INTERSTATE LAWS BAR ANY INCREASE

Commissioner Clements Says No Truth in Report That Commission Has Made Concessions to Railroads —Department of Justice Will Prosecute.

(Washington Bureau of The Journal.)

Washington, May 21.—"There is absolutely no authority for the statement that the interstate commerce commission has approved of an increase in transportation charges. The commission is more likely to request the department of justice to begin prosecution under the Sherman anti-trust law if the roads carry out any agreement to an increase."

Commissioner Clements gave this information exclusively to The Journal today. Continuing he said: "If the law could be amended to empower the commission to hold in abeyance the proposed increases until the unreasonableness can be determined many complications will be avoided."

Mr. Clements referred to the Fulton bill and said: "I have heard reports of concerted action by carriers to increase rates in the near future. It seems increditable to me that the carriers would by such methods take the hazard of the penalties of the law."

SUFFRAGETTES MOB ASQUITH

Police Disperse Crowd of Women Which Assembled at Premier's Office.

(United Press Leased Wire.)

London, May 21.—A mob of suffragettes invaded Downing street today and gathered in front of the building in which are the offices of Prime Minister Asquith. Before their speakers could make addresses, however, the police charged and dispersed them. Six arrests were made. It was the intention of the women to make a noisy demonstration against the prime minister because of his refusal to comply with their request for suffrage.

WITNESSES IN MURDER TRIAL ARE MARRIED

(United Press Leased Wire.)

Walla Walla, May 21.—Shelly P. Aldrich, nephew of Mrs. Anna Aldrich, for whose murder Bud Barnes is awaiting trial, and Mary Abby, a sister of Bud Barnes' wife, were married at the Hotel Dacres, yesterday by Rev. M. L. Sanders. They left for Seattle Both are witnesses in the Barnes murder case and will be back by Monday.

MAE WOOD JAILED

(Continued from Page One.)

Platt's testimony was not shaken on cross-examination. In reply to Attorney LeBarier's questions, he stated that the $10,000 was paid to Miss Wood because the family wished to avoid notoriety, although knowing it was a plain case of blackmail. He denied that any member of the family had employed J. Martin Miller as a go-between in the deal with the plaintiff.

When Platt left the stand the defense sprung its biggest surprise in the shape of a deposition made by Frederick E. Hafeley, a stationer, who averred that he furnished the marriage certificate introduced by the plaintiff. The deposition stated that the certificate was not printed until at least one year subsequent to the alleged marriage. John H. Black, a member of the lithographing firm that printed the certificate, produced the plates bearing the impression, completely corroborating Hafeley's statement.

On cross-examination Mr. Platt said many letters from his father to Miss Wood were brief notes of invitation. He was willing to pay $10,000 for their return because his father was about to be married to Mrs. Janeway and he and his father thought it would be best to get rid of Miss Wood.

"What was your objection in destroying some of these letters?"

"Well, plaintiff was writing for letters and going to the newspapers and I did not think that she had stayed bought and I destroyed all but a few of the letters. There was no suggestion of marriage or divorce or disgrace in any of the letters I destroyed."

Miss Wood, who was present in court, asked permission to personally cross-examine Platt. Her request was refused. Miss Wood is a member of the Nebraska bar.

Buys Wheat Land.

(Special Dispatch to The Journal.)

Pendleton, May 21.—Hans Struve, one of the extensive wheat growers of this section has purchased 800 acres more from J. E. Smith, the sum of $10,000 being paid for the tract. Mr. Struve is now the owner of several thousand acres of the choicest wheat land in the inland empire.

New Jail.

(Special Dispatch to The Journal.)

Klamath Falls, Or., May 21.—Klamath Falls is to have a new city jail. Mayor B. St. George Bishop has been authorized by the council to purchase a lot for the location of a new jail.

Light suits and dark suits, all washable and wearable for every day, holidays and dog days.

Warranted to suit both mother and the boys—from 50c, all the way up. See the big window full.

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FOUND ROOT OF SCANDAL

(Continued from Page One.)

saries of corporations and other professional land speculators," who were in close touch with the records of the several local United States land offices, filed scrip on the land and deprived the state's grantee of an opportunity to perfect his title.

Odell's scheme was a good one. By securing affidavits from broken-down miners throughout the state, he alleged a vast quantity of worthless land was rich in mineral. These lands were declared mineral, mostly by the La Grande land office. Then the working of the plan was simple.

Operated in Capitol.

Odell was given a desk in the statehouse, and applicants for lieu land were sent to him by State Land Agent Geer. Odell furnished the base, charging commission. In this way Odell sold some 75,000 acres of state base, while other brokers corralled 50,000 acres.

When Binger Hermann went out of office the fraudulent nature of the base land selections was discovered by the general land office and the selections were rejected. State Land Agent Geer did not notify the purchasers of land of its rejection by the department, and, foreseeing the flood of complaints which would be caused by this rejection, got out of office.

Oswald West took his place and began at once to list the base lands, as required by the law. Then word came to the state land office that the selections made by purchasers on state base were being finally canceled by the department at Washington, while land sharks and speculators and agents or corporations, furnished with advance information of the department's action, were filing on the canceled claims, thus wresting the land from the state's purchasers without notice of any kind.

Governor Steps In.

To protect these purchasers the governor took up their fight and attempted to secure for purchasers a preference right allowing them 60 days after cancellation of their claim in Washington to file upon the land as government land or to buy new base which was legal. In an exhaustive explanation to the general land office the governor set out the situation in Oregon, and asked for a rule which would give innocent purchasers 60 days preference right to protect themselves from speculators who were waiting for a chance to file on their lands, purchased of the state. This letter was considered by W. A. Richards, commissioner of the general land office, and his report was made to the secretary of the interior.

After reciting the facts and arguments set forth by Governor Chamberlain, Commissioner Richards gave it as his opinion that the department had no authority to allow the 60-day preference right requested, and added:

Richards' Statement.

"The department in approving a state selection deals only with the state, and the state's purchaser is without standing before the office. It is true, if relying upon some act of the department, a purchaser from the state is induced to make expenditure that would entitle him to equitable consideration the department has given the state opportunity to perfect an otherwise illegal selection (29, L. D., 610, on Review), but should the state fail to protect its grantee he, by his purchase from the state, has acquired no right under the general land laws entitling him to a preference over another applicant.

"It is respectfully suggested, however, that under existing rules the state has it wthin its power to protect such of its grantees as it sees fit to protect, against the 'emissaries of corporations and other professional land speculators,' viz.:

"It may within the 60 days allowed for appeal amend its selection by the substitution of a valid base, or if unable to furnish such a base it may upon receipt of notice that the selection is held for cancellation make a formal relinquishment of the selection and give same to its grantee. While the selection is of record and uncanceled the land is segregated thereby and no right can be acquired by the presentation of an application therefor (29 L. D., 29), but the purchaser holding the state's relinquishment may present it with his application and thereby secure the right of entry. Of course, if the state's grantee is a qualified settler on the land he is protected by his settlement, this right would immediately attach upon the cancellation of the selection and he would have 90 days to place his claim on record."

Applications Cancelled.

Governor Chamberlain accepted this report sent him as binding upon the department and followed its instructions to the letter. Much later than this the department at Washington concluded that its interpretation of the law was wrong, whereupon it issued instructions to the general land agents to cancel applications made under the provisions set forth in the report made to the secretary and sent to the governor. This decision threw hundreds of people out of their land and the governor took up the gage with the general land office to secure justice to the purchasers from the state.

In some instances the governor took the fight up to the secretary of the interior and was sustained in his contention by Secretary Hitchcock that to follow the ruling of the department, repudiating its former report, would be to work a great injustice upon innocent purchasers and the lands taken away from them were returned. This was the case regarding the filings of C. B. Moore of Salem, who had invested practically his entire fortune under the authority of the land office, but was afterward dispossessed of his land by the later ruling.

By reason of this later ruling the question then confronted the board of what should be done with the money paid to the state for land by purchasers who were afterward deprived of title. Investigation showed that this point was covered by section 3310 of Bellinger and Cotton's code and a part of section 3311. Section 3310 reads as follows:

What Code Says.

"Where lands have been sold which the board could not and cannot convey to the purchaser, but which have been bought and paid for under a misapprehension of the condition of the same, the board, upon the production of satisfactory proofs of such facts, and the reconveyance by duly executed and recorded quit claim deed of whatever title or color of title was received from the state, shall order the amount paid to the board in the purchase of said land, including the amount paid to the board as interest on deferred payments, to be repaid to such purchaser, his heirs or assigns, from the fund or funds which received the payments made in the purchase of said lands, and transmit to the next legislature a report of such transaction."

The pertinent part of section 3311 is as follows:

"Any person who has paid to the state land board any money on lands to which the state land board could not and cannot convey title, shall be entitled not only to the repayment of the amount paid to him, as provided in section 3310, but also to interest thereon at 5 per cent per annum from the date of payment to the date of warrant for repayment, and the board shall compute said interest and order the same paid to each purchaser, his heirs to assigns, from the interest of the fund which received the benefit of the payment; provided, no interest shall be allowed or paid where the purchaser, by reason of his payment to the state, had the use or could have had the use and possession of the land on which the payment was made."

Investigation Began.

It was made clear under these sections of the law that it was made mandatory upon the board to repay the principal and interest upon that principal paid by purchasers for land which they were afterwards deprived of. But by reason of the last clause in section 3311 Governor Chamberlain refused to pay interest at 5 per cent on land which could have been in possession of the purchaser.

Up to this time no opportunity had arisen for the investigation of bogus claims, but in the fall of 1904 Governor Chamberlain, concluding that fraud was being practiced, directed Land Agent West to make an investigation of all claims supposed to be bogus. The matter was discussed and the suggestion was made by the governor that the board should cancel all suspicious certificates without a hearing, thus throwing the burden of proof upon the purchasers. The state board opposed the plan, and it was submitted to the attorney general, who declared it to be unjust and illegal on the ground that "fraud was never presumed, but must be proved."

Money Given Back.

Finding it impossible to cancel certificates suspected of having been fraudulently obtained, the state land board directed that notice should be sent to purchasers, who had been deprived of their land, that the state could not furnish title and had no additional base, and for them to come in under the provisions of the law and receive the money which they had paid the state.

In the case of entries where fraud could be proved the state land agent presented facts before the Marion county grand jury which resulted in the indictment of H. H. Turner, W. F. Jewett and A. T. Kelliher. Information of fraud was brought to submit to the Multnomah county grand jury but that body stated it had no time as it was scheduled to make a trip to the county poor farm.

STATELY PASSAGE

(Continued from Page One.)

hoarse; there were no hats tossed into the sea.

Admire in Silence.

Those among the excursionists who had seen the fleet come into San Francisco harbor say the appearance of the fleet was received in exactly the same manner there. Thousands of people staring at the vessels in dead silence. But everybody was impressed, and deeply.

"No lame ducks in that bunch," remarked one of the officers on the Roanoke, after the fleet passed.

"No lame ducks," he repeated; "every one ready to fight, and to fight hard. The old countries have immense navies, but look at the numbers of old-timers—worthless and useless. Lame ducks, they are."

Crossing the bar yesterday morning the Roanoke and Alliance poked into heavy swells. The officers said they were not heavy, but the passengers thought different when the bow of the Roanoke seemed to drop about 20 feet, only to rise again for another fall. Subsequent events proved that the passengers knew what they were talking about.

The heaviest tossing occurred before a cloud of dense smoke to the southward announced the coming of the fleet, but during all that time the best of health prevailed. Ten minutes later the Roanoke was transformed into a hospital ship. Some of the most enthusiastic camera fiends, who had prepared to snap every one of the fleet, gave up after the first round; others lasted long enough to shoot the second or third ship. Only a few managed to get a complete set. A moving picture man stationed on the bow of the Roanoke dropped by the wayside early in the game, and another had to be summoned hurriedly to take his place.

But it might be put down for a fact that not one of even those who suffered most regretted having made the trip to see the fleet. It was glorious and grand.

THREE BATTLESHIPS ANCHOR IN HARBOR AT PORT ANGELES

(United Press Leased Wire.)

Port Angeles, May 21.—The Atlantic fleet, in command of Rear Admiral Sperry, circled around the harbor shortly before 7 o'clock this morning, and the battleships Minnesota, Missouri and Ohio dropped their anchors, the remainder of the fleet passing on up the straits. A thick mist hangs over the straits, and the fleet made slow time from Cape Flattery. Hundreds of settlers from the surrounding country are in town. Elaborate plans have been made for the entertainment of the officers and crews of the three battleships during their two days' visit here.

FORTS FIRE SALUTE AS SPERRY'S SHIPS ARRIVE IN HARBOR

(United Press Leased Wire.)

Port Townsend, Wash., May 21.—The battleships Illinois and Kearsarge of the Atlantic fleet arrived in the harbor at 10 o'clock this morning and dropped anchor. Their arrival was greeted by a salute from Forts Worden, Casey and Flagler as they passed into the bay. Until their arrival opposite the city they were greeted by whistles from every steam engine on land and water. The battleships Nebraska, Wisconsin and Kentucky passed down the sound to the Puget sound navy yard, where the Kentucky will be docked. The other two will return here Saturday morning to join the rest of the fleet which goes to Seattle.

EDWIN GOULD

(Continued from Page One.)

developments have come in succession with startling suddenness, and in the nature of bolts out of a clear sky. The public had no expectation of such serious moves on the railroad checkerboard in Oregon and northern California.

The reason now becomes plain. The decision of the Western Pacific to immediately begin construction of its Oregon extension was no sooner made than the Harriman interests became advised of it and quick action was necessary to get strategic advantages. The officials of the Harriman lines have lost no time. It is said the result means another railroad building contest like the north bank race, and the latest contest is for transportation control of Lake county and the Harney valley.

CAMPBELL GIVES UP TO POLICE

(Special Dispatch to The Journal.)

Astoria, Or., May 21.—Campbell, the slayer of McClellan, has arrived here, accompanied by Mike Gorman. They will go to Cathlamet tonight, where Campbell will give himself up to the authorities. He declares he was justified in killing his enemy.

MORE COIN FROM NATIONAL FOREST

Fulton's Amendment to the Agricultural Bill Agreed on by Congress.

(Washington Bureau of The Journal.)

Washington, D. C., May 21.—Senator Fulton's amendment to the agricultural bill giving the counties 25 per cent instead of 10 per cent of the receipts from the forest reserves has been accepted by both houses. Congressman Hawley induced Scott, chairman of the house committee, to withdraw his objections. The house then passed the bill and the senate had already accepted it. This gives several thousand dollars' additional to many counties each year.

The omnibus public buildings bill has been sent to the secretary of the treasury for his opinion as to whether it should pass. This, in part, confirms the report that the conference between the president and the speaker yesterday resulted in an agreement to force the currency bill through if possible, although the assertion has been given by senate leaders that currency legislation cannot be accomplished at this session. However, a currency commission seems the only result certain.

GRANTS PASS MILL BURNED

Damage by Fire Amounts to $15,000—Tramps Are Blamed for Blaze.

(Special Dispatch to The Journal.)

Grants Pass, Or., May 21.—The big and well equipped flour mill owned by Mason and Williamson of this city was totally destroyed by fire early this morning. It was the only flour mill in Josephine county, and has been operated only a few months. The loss is about $15,000, partly covered by insurance. Fire is supposed to have been started by tramps who were sleeping in the mill.

WALTER BARRETT IS KILLED BY TRAIN

(United Press Leased Wire.)

Sacramento, May 21.—Walter Barrett, a middle-aged, well-dressed man, was struck by train No. 16 as it entered the railroad yards early this morning and almost instantly killed. He was found badly mangled and unconscious beside the tracks shortly after the train passed and died at the receiving hospital without regaining consciousness. Whether he was asleep on the track or walking in front of the train is not known as he was not seen by any of the trainmen until later. It is believed that he came here either from Los Gatos or Palo Alto, and an effort is being made to find relatives or friends.

Commits Suicide.

(United Press Leased Wire.)

Los Angeles, May 21.—A. R. Cushman, 76 years old, despondent because of ill health, shot himself through the head with a large caliber revolver in the rear of his son's residence in Boyle Heights today. He died instantly.

OPIATES KILLED WILLIAM MARSH

Man Who Thought He Had Hydrophobia Directly Responsible.

(United Press Leased Wire.)

New York, May 21.—Following a statement made today by President Clark Bell of the Medico-Legal society of Greater New York that William B. Marsh, who as a victim of hydrophobia was reported to have calmly prepared for his death, and then waited for the end to come, died from the effects of opiates instead of the dreaded disease, the Brooklyn health department has refused to issue a burial permit.

Marsh, who was a prominent resident of Brooklyn, died Wednesday. It was said that he had contracted hydrophobia from the lick of a bull terrier. There had been no question about the cause of his death until Bell declared that the opiates Marsh had taken to relieve his pain were responsible. Bell insists that rabies does not attack the human system. He maintains that Marsh was a victim of fright through auto-suggestion.

The coroner has ordered an autopsy to be performed on the body to determine whether or not Bell is correct in his statement.

BRYAN CAPTURES MISSOURI VOTE

State Convention Instructs Delegates to Help Nominate Commoner.

(United Press Leased Wire.)

Jefferson City, Mo., May 21.—Missouri is in the Bryan column, the state convention having instructed the delegates to the national convention to vote for the Nebraskan as a unit.

Governor Folk, United States Senator Stone, former Governor Francis and former Mayor Reed of Kansas City, will go to the convention as delegates at large. Senator Stone offered to withdraw if the convention would elect in his place Colonel Moses C. Wetmore, who is one of Bryan's closest friends. His motion received but slight attention.

PENDLETON TEACHERS GIVEN OLD POSITIONS

(Special Dispatch to The Journal.)

Pendleton, May 21.—At a regular annual meeting of the Pendleton public school board last night the entire faculty was reelected for next year with one or two exceptions, where the teachers have voluntarily resigned. City Superintendent J. S. Landers, who has been in charge of the school for the past two years, was reelected at a salary of $1,800 per year, and Principal A. C. Hampton, who has also been here two years, was again given the position at $1,000 per year. Two married women, Mrs. W. F. Fargo and Mrs. Frank K. Welles, were left off the teaching force, through the policy of the board to employ only unmarried female teachers.

Taft is certainly driving the Republican band wagon; but can he drive the Democratic turnout, too?

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Friday's Bargain Sale

The articles mentioned below are all first quality goods, selected from our regular stock, and will be placed on sale FRIDAY MORNING at prices A LITTLE LOWER than any other store can sell them. We sell more drugs, sundries, etc., buying larger quantities and at smaller prices, than any store in town. WE POSITIVELY WILL NOT BE UNDERSOLD. Save money by attending our regular Friday Bargain Sales.

Friday Drug Bargains

Epsom Salts, regular 10c package, Friday....3¢
Rochelle Salts, regular 10c package, Friday....3¢
Whiting, regular 10c package, Friday....4¢
Soda Bicarbonate, regular 10c, Friday....4¢
Flax Seed, regular 10c, Friday....5¢
Sulphur, regular 10c, Friday....5¢
Chalk and Orris Root, regular 10c, Friday....6¢
Chalk and Wintergreen, regular 10c, Friday....6¢
Blawd Pills, 3 gr., 100 in bottle, regular 50c package, Friday....15¢

OPEN FROM 7 A. M. TO 9 P. M.

Friday Toilet Bargains

Bon Ami, regular 10c cake, Friday....6¢
Ivory Soap, regular 10c cake, Friday....7¢
Frostilla, regular 25c bottle, Friday....14¢
Woodbury's Face Powder, regular 25c box, Friday....15¢
Kosmeo Cream, regular 50c jar, Friday....31¢
Danderine, regular 50c bottle, Friday....33¢
Ingram's Milkweed Cream, regular 50c, Friday....33¢
Pinaud's Imported Soap, regular 75c box of 3 cakes, Friday....49¢
La Blanche Powder, regular 50c, Friday....35¢

Free Trial Merry Widow Perfume at the Perfumery Counter

FREE PHONES—FOURTH FLOOR

Family Wine and Liquor Bargains, Friday and Saturday

Zinfandel Wine, regular 50c....29¢
Reserved Stock Port and Sherry, regular 75c quart....39¢
Fisher's Pure Malt Whiskey, regular 95c quart....78¢
Fisher's Pure White Rye Whiskey, regular $1.25 quart....95¢
Hilton's Extract Malt, regular $2.50 dozen....$1.79

HEADQUARTERS FOR FINE CAMERAS

Friday's Art Department Bargains

Reproductions of beautiful water color and oil Fruit Pictures in 2-inch solid oak frames with dainty gold lining, glass size 11x14, 12 different subjects; regular $1.85 values, Friday....49¢
Genuine Etchings printed on India paper in 1-inch brown moulding; subject in landscape and marine, glass size 9x12; regular 60c values, Friday....25¢
China Special—79 pieces imported China, no two alike, both in vases, fern dishes and ornamented pieces; values to $8; Friday....HALF PRICE
Pyrographic Outfits for wood burning; contains guaranteed bulb, platinum needle and complete outfit packed in attractive box stamped for burning; regular $1.75 val., Friday....98¢

Special 10 per cent Discount on All Friday Picture Framing Orders

OPEN A MONTHLY ACCOUNT

Friday Stationery Bargains

1,000 regular 20c Tablets, Friday....11¢
Woodlark Linen, regular 35c pound, Friday....19¢
Envelopes to match, regular 10c, Friday....7¢
7-11 Steamboat Playing Cards, regular 10c, Friday....7¢
Crow Playing Cards, regular 15c, Friday....11¢
A few thousand decorated Napkins, per 100, Friday....9¢

WE FRAME PICTURES

Friday Rubber Bargains

Tourists' rubber-lined Toilet Case, regular $3, Friday....$1.73
Rubber-lined Sponge Bags, regular 25c and 50c, Friday....19¢
Rubber Gloves, regular 50c, Friday....33¢
Pocket Atomizers, regular 50c, Friday....33¢
Empire Cuffs, regular 25c Friday....17¢
Infants' 3-piece Toilet Set, regular $1.25, Friday....73¢

SPECIAL CUT GLASS BARGAINS

Miscellaneous Bargains

Alcohol Gas Stoves, regular 25c, Friday....14¢
Household Thermometers, regular 25c and 35c, Friday....14¢
Bath Tub Seats, regular $2, Friday....$1.25
Bath Mitts, regular 20c and 25c pair, Friday....11¢
Flower and Vegetable Seeds, regular 5c package, Friday, six packages....5¢

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