MACLEAY ESTATE IS UPHELD BY COURT

Company's Rights Defined in Decision in Rogue River Fishing Suit.

INJUNCTION IS PERMANENT

B. A. Seaborg and 79 Others Are Enjoined From Malicious Interference With Salmon-Taking Operations.

MARSHFIELD, On, Sept 4 .- (Special.)-Judge John S. Coke, who presided at the August term of court in Curry County, handed down a decision in the noted Rogue River suit which involved B. A. Seaborg and 79 other defendants, fishermen, employed at the Seaborg cannery. The suit was started last year and some of the defendants were brought to Coos County for a hearing, but the trial was afterwards held before Judge Coke at Gold Beach, Judge Coke having dismissed at Coquille the case against the majority of the defendants.

The purpose of the suit was double, to enjoin the defendants from trespassing upon the tidelands of the plaintiff, the Macleay Estate Company, and to enjoin the defendants from malicious interference with the plaintiff in its fishing operations. Judge Coke, in his decision, made the injunction permanent.

The case first came to public notice uppermanent. involved B. A. Seaborg and 79 other

permanent.

The case first came to public notice last season when R. L. Macleay, acting for the Macleay Estate Company, complained that the Seaborg fishermen were maliciously interfering with his seining crew by drifting their nets inside the circle made by the seine, and also that the opposition fishermen trespassed upon his tidelands in their operations.

The Macleay estate owns all the river banks from the ocean to a point 12 to 16 miles up the river, with one or two exceptions, the only available point for the Seaborg fishermen reaching the waters of the river being a county highway which crosses the Rogue River west of Wedderburn and on the Gold Beach side north of that city, and a small tract on the Alf Miller waterfront, where the Seaborg cannery is situated.

Before the injunction was issued in Estate Owns River Banks.

Before the injunction was issued in 1915 the Seaborg fishermen had utilized a portion of the beach near the bar for obtaining access to the river, and this Mr. Macieay objected to and finally fenced all the waterfront in both the Wedderburn side and the Gold Beach

Wedderburn side and the Gold Beach bank, leaving the county roadway open on each side of the river.

When the suit was brought, and afterwards, Mr. Macleay alleged that he had lost from time to time cattle, sheep and other animals on the farm, and hed found where they had been they and had found where they had been butchered and parts of the carcasses left on the spot where they were killed. It was to protect himself against this raiding that he based his desire to keep people from trespassing on his properties.

Judge Coke in handing down his desaid in part:

Rights to Fish Common

Hume estate. In passing his opinion to the making of a contract with the Judge Coke wrote at some length on the legality of seining, in part as followatining United States funds.

Fishing Law Defined.

The law permits the taking of fish from Rogue River below the Hilinots River by means of set-nets and driftnets, within certain periods, and also permits the taking of salmon from said river by means of selnes during a more limited period, so that the right to fish with seine is recognized by law and this means of carrying on the fish-cial) and this means of carrying on the fish-ing business within the limits pre-scribed is as lawful as any other means of taking salmon from the river. The difficulty in this case arises largely from the fact that the plaintiff is the owner of the seining grounds for a con-siderable distance up the river from its mouth.

"It must be borne in mind, however, that the plaintiff has lawfully acquired these grounds at a cost of many thousands of dollars, and that it is assessed and pays a tax upon these seining grounds to the county, and yet the only value these lands have is confined to the law as saining grounds. They to their uses as seining grounds. They are apparently worthless and valueless for any other purpose."

The complaint charged that the de-fendants "acted in concert and con-spiracy" for the purpose of interfering with fishing, and particularly with seining, Judge Coke advised as fol-lows regarding his findings in these charges:

"From the testimony it appears that a number of defendants, evidently act-ing together, and by pre-arrangement, appeared at different times at the places where seining operations were being carried on during daylight and while the waters of the river were clear, and when gillnet operations were not customary or usual, and placed their boats and nets in such position as to interfere and in some instances render scining impossible.

Numerous Offenses Charged. 'Defendants refrained from begin-ning their operations until plaintiff undertook to lay out its selines, and the defendants usually ceased opera-tions as soon as the selines were hauled. The nets of the plaintiff were burned

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rights do not extend to the landing of boats and the trespassing of persons upon the lands above the waters of the river. Such trespassers would become liable criminally and civilly in such acts."

Going farther into the matter, Judgo Coke said: "I am supported by Judge F. M. Calkins' opinion, after hearing the evidence in two contempt proceedings, involving two of the defendants, that the operations of the defendants were in an effort to maliciously interfere and not honestly to conduct and

SHERIDAN, OREGON CITY AND

Requests for Share of Money Under Federal Act.

SALEM, Or., Sept. 4 .- (Special.) -Federal bill for road construction.

Rights to Fish Common.

The right to fish for salmon in Rogue River is a right in common, given to fill clience of the state, but the counties meet the provisions of silectines of the state, but the counties meet the provisions of the right of the regard by one fisherman of the rights of others. While the right of navigation nor the right of fishery carries with it the right of navigation nor the right of fishery carries with it the right of navigation or of fishery carry with it the right of navigation or of fishery carry with it the right of malicious interference by one passon with the right of navigation or of fishery carry with it the right of malicious interference by one passon with the right of navigation of the Federal act. It is not probable that any work in the counties meet the provisions of the Federal act. It is not probable that any work in the counties meet the provisions of the fishery carries with it the right of navigation of the right of navigation of the right of navigation of the federal act. It is not probable that any work in the counties meet the provisions of the federal act. It is not probable that any work in the counties meet the provisions of the federal act. It is not probable that any work in the counties meet the provisions of the right of fishery.

It is not probable that any work in the counties meet the proposition of the present the right of malicious interference by one provision in the right of malicious interference by one pass upon the lands of the plantiff or malicious interference by one pass of the plantiff or malicious interference by one pass of the right of the right of the pass of the plantiff or maliciously interference to provisions for the administration of the act are finally adopted.

Before a chief of the right of the received to the received the provisions for the same with reference to provisions for the same with reference to provisions for the main-time of the other. No person is permitted to maliciously interfere or annoy another in the right of navigat

Voters in Clarke County Show Much Interest in Primary.

VANCOUVER, Wash., Sept. 4.—(Special.) — Surpassing all expectations, 3ils voters have registered since January 1. This was due, undoubtedly, to the efforts during the last few days, of the half a hundred candidates who got their friends to go to the City Clerk's office to register.

The primaries will be held September 12 and the registration books will re-

The primaries will be and september 12, and the registration books will remain closed until after that date.

It is reported that the registration in the country precincts this year, under the new law requiring registration, was heavy, indicating that the country voters are taking a great intracet in the coming primaries.

Engineers to Recover Steel Supplies

pipe, a pump and numerous other articles used in drilling and pumping by the United States Reclamation Service, now on the bottom of Tule Lake on the Orseon-California line south of here Oregon-California line south of here, are soon to be raised by the service by means of a powerful magnet. The work of raising them will be supervised by Engineer Shadler, of the Reclamation

The articles were being used when the Reclamation Service was drilling for work in yards that will be started in Tule Lake with the hope of forcing this week and next, says R. P. Bonnan outlet for the lake into the lava ham, of the United States Immigration beds, and in that way be able to drain Department, and the force in his office the lake and reclaim its area.

Eugene Gets Carnival Companies.

Oregon Victims Alleged to Have Lost \$30,000 to San Francisco Promoter.

FEDERAL OFFICERS BUSY

ane County District Attorney to Turn Prisoner Over in Case of Indictment by United States Grand Jury.

EUGENE, Or., Sept. 4 .- Officers of the United States Government are investigating the record of F. G. Mathison, San Francisco real estate dealer, arrested in Oakland, Cal., yesterday, Delegations from Sheridan, Oregon City according to a statement made today and Klamath Falls, will meet with the by District Attorney J. M. Devers. Atcision gave it in a written statement.
Regarding the equal rights of all to enjoy fishing on the Lower Rogue he 8, to seek aid under the recently passed thorities believe that Mathison, who is Tederal bill for road construction. charged with having obtained title to A total of \$206,481 is available for real estate in Lane and Linn countles

ARE REGISTERED

ARE County Show Much
Interest in Primary.

The land Mathison purported to convey to the Lane County farmers alleged to have been swindled of their farms, belongs to Mrs. H. M. King, reputed to hea a multi-millionarie, of Corpus Christi, Tex. It is a part of her ranch, which consists of a Mexican grant that has never been subdivided. Her agent, Attorney Robert Kleberg, in a letter to District Attorney J. M. Devers stated that Mathison was unknown to him.

One Victim Was \$16,000. From Andrew Bossen, who swore to the complaint against Mathison, title to Lane County land worth \$10,000 and \$600 in personal property was obtained in exchange for an abstract of title calling for \$20 acres of the Texas land. Bossen announced some time ago that he had sold his farm and that he was From Pierce & Denhel, of Pleasant Hill, title to a 300-acre tract of Lane County lands was obtained by Mathi-

Marvin Martin, of Brownsville, Lin County, gave a deed for \$78 acres of Oregon land and a note for \$2800 for an abstract of title to 480 acres of Causes Given in Actions Brought

MAGNET USED IN SALVAGE

Engineers to Recover Steel Supplies

From Tule Lake.

KLAMATH FALLS, Or., Sept. 4.—
(Special)—Several hundred feet of steel pipe, a pump and numerous other arti
is stated.

S. J. Johns, of Myrtle Creek, Douglas County, was about to complete an exchange of his property for Texas land offered by Mathison. He took Mathison's abstract of title to an attorney. There was some question as to Texas law and letters of inquiry written to attorneys in Texas revealed that the pipe, a pump and numerous other arti
is stated.

Government Employment Office Has Vacancies.

Hundreds of hoppickers are required

will continue to register those seeking employment.
"In our list of yards we have some where picking is to start Friday, others Monday, and still a few the latter part of next week," says Mr. Bonham. "While it is true a majority of the pickwith acid; a fence enclosing the tidelands of the picintiff was torn down
and burned; numerous trespasses were
committed upon the enclosed lands of
the plaintiff."

Referring to the tidelands the decision says that the "tidelands are in
no sense a public highway and are sublect only to the right of navigation
and the right of fishery; but those

Eugene Gets Carnival Companies.

Eugene Jets Carnival Companies.

Fin our list of yards we have some where picking is to start Friday, others Monday, and still a few the latter part of next week," says Mr. Bonham, "While it is true a majority of the pickcarnival companies.

Eugene Jets Carnival Companies.

For Lane County Fair and Round-Up
have arranged with two of the larger
"In our list of yards we have some where picking is to start Friday. Others

Monday, and still a few the latter part
of next week." Says Mr. Bonham,
"While it is true a majority of the pickearnival companies to furnish special

In our list Of yards where picking is to start Friday.

In our list Of says the pick of next week."

In our list Of says the pick of next week."

In our list Of says the latter part
of next week."

In our list Of says the latter part
of next week."

In our list Of says the latter part
of



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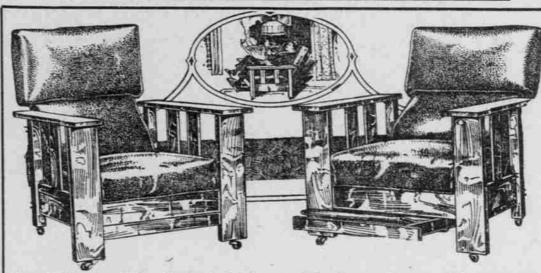
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This Chair, as illustrated, is very large and comfortable and the back adjusts to twelve positions. The frame is of quarter-sawed oak and the upholstering, which is on deep springs, is done in Spanish chase leather. The chair is an ideal one for the library or living-room. Has a disappearing foot rest and soft upholstered back. The special price in connection with the special credit terms provides a chair bargain that is seidom offered you. A form that makes dress-making feasible at home. No woman should be with-Reduced Price \$23.50

\$19.50 Tapestry and Cre-

Kaltex Reed **Rockers \$12.95**

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Kalter Reed Rockers, just as illustrated, with hand-woven reed bodies, loose cushion seat with spring upholstering below, in ivory, upholstered in cretonne or baronial covered in tapestry. An ideal rocker for the living-room and chamber, large, comfortable, beautifully made.

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\$2,25 Hand-Woven Reed Child's Rockers \$2,15 substantial, now.....\$1.39 Hy-Go Baby Jumpers \$1.39



MISMATED COUPLES SEEK RELIEF IN OREGON CITY.

to Procure Divorces.

to Oregon to take advantage of easy divorce laws is shown in the fact that in three of four divorce suits filed in the Clackamas County Circuit Court, the couples were married outside of

Mrs. Blanche McGowan, who charges Local schools opened today. George A cruel and inhuman treatment in her Briscoe is Superintendent and the force complaint, married Louis McGowan, a of teachers numbers 34. A notable linotype operator, March 16, 1912, at addition to the system is the installa-

Non-support and desertion are charged by Anna B. Saunders against Charles H. Saunders. They were mar-ried March 29, 1908, in Portland, and have one child, of whom she seeks the

ustody.

In the fourth case the couple was OREGON CITY, Or., Sept. 4.—(Spe-cial.)—An instance of the growing ten-tiency of people of other states to come Deetz, called her names and was jealous of her, even flying into a rage when she petted their cat.

> Ashland Schools Open. ASHLAND, Or., Sept. 4 .- (Special.)-

Mother's Whoknow

The comfort and secureness of the expectant mother is essential to the welfare of the future child. In exercising caution be guided by the experience of hundreds who have found in "Mother's Friend" a way to eliminate severe suffering and insure your own rapid recovery. It is easily applied and its influence over the effected ligaments is soothing and beneficial. Get it at any druggist. Send for the free book on Mother-hood. Address The Bradfield Regulator Co., 209 Lamar Bldg., Atlanta, Ga.

Pinkleyville, Ill. She alleges that her tion of a junior high school, which, as | (Special.) - Chester Huggins.

Klamath Gets Chester Huggins.

Pinkleyville, Ill. She alleges that her those of a juntor high school, which, as husband hit her with a biscuit, slapped her face and threatened her life. She asks for the custody of their one child. Another case comes from Colorado. Lewis McKinnis alleges that Nellie McKinnis deserted him. They were married in March, 1904, in Leadville, Colo. Non-support and desertion are charged by Anna R Saunders against those of a juntor high school, which, as (Special.)—Chester Huggins, a graduate of the University of Oregon and uate of the University of Oregon and the high school proper, Of the corps of the high school proper, Of the corps of the high school proper, Of the corps of the cachers about a dozen are new ones. The last school census, taken in Note teach English in the Klamath County High School here this year. Mr. Hugtins, a graduate of the University of Oregon and the Pacific Coast, arrived in this city last evening from Portland to teach English in the Klamath County High School here this year. Mr. Hugtins and 657 girls.

sity of Oregon last Winter Cherry tree gum stiffens hats.



