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Coos Bay Times

MEMBER OF ASSOCIATED PRESS

NEWS

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LOCAL OPTION PETITIONS ARE DEFECTIVE AND ELECTION INVALID

Judge Coke So Decides In Circuit Court Case Involving Liquor Issue.

COOS COUNTY WILL NOW REMAIN "WET"

Failure to Comply With Law In Signing Petition Causes It.

On account of the many violations of law in the petitions asking for the submission of the local option question at the recent election, Judge Coke in the Circuit court has decided that the election was illegal. The decision was handed down today, the case which was argued at Coquille last week being taken under advisement.

The effect is that Coos county remains "wet" the county court being enjoined from declaring it "dry" in accordance with the result of the vote at the November election.

In his decision, Judge Coke sets out the errors of the petitions in full. On account of the flagrancy of the errors, it is not believed that the case will be appealed. Deputy Prosecuting Attorney Liljeqvist who represented the county court having stated when the case was argued that the errors were such as to not admit of a defense.

Judge Coke's decision in full is as follows: "John P. Tupper, plaintiff, vs. John F. Hall, as county judge; E. A. Anderson, as county commissioner; W. T. Dement, as county commissioner, defendants.

"The above-entitled cause having been fully submitted to the court on the 23rd day of December, 1910, and it having been stipulated in open court by all the parties that the testimony of the witnesses might be taken and heard orally without being reduced to writing, and the court being then in doubt what judgment ought to be given took said cause under advisement for further consideration, and being now fully advised in the premises, the court finds, as matters of fact:

"That the necessary number of names of registered voters on a petition calling for an election upon the question of the prohibition of the sale of intoxicating liquors as a beverage in less quantities than one gallon in Coos county as a whole, at the election held November 8th, 1910, was 332; that the petition which was filed and which is described in the pleadings herein contained only the names of 321 registered voters; that of the said 321 registered voters so signing said petition there were 169 whose residences were not given, 13 whose post office addresses were not given, 44 whose voting precincts were not given, 10 who were not shown to have any residence, post office address or voting precinct, and more than 100 who gave their precincts as some city or town, without naming the particular precinct of said city or town; that the county court did not examine said petition to ascertain whether it contained the required number of qualified signers, and the order for said election set out in the complaint does not show that any of the signers of said petition were registered in Coos county, Oregon.

"And the court finds, as conclusions of law; that said petition and order of said county court were not according to law and were not sufficient to authorize an election thereunder, and that the election held thereunder on the 8th day of November, 1910, in Coos county, Oregon, was illegal and void.

"It is therefore ordered, adjudged and decreed that the temporary order of injunction heretofore issued herein be and the same is made perpetual."

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MORE ILLEGAL VOTERS ARE FOUND

Dozen March Before Judge Blair and Admit Selling Their Votes For Trifling Sums Today.

(By Associated Press to Coos Bay Times.) WEST UNION, Ohio, Dec. 30.—A

dozen men tramped into Judge Blair's court today and confessed they had sold their votes for trifling sums at the last election. Seventy-three true bills were reported by the grand jury today, bringing the total up to 1,071. Of this number, 377 have pleaded guilty.

DEAD MAN IS ALEC. CARLSON

Coroner's Jury Finds "Accidental Drowning"—Funeral Saturday.

The dead man found yesterday on the mud near an old slip extending into the C. A. Smith retail yards was identified as Alex. Carlson, a logger and laborer. A coroner's jury after investigating the affair this morning, found that Carlson had come to his death by accidental drowning.

Carlson was seen last about one o'clock Wednesday afternoon and early yesterday, Matt Kronquist asked Marshal Carter to look him up. Kronquist told Marshal Carter then that Carlson had been drinking heavily and was on the verge of delirium tremens when last seen.

It is presumed that Carlson wandered away some place and lay down and went to sleep. He probably awoke before he had recovered fully and walked off the wharf in the Smith yards and fell down in the soft mud and was unable to regain his feet before the tide swept in over him. This is the generally accepted theory of his fate, any way. The slight bruise on his temple was probably sustained when he fell off the wharf.

According to evidence submitted at the inquest held by Coroner Golden this morning, Carlson was about forty years old and had resided in this section for about seventeen years. He was last employed in a stone quarry supplying stone for the government work at Florence. He had no near relatives in this section except a cousin, M. Matson.

Carlson when found had just thirty cents in his pocket. He was a member of the North Bend Nest No. 1048, and that lodge will have charge of the funeral which will be held from Wilson's Undertaking parlors at 2 o'clock Saturday afternoon.

The members of the coroner's jury were Walter Condron, Chas. Metlin, Capt. Matson, Joe. Arnott, Ray Ollivant and Jas. Cowan, Sr.

Some of Carlson's acquaintances think that he was demented as a result of financial troubles and some thought that they had heard him make threats of committing suicide. An old life insurance policy for \$1,000 was found on him. His father was the beneficiary. Whether it is still good remains to be determined.

BAD IN FIRE ST. PAUL TODAY

Unidentified Woman Killed and 13 Hurt, Three Fatally, In Apartment House.

(By Associated Press to Coos Bay Times.)

ST. PAUL, Mo., Dec. 30.—An unidentified woman was killed and thirteen other persons injured, three fatally, in a fire which destroyed an apartment house here early today. The property loss is estimated at \$20,000. The fire started from an explosion of some sort, probably in the second story.

HOTEL IS SOLD.

Mrs. J. H. O'Donnell has sold the Breakwater hotel to Mrs. Carris Gray, who has taken possession of it and will continue it. Mrs. O'Donnell has returned to her home at Bunker Hill.

WIFE SHOTS ERRING MAN

Boston Woman Sits and Watches Husband Writhe In Agony From Wounds.

(By Associated Press to Coos Bay Times.)

BOSTON, Mass., Dec. 30.—When the office boy of a downtown insurance firm opened the office this morning, he found Joseph M. Green janitor of the building, groaning on the floor from two bullet wounds. His wife who was sitting on a chair with a revolver in her hands, told the police that her husband abandoned her for another woman two weeks ago. She was arrested pending the outcome of her husband's wounds.

WAR IN SOUTH AMERICA.

Ecuador and Peru Expected to Clash Over Boundary.

(By Associated Press to Coos Bay Times.)

LIMA, Peru, Dec. 30.—A joint note from the United States, Brazil and Argentina was presented to the government today advising Peru to submit its boundary dispute with Ecuador to the Hague tribunal. The feeling here is that Ecuador will not agree and war will result.

FOUND DEAD AT LAMPA CAMP

H. M. Davidson, Logger, Succumbs Suddenly to Dyspepsia and Alcoholism.

Coroner R. E. Golden returned

this morning from the Lampa Creez camp of the Cody Logging Company where he was called to investigate the sudden death of H. M. Davidson, a logger, who was found dead in his bunk. After investigating the matter, Dr. Golden decided that death was due to alcoholism and dyspepsia. Davidson was about 55 years old and had evidently come from Crescent City, Cal. He had been at the Cody camp only a couple of days. He was ailing when he reached camp and only ate two meals. Reed, another logger, gave him some medicine. During the night, Davidson went outside and was heard to fall by others. They went out and found him scarcely able to talk. They carried him back in and a few hours afterwards he was found dead. Reed, who found Davidson dead, disappeared soon afterwards and has not been located since. He is a cripple, having lost one hand.

Beautiful INDIAN BASKETS made by the Polo Indians of Lake county, California, are on display at Mrs. Donaldson's Millinery Store at 110 Front street. They will make nice New Year presents.

TITLE GUARANTEE AND ABSTRACT COMPANY WILL MOVE INTO THEIR NEW OFFICE IN COKE BUILDING OPPOSITE CHANDLER HOTEL—ABOUT JANUARY 1ST, 1911.

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INSANITY PLEA FOUND FEIGNED

President Robin of Defunct New York Banks Found Sane By Alienists.

(By Associated Press.)

NEW YORK, N. Y., Dec. 30.—Joseph G. Robin, five minutes before his arraignment in connection with the failure of the Northern Bank, took one-tenth of a grain of hyocin, the drug with which Dr. Crippen killed his wife in London. Dr. McGuire, the Tomba physician, said it would be a miracle if the indicted banker recovered.

(By Associated Press to Coos Bay Times.)

NEW YORK, N. Y., Dec. 30.—The announcement that Joseph G. Robin, president of the Bank of Northern New York and of the Washington Savings Bank, arraigned today on the charge of larceny of \$80,000 from the Savings institution, was taken to indicate that the alienists who have examined Robin found him to be sane. The financier had been committed to an insane private sanatorium as a paranoic but was denied admission.

OLYMPIA HAS A BAD FIRE

Several Buildings In Washington Town Destroyed Early Today.

(By Associated Press to Coos Bay Times.)

OLYMPIA, Wash., Dec. 30.—Fire starting in the rear of the Knights of Pythias building today destroyed that structure, the city fire barn, a grocery store and another building and threatened the whole north end of Olympia.

BAD FREIGHT WRECK TODAY

One Killed and One Seriously Hurt In Disaster at Chehalis, Wash.

(By Associated Press to Coos Bay Times.)

CHEHALIS, Wash., Dec. 30.—In a rear-end collision early today between a regular freight and a special freight going from Chehalis to Centralia in charge of Yardmaster S. H. Handley of Chehalis, Handley was thrown beneath the cars and killed. J. D. McMillan, a brakeman, was seriously hurt. Coroner Stricklin will hold an inquest today to determine the responsibility for Handley's death.

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SOUTHERN OREGON COMPANY'S LAND GRANT IS ATTACKED

PUT SCHOONER ON BANDON RUN

Anvil Will Ply Between There and Portland and Other Oregon Points.

PORTLAND, Ore., Dec. 30.—Preparatory to incorporating the Oregon Shore Navigation Company, which will operate the trim gasoline schooner Anvil from Portland to ports on the Oregon coast, a meeting of the stockholders, Captain Lyndon Veysey, at which it was decided to sail the vessel on her first voyage to Yaquina Bay, Florence, Bandon, Coquille, Gardiner, North Bend and Marshfield, January 12.

The first schedule provides transportation for which Bandon has been clamoring for months as the commercial interests have sought an outlet to Portland in preference to depending solely on San Francisco for their goods. The future of the schedule, it was announced, will depend on the strength of the patronage accorded, for in some places the tariff is low and prohibits cargo being handled regularly unless in large lots. It is estimated that the Anvil will carry 200 tons, as she has plenty of freeboard with 200 tons of coal aboard that she loaded at Seattle.

On the way from Puget Sound the vessel averaged over seven knots an hour and as she has twin screws, with a Union engine driving each, her owners feel that there is no question but that she can make good time.

Accommodations for 44 passengers, electric lights, a centrifugal ventilating system, running water and general sanitary conditions, with a modern galley and saloon are features of the Anvil's construction, while she boasts a smoking room and promenade deck. Captain H. F. Astrup, formerly of the Alliance and Golden Gate, who brought her from the North, will be master of the Anvil, and it is planned to sail from here January 12.

EVERY PENNY IN BANK TAKEN

Robbers Make Cleaning at State Bank of New Palestine, Ind.

(By Associated Press to Coos Bay Times.)

INDIANAPOLIS, Ind., Dec. 30.—The State Bank at New Palestine was broken into early today and the safe robbed of \$6,416. Not a penny of the bank's deposits was left.

WORLD RECORD BROKEN TODAY

French Aeronaut Flies More Than 362 Miles In France.

(By Associated Press to Coos Bay Times.)

BUZ, France, Dec. 30.—Maurice Tabuteau, contesting for the Michelin cup, broke the world's record for distance flight today, covering 362.66 miles in a continuous flight of seven hours and 45 minutes. ASH CANS at MILNER'S.

Government Begins Suit In Federal Court at Portland to Cancel Title.

TITLE TO 96,676 ACRES IS INVOLVED

Much of Land In Coos County—Terms Declared Violated and Mortgage Fictitious.

PORTLAND, Ore., Dec. 30.—By filing a bill of complaint with the clerk of the Federal Court here, H. D. Townsend, Assistant United States District Attorney, opened fire upon the Southern Oregon Company as successor to the Coos Bay Wagon Road Company in an endeavor to remain for the Government title to 96,676 acres of land, valued at \$4,000,000.

Action for the recovery of the lands is based upon a provision in the original grant from the United States to the State of Oregon, stipulating how the lands shall be disposed of. This provision has been violated, declares Assistant United States Attorney Townsend, by the Coos Bay Wagon Road Company as grantee of the State of Oregon, and the purposes for which the grant was made have been nullified and rights and title to the lands forfeited.

Sales Are Restricted. The provision upon which hangs the suit for recovery requires that the sale of the lands shall be restricted to no more than 160 acres to any one person and that the purchase price shall be uniformly \$2.50 an acre.

According to the complaint, the company fulfilled a part of its contract in the sale of 6965 acres to 53 different purchasers. The remainder of the grant, containing 96,676.96 acres, was sold, however, to one person. This sale was made June 22, 1875, to John Miller, who contracted to buy the block of land, he acting as agent for Collis P. Huntington, Charles Crocker, Leland Stanford and Mark Hopkins, in 1853, the Oregon Southern Improvement Company entered into negotiations for the purchase of the lands sold and agreed to be conveyed by Miller. Early in the following year, the lands were mortgaged to the Boston Safe Deposit & Trust Company, which subsequently passed into the hands of W. J. Rotch and E. D. Marshall.

Land Defaulted Reconveyed. The Southern Oregon Improvement Company two years later was made defendant in foreclosure proceedings instituted by Rotch and Marshall. The amount covered by the mortgage purported to be \$1,516,666.66, with interest. In 1887, the land was defaulted to Rotch and Marshall upon the alleged payment of \$120,000. Later in the same year, according to the complaint, Rotch and his colleagues conveyed the lands to the Southern Oregon Company, which was a re-organization of the Oregon Southern Improvement Company.

Continuing the complaint reads: "The deeds of trust or mortgages executed and delivered to the Boston Safe Deposit & Trust Co. were executed and delivered for the benefit and use of the officers, stockholders and directors of the Oregon Southern Improvement Company. The alleged indebtedness secured by said mortgages were fictitious, feigned and untrue, and represented simply the interest of the stockholders of the company and were executed and delivered and foreclosed with the intent and in the hope that the restrictions upon the sale and disposition of the granted lands might be evaded and defeated and that the lands might be created into an unconditioned estate for the use and benefit of the stockholders of the Oregon Southern Improvement Company."

The complaint asserts that the (Continued on page 4.)