals S.S.S. for curing Catarrh. It goes down into the circulation, gets at the root of the trouble, and removes every particle of catarrhal matter from the blood and enriches this vital fluid so that instead of irritating the different mucous portions of the body, it nourishes them with rich, health-giving properties. Then the symptoms begin to pass away, and Catarrh is permanently cured. Book on Catarrh and any medical advice free. THE SWIFT SPECIFIC CO., ATLANTA, GA. free.



Gasoline Coach Makes First Trip

WALLULA, Wash., Nov. 24-(Special.) -The O. R. & N. has installed a gasoline notor car service between Wallula and

Dayton, Wash. The initial trip was made

today. At present only one car carrying 50 passengers is operated, but if it proves successful the service will be made per-manent and an additional car put on.

TACOMA, Wash, Nov. 24.—(Special)-His money exhausted in an effort to prove that the rich suicide found in Point Defiance Park five weeks ago was his father, Theodore Martin, a Portland youth, who has remained in Tasoma since the finding of the suicide, was thrown in juli tonight, inbelied a "common vagrant." Young Martin has been sunployed re-Young Martin has been employed re-cently as clerk in a lodging-house, bu recently lost his employment and ha been remaining in the city to await a hearing in the Superior Court next Fri-day morning on the question of appoint-

day morning on the question of appoint-ing an administrator. "I think my arrest is a 'frame-up' on somebody's part," he says. "Everybody seems to be against me. I came here a total stranger, trying to prove in an hon-est way that the suicide was that of my father. At the very first the Coroner doubted my word and over since then other persons have been turning against me. It seems as though I haven't a sin-gle friend on earth. "I way going to marry a Portland girl and she came to see me a few days ago with her mother. That was why I quit -my job as clerk at the Boston House. I was ashamed to have them see me work-ing in a lodgtog-house."

ing in a lodging-house."

Broken Breakbeam Blocks Travel

Before Station at Eugene.

BUGENE, Or., Nov. 24.-(Special.)-The broken brakebeam on a car on freight train No. 221, which arrived here at 2 train No. 20, which affives here at 2 o'clock Tuesday afternoon, just ahead of the Ashland local passenger, caused the turning over of one of the freight cars and the devailing of three others as the

the passenger right of way. The Ashland local was held up here six hours. The car was tipped over on the depot. sidewalk.

Marion County Teachers Meet.

SALEM, Or., Nov. 24-(Special)-A convention of the schoolteschers of Marion

CAR UPSETS AT PLATFORM