



FAMOUS MARQUAM SUIT FINALLY SETTLED OUT OF COURT

Judge Releases Interest for \$100,000

LONG FIGHT IS ENDED

Marquam Takes Advantage of Title Banks Failure to Re-open Case

MET WITH MANY REBUFFS

After Marquam's First Temporary Victory he Met With Many Disappointments, Three Times His Contention Being Turned Down.

PORTLAND, Dec. 3.—After a fight lasting 10 years, the famous "Marquam suit" was settled out of court today by Judge P. A. Marquam releasing whatever interest he pretends to have in the Marquam grand theatre property in this city for a consideration of "something less than \$100,000." The property involved is of about \$1,500,000 value. During the hard times of the 90's Marquam secured \$300,000 from the Mortgage Company, an eastern corporation, giving a mortgage on the property and trust deed to the Title Guarantee & Trust Company.

In 1899 the Title Company having failed in keeping up the taxes on the property, the mortgage company became dissatisfied and ordered the title company which was acting as its agent as well as Marquam's trustee to have the mortgage foreclosed. J. Thorburn Ross, secretary of the title company got himself appointed attorney for the mortgage company. Ross retired from the case however before the suit was actually commenced. The mortgage was foreclosed, Ross under agreement kept the secret from Marquam, bid the property in for the mortgage company, as the "Trustee" and the title company was discharged from its trust. The title company, on a plea that it had advanced sums to Marquam and in connection with the trust had been allowed to intervene, later he re-deemed the property from Ross. Ross then organized the "Oregonian Company" in which he and other officers of the title company held stock and took over the title to the Marquam property.

The Marquam about the time the title company redeemed the property seems to have thought that the title company and Ross as "Trustee" for him, and "Agent" for the mortgage

company and "Owner" of the property was carrying rather too great a burden. He began action to have the case re-opened and be allowed to redeem. After the first temporary victory in the state circuit court he met with nothing but rebuffs. Three times his contention was turned down by the supreme court and twice by the circuit court. The court repeatedly holding that the trust should end with foreclosure. A year ago the title bank failed and out of six

WILL CONTINUE TARIFF HEARING TO DEC. 19

CHAIRMAN PAYNE AUTHORIZED TO OFFER RESOLUTIONS IN THE HOUSE.

MANY ADDRESSES ARE MADE

J. M. Wilson of Wyoming Asked That Present Rate on Wool be Retained and That Every Sheep in His State Was Mortgaged.

WASHINGTON, Dec. 3.—The house committee on ways and means today decided to continue the tariff hearings until December 19. Chairman Payne was authorized to offer a resolution in the House when Congress convenes Monday which will give the committee authority to subpoena witnesses for these supplementary hearings.

Hans Schmidt, of Buffalo, representative of the wool pulling industry, advocated greater differential in duties on wool fleece and wool on skin contending that this is necessary if the wool pulling industry is to survive. He claimed under present tariff, the packers were absorbing all of the business. For the National Wool Growers' Association, J. M. Wilson, of Wyoming, asked that the present rate on wool be retained. He said the wool growers are in debt and that every sheep in Wyoming is mortgaged. A. S. Erickson, Utah wool grower; D. M. Campsey, Pennsylvania grower, and Mrs. Bonnemert of Utah asked for the continuation of the present duty. Mrs. Bonnemert is the only woman who has appeared before the committee.

JURY DISAGREE.

SAN FRANCISCO, Dec. 3.—After deliberating 28 hours, the jury in the case of Thomas O. Young, charged with the murder of Policeman W. H. Haines, on June 4, were unable to agree and were discharged.

weeks' scandal that followed Ross was convicted of converting to his own use hundreds of thousands of dollars of state funds, which had been entrusted to him care, while other officials of the bank awaiting trials on similar charges.

Marquam took advantage of the bank's failure and disclosures and made them the basis of another suit to reopen the case, which is now pending.

PROGRAM CHANGED.

WASHINGTON, Dec. 3.—The President's annual message will be read to the second session of congress on Tuesday instead of Monday. The Senate will adjourn Monday out of respect of Senator Allison as soon as the new members are sworn in and the committee named to wait on the President. Speaker Cannon announced the House would adjourn in the same manner. Tuesday will probably be devoted solely to reading the President's message.

LOOT POSTOFFICE.

Robbers Get \$100 From Los Angeles Substation.

LOS ANGELES, Dec. 3.—Two unknown robbers blew open the safe in postoffice substation "A" early today and made their escape with the contents. They did not take the registered mail and left currency and some small silver scattered about the floor. It is not known how much was secured but the postmaster says less than \$100.

DIPLOMATS AT BANQUET.

Anniversary Of Austria's Emperor Is Celebrated At Chicago.

CHICAGO, Dec. 3.—Many nations were represented by diplomats at a banquet given by the Austro-Hungarian Society of Chicago last night at the Auditorium Annex. The event marked the sixtieth anniversary of the reign of Francis Joseph, emperor of Austria. Harry Reubens, president of the society, presided and gave a toast to President Roosevelt. Alexander de Nuber, consul general for Austria in Chicago, gave a toast to the emperor.

A cablegram was sent to the emperor conveying the congratulations and felicitations of the society.

Yesterday morning pontifical high mass was celebrated at the Cathedral of the Holy Name, at which all the official representatives of the dual monarchy were present.

EDITOR GEER QUITS JOURNALISM

EX-GOVERNOR SELLS HIS INTEREST IN PENDELTON TRIBUNE.

T. C. WARNER IN CONTROL

Former Governor Retires and Will Make Portland His Future Home—Paper Will Continue Under Republican Policies.

PENDELTON, Or., Dec. 3.—Ex-Governor T. T. Geer is no longer connected with the daily Pendleton Tribune, either as editor or publisher.

T. C. Warner, of this city, and J. T. Dougall, of Fort Wayne, Ind., have purchased the plant and take possession at once. Warner, who has been connected with the mechanical department of the East Oregonian for many years, will be business manager, while Dougall will be editor. The paper will continue to be Republican. It is understood that Geer will make his home in Portland.

The Morning Astorian contains all the local and Associated Press reports.

DEATH SENT BY LETTER TO HENRY BOAS

THE LETTER ADVISES HIM TO TAKE POWDERS PROMISING SURE CURE.

DETECTIVES ON THE SCENT

Powders Enclosed in Missive in Woman's Handwriting Are Taken in Good Faith by Unsuspecting Man Who is Found Dying.

SAN FRANCISCO, Dec. 3.—Poison conveyed in a letter mailed in this city yesterday is believed to have caused the death of Henry Boas, a salesman for the Pennant Electric Company, who was discovered in a dying condition in his apartments at 2816 Harrison street early today and who expired a few moments later without regaining consciousness.

A communication purporting to be from a physician, but which displayed ignorance of the primary principles of medicine, was sent to Boas yesterday by special delivery and all the evidence in the possession of the police indicates that the letter, penned by a woman, contained two powders, which the recipient was urged to take as a remedy for indigestion, but which were in fact of poisonous character.

Acting upon clues found among the dead man's papers, a detective was sent this morning to San Jose to interview Mrs. G. G. Walker, of 63 South Fifth street, that city, whose daughter is said to have been a friend of Boas. The police, basing their calculations upon the fact that the letter was dated so as to indicate that it was written in San Jose, are positive that a clew to the sender will be found through tracing all possible friends and acquaintances of the dead man in that city. Boas is said to have resided for some time at the home of Mrs. Walker, and to have formed during that time an attachment for her daughter.

While the envelope containing the letter is missing, it is known that a missive was mailed in this city yesterday and delivered by messenger to the elevator operator in the building at Third and Mission streets, where the offices of the electric company are located. The elevator man signed for the letter, in the absence of Boas, who returned later, and who is supposed to have taken it to his home.

The signature to the letter is so illegible that instead of McHowe, it might be Flower or Wower. The whole missive was undoubtedly written by a woman who had but scant acquaintance with the directions she intended to give, and the police regard it as important that Boas was urged not to delay taking the powders enclosed.

Boas, who was a young man and unmarried, resided with his parents. Upon arriving home last night he informed his mother and sisters that he was going to take some powders to relieve an attack of indigestion, with which he was afflicted. It was two or three hours after he retired that the women heard screams coming from his room, and they rushed to find him writhing in agony and complaining of acute pains in his stomach.

Dr. C. F. Griffin, who was summoned almost immediately, diagnosed the case as one of poisoning. He administered emetics without delay, but Boas had already sunk into unconsciousness, and died within a few minutes. His body was removed to the morgue, and the police, being notified, took charge of all his personal possessions and set on foot the investigation which resulted in the departure of Detective Gallagher for the Walker residence in San Jose.

SAN JOSE, Cal., Dec. 3.—Chief of Police Haley after investigating the career of Boas in this city, who died at San Francisco today as a result of taking two headache powders which claimed he received through the mails, stated he is satisfied that Boas committed suicide after writing

and addressing to himself the mysterious letter dated at San Francisco, but mailed at San Jose. Theory is based on similarity of hand-writing in the mysterious letter and that in the letter which he is supposed to have written to a San Jose young woman. No evidence for motive for suicide was unearthed here.

ATTEMPT TO BREAK WILL.

CHICAGO, Dec. 3.—The Tribune today prints the following news article:

An attack on the will of Charles T. Yerkes is being prepared by his widow, Mrs. Mary Adelaide Yerkes Mizner.

Knowledge of her purpose was admitted yesterday by Lewis S. Ousley of Chicago, the only remaining executor of the estate. He also intimated that the courts would be asked to decide not only her own suit, but whether the fact of her action did not nullify the provisions of the document as a whole.

This would mean an end of the prospect for the Yerkes Art Gallery, a prospect which already has been dimmed considerably.

Mrs. Yerkes-Mizner wants her dower rights in the estate of \$200,000 in cash and the limited income previously granted her by the will.

It has been estimated that the estate is worth \$16,000,000—a value which has been considered optimistic in view of the shrinkage of some Yerkes stocks—and the widow would be entitled under the Illinois law to the use during her lifetime to one-third of this amount as her dower right. No lessening of values within reason would be sufficient to make her the loser if she received the dower.

This is credited with being the reasoning which has led Mrs. Yerkes-Mizner to her decision.

The immediate result has been to block all steps toward settling the estate.

"The difficulty in disposing of the estate," Mr. Ousley says, "grows out of the fact that Mrs. Yerkes is planning to demand her dower instead of accepting what the will allows her. There is a question at law that will have to be decided in the courts—whether her doing so will annul the rest of the will."

The will divides the estate into four parts after making many bequests and leaves one-fourth to each of the children, Chas. E. Yerkes of Chicago and Mrs. Hattie L. Rondinella of Philadelphia. Mrs. Yerkes-Mizner's bequest of the income is derived from a part of the residue.

ROOTS RESIGNATION ACCEPTED BY MEAD

JUDGE STEPHEN B. CHADWICK WILL BE HIS SUCCESSOR.

GOV. MAKES NO COMMENT

Will be Necessary for the Incoming Governor to Appoint Another Justice to Fill Out Root's New Term.

OLYMPIA, Wash., Dec. 3.—Governor Mead today accepted the resignation of Supreme Judge Root and appointed Superior Judge Stephen B. Chadwick of Colfax his successor. In accepting Judge Root's resignation the governor made no comment whatever. Judge Chadwick is one of the supreme judges-elect. His term begins the second Monday in January. It will be necessary for the incoming governor to appoint another justice to fill out the new term for which Root is elected in November.

ST. PETERSBURG, Dec. 3.—The Russian consul at Trieste has informed the government that the Turkish boycott of Austrian goods has extended into Egypt and Albania and is threatening to spread throughout the entire Mussulman world.

MRS. RICE AGAIN OCCUPIES THE WITNESS STAND

FERRY CHARMER BEACHED.

VANCOUVER, Dec. 3.—With the hold rapidly filling from water as a result of a collision with a barge, the gulf ferry Charmer is beached at the entrance of Vancouver narrows this afternoon to save the craft from sinking in deep water. Charmer had 100 passengers aboard, who were all taken aboard the steamer Joan and returned to Vancouver.

FREAK WOMAN ATTACKS POOR BACHELORS

ASSERTS THEY ARE THE WORST EVIL OF THE COUNTRY.

WORSE THAN THE DEMON RUM

"It is the Bachelor Who Today is the Great Evil of America," Says Mrs. Leonora Lake at a Big No License Rally.

LYNN, Mass., Dec. 3.—Mrs. Leonora Lake of St. Louis, one of the leading temperance lecturers of the country, who spoke at a big no-license rally here last night, nearly created a panic among 2000 ardent temperance reformers when she announced from the platform that she had changed her mind about drink being about the worst evil of the country and denounced bachelorhood as being worse and bachelors as being worse than "hellions who run drink dives." A storm of hisses greeted her words.

"It is the bachelor who today is the great evil of America," she said. "It is the bachelor who fosters the rum evil and who spends his time in dives. It is habits he learns as a bachelor that ruin him as a married man. Reformers should drop the rum evil for a while and devote their attention to this one crying need—more husbands."

"If men can only be made to see their after life all depends on an early marriage, that with a good home and a good wife life will be easy, then there will be no need for us to fight the drink evil. It will die of itself."

RECORD FOR DIVORCES.

CHICAGO, Dec. 3.—According to statistics, Peoria county, Ill., holds the record for divorces. From November 1, 1907, to November 1, 1908, there was one divorce filed for every four and two-thirds marriage licenses. The United States census report gives Illinois the palm for divorces, the state average being one divorce for every 12 marriages.

Her Testimony as Dramatic as Heretofore

TO HEAR WHOLE STORY

Will Tell That Part Where Dr. Rustin is Alleged to Have Planned Murder

WITNESS ONCE BREAKS DOWN

Mrs. Rice Breaks Into Tears When Dr. Rustin's Mother is Referred to—Excused When Davis is Brought Into Story.

OMAHA, Dec. 3.—Evidence given today by Mrs. Abbie B. Rice and vigorous efforts of the counsel for the defense to exclude that part which connected Charles E. Davis with the killing of Dr. Rustin, were the features today of the Davis trial. Mrs. Rice occupied the witness stand nearly all day. Her recitation of speeches with the dead surgeon were no less dramatic than on the two former occasions when she had been asked to give details of the alleged pact to destroy their lives. Twice during the day the witness and the jury were dismissed while the counsel argued the points of law as admissibly of different parts of her evidence and in each instance the State scored a clean victory. By ruling made on the last point raised, bars are let down for the hearing of Mrs. Rice's entire story which will include that part wherein Dr. Rustin is alleged to have told her that he had engaged Davis to kill him. Once during the narrative when she referred to Rustin's mother, Mrs. Rice broke into tears but soon regained her composure. Mrs. Rice reached a point where Davis was brought into the story when she was excused for the day. Defendant sat near his attorneys listening attentively to the proceedings and on his right were his two brothers, one of whom, Fred H. Davis, is vice-president of the First National Bank and the other is very prominent.

FIRE KILLS FIVE.

SCRANTON, Pa., Dec. 3.—Fire last night destroyed the clothing store of Anthony Shapiro at Dickson City, a suburb, five members of the family being burned to death. Mr. Shapiro, a son and daughter and Mrs. Shapiro's parents lost their lives. Mrs. Shapiro and two other children escaped by leaping from the second story window.

JURY FINDS UTAH GRAFTERS GUILTY

After Deliberation of Four Hours Jury Reach Verdict of Conspiracy in Restraint of Commerce

SALT LAKE, Utah, Dec. 3.—"Guilty" was the verdict of the jury in the United States district court before which the Union Pacific Railway, Union Pacific Coal Co., Everett Buckingham and J. M. Moore have been tried for conspiracy in restraint of the interstate commerce. Defendants are charged with having shut off the coal supply from D. J. Sharp, a Salt Lake fuel dealer, which action it was alleged drove Sharp out of business. The jury was deliberated four hours. Buckingham was recommended to the mercy of the court. The maximum penalty fine is \$5000 and a year in jail. Sentence was postponed pending appeal.

TEN YEARS FOR NEGRO.

KANSAS CITY, Dec. 3.—Charles Stevens, negro, accused of stealing \$50,000 from a mail pouch from the train last July, was sentenced to 10 years in the penitentiary today. None of the money was recovered.

J. D. ARCHBOLD IS A HARD WITNESS

Cross Examined by Kellogg—Fails to Obtain Confirmation Regarding Large Loans of Standard

NEW YORK, Dec. 3.—Efforts on the part of the federal counsel to obtain confirmation regarding the loans aggregating \$22,000,000 to P. F. Trainor of the Southern Pipe Line Company, a standard subsidiary, came to nothing today in the cross examination of John D. Archbold. For over a week Frank B. Kellogg, government inquisitor, has pursued every trail to find out the purpose of these large loans, but tonight he appeared no nearer a solution to the mystery. Archbold said he knew no reason for