

DR. COE STRIKES BACK AT ENEMIES. WILL FINISH FIGHT

Filing of Suit Against Him by W. J. Furnish Latest Angle in Battle Over Inland Irrigation Company's Affairs.

"There is a battle royal on between W. J. Furnish and me which I expect to win at every point. While 6000 miles away, whence the fastest ship would not bring me home for three weeks, Furnish, J. H. Raley, of Pendleton and a professional forerunner named H. L. Moody began a systematic crusade to wreck, ruin and financially destroy me."

"My mistake was in trusting the wrong man. I was misled by the wrong man in believing that if he could create the financial havoc in my affairs which he and his agents have accomplished that I would not only be financially bankrupt, but, like some poor rancher whom he had in his clutches, I would be without spirit and courage."

Dr. Henry Waldo Coe added a new chapter to the history of the Inland Irrigation company's history this morning, and the statements quoted above are portions of his statement made in response to the news that in a filing made yesterday by W. J. Furnish and his attorneys at Pendleton, Dr. Coe is accused of bad faith, and notice of a forfeiture of the contract with the Portland physician is given.

Dr. Coe has filed suit for \$1,400,000 damages against Furnish and the Inland Irrigation company. In addition, he accused his partners of treachery and unfaithfulness this morning, saying:

"The statement that any transaction which I had in relation to these land sales was not done strictly in accordance with agreement with the Inland Irrigation company or with W. J. Furnish himself, is not true. The statement that I yesterday claimed that I owe Furnish \$100,000. The amount, however, should be about \$110,000, but against this I have an offset of \$70,000 in commissions and other claims authorized by the company, and I wish to a total of about \$120,000."

"Mr. Raley, the attorney who filed the notice yesterday, was attorney of the Inland Irrigation company, the stock of which under the contract belongs to me. This stock is in a Portland bank in escrow until one half of the bonds shall be paid from land sales or until I shall purchase or cause to be purchased a sufficient amount of bonds added to those retired by land sales to equal half the bonds."

"All the money paid by Raley was paid by me. In addition Raley was my private attorney and I assumed that in transactions which he was handling between Furnish and me that I was paying him not one fee but two. Based upon this belief that he was protecting there were injected into contracts between us certain technical things upon which they now seek to elbow me out of eastern Oregon."

"I likewise assumed that Furnish was a partner upon whom I could rely, and who would protect my interests in good faith. Believing this, I took a sea voyage, as I am accustomed to do when worn out and tired, and while 6000 miles away, whence the fastest ship would not bring me home for three weeks, Furnish, Raley and a professional forerunner named H. L. Moody, began a systematic crusade to wreck, ruin and financially destroy me."

"Moody is the man concerning whom the supreme court of Washington in two decisions based on his sharp and cruel methods, declared that a plain contract drawn by a bright partner of his must be declared void on account of the fraudulent operations of Moody outside the contract."

"When I went into the project Furnish was financially in a complete physical and nervous wreck, and his project was a joke. When I went away, since my advent into the company, he had never put a penny therein, and the entire irrigation service had been entirely rebuilt."

"Regarding the amount which Furnish now claims, whether great or small, all of these sales were recorded in the settlement of July 2, and the final settlement of the amount of those claims and my offset was postponed for 18 months in the contract of that date, at which time no changes were made in the methods of collection or handling of the business."

"Before I left I had turned over to Mr. Furnish and the Inland Irrigation company contracts on land upon which one third to one half had already been paid and the balance on these contracts would pay Furnish all of his bond and every other claim against the company at that time except what I owed me. This settlement was therefore put off, as I supposed, to a date when the only individual left in the company would be myself and it was not material how the matter should then be settled."

"Trusted Wrong Man. All claims of Furnish were provided for as stated and now he seeks under technicalities to take my interests, amounting to 4800 water acres, in the project and valued at more than \$1,000,000. My mistake was in trusting the wrong man. Furnish has made the mistake of believing that if he could create the financial havoc in my affairs that he and his agents have accomplished, that I would not only be financially bankrupt, but, like some poor rancher whom he had in his clutches, I would also be broken in spirit and without courage."

"Instead of this I have reorganized my affairs, have a copy of good contracts and there is a battle royal on in which I expect to beat Mr. Furnish at every point."

W. J. Furnish, of the Furnish Ditch company, both of which have been sued for damages amounting to \$1,400,000 by Dr. Coe, said this morning that he really was not familiar with the contents of yesterday's filing at Pendleton, but this his attorneys had been instructed to file a resume of the charges made against Dr. Coe as a basis for a suit against the contract with Dr. Coe had been forfeited.

SUES MAN AND WOMAN TO RECOVER \$6500

Suit was started today in the circuit court by Henry Schollhorn against Robert E. and Sarah E. Davis to recover \$6500 on a note which they gave him for borrowed money. R. E. and Alice Howard are also made defendants in the suit as they claim an interest in the property. Mrs. Williams, Haight, who Mrs. and Mrs. Davis gave for work was on the loss.

ROCKEFELLER OUT OF UNIVERSITY

With Final Gift of \$10,000,000 Turns It Over to Trustees and People.

Chicago, Dec. 21.—John D. Rockefeller has rounded out his scheme of benefactions for Chicago university, his final and completing endowment being of \$10,000,000, to be paid in 10 equal annual installments, beginning January 1. He has now bestowed a total of about \$25,000,000 upon the university.

Rockefeller says he believes the university's future development will be best assured if donations shall henceforth be bestowed from other sources. For this reason he announces that his giving is at an end. Gifts other than those of Rockefeller already total \$1,000,000.

With the announcement of Rockefeller's final donation came the resignation of John D. Rockefeller Jr. and Fred T. Gates, Mr. Rockefeller's personal representative, from the board of trustees. In enclosing these resignations Rockefeller explained he was carrying out a conviction that the institution should be "controlled, conducted and supported by the people," with whom up to now he had simply been cooperating. Rockefeller's idea, it is said, is that he is turning over the institution and its endowment to Chicago and the west and in so doing withdraws from any further representation in its control.

Donations of all classes. Rockefeller's known benefactions aggregate more than \$126,564,662. Principal ones are:

- General education board... \$5,000,000
University of Chicago... 35,000,000
Rush Medical college... 6,900,000
Churches (foreign)... 3,100,000
Missions (foreign)... 4,000,000
Baptist foreign missionary fund... 2,000,000
Civic League... 1,000,000
Harvard university... 1,000,000
Baptist Educational society... 1,000,000
Yale university... 1,000,000
Juvenile reform... 1,000,000
Cleveland city parks... 1,000,000
Union Theological seminary... 1,000,000
Columbia university... 1,000,000
Barnard college... 1,375,000
Institute for Medical Research... 2,000,000
Miscellaneous gifts... 32,555,000

VETERAN OF WARS WITH INDIANS DIES

Elias Keeney, Pioneer of 1846, and Figure in Gold Rush, Passes Away.

Elias Keeney, who had one of the most interesting careers of any early Oregon settler, died yesterday at Good Samaritan hospital. Mr. Keeney was 82 years old. Dr. Homer I. Keeney, a son, will accompany the body to Brownsville tomorrow afternoon and the funeral will be held in Brownsville Friday morning.

Mr. Keeney was born in Missouri and, with his brother, joined an emigrant train that left his native state in 1846, reaching the Willamette valley in September of that year. He took up a claim near Brownsville and his home has been in that town ever since, excepting a few years' residence in Eugene.

When the Cayuse war broke out in 1847 Mr. Keeney joined a company organized to relieve eastern Oregon settlers. They reached Walla Walla soon after the Whitman massacre, and found the dead strewn over the battle field. After the Indian campaign, in which he participated in several battles, Mr. Keeney returned to Brownsville and in 1849 went to California, making for the gold fields. He cleaned up \$15,000 worth of dust and carried it back east alone, riding on horseback all the way. He invested the money in cattle, but in driving them back many were lost in blizzards and Indian raids.

Mr. Keeney was married three times. He is survived by seven children who include Dr. Homer I. Keeney of Portland, Mrs. James McThursule of Portland, John Keeney of Clatskanie, J. M. Keeney of eastern Oregon, Roy Keeney of Washington state, Mrs. Alfred Wright of Turner, Or., and Mrs. James Bond of Halsey, Or.

WOMAN CHASED BY BULL GETS \$250 DAMAGES

Mrs. Lida C. Green, living "under the hill" on Fessenden street, St. Johns, was awarded \$250 this morning by Judge Hamilton in the circuit court for damages for injuries sustained while running away from a Jersey bull. W. E. Ashby is owner of the animal, which he kept in a lot within the city limits of St. Johns.

On the evening of March 19, Mrs. Green had occasion to cross a vacant tract of land. There were three other women with her. The bull took after them. The three women own the animal, and Mrs. Green was compelled to jump a high fence. While jumping the fence she alleged injuries were received that would be permanent. Ashby said the bull was not ferocious, and that the women had no need of running. Judge Hamilton held that Ashby should have kept the animal confined. He further held that Mrs. Green was not permanently injured. He gave her judgment for \$250 damages. She asked for \$10,000.

HATPIN AND PEROXIDE USED BY WOMEN IN FIGHT

When the case of Mrs. A. W. Breck and Mrs. May Prince, who were arrested last night for fighting, was called in police court this morning May Prince, who had been released on bail, failed to respond when her name was called, and as a result a bench warrant was issued for her arrest. The hearing of the case was continued until Friday.

The fight, which occurred at Third and Market streets at 6 o'clock last night, was the result of Mrs. Breck accusing Mrs. Prince of accepting the attentions of her husband. A hatpin wielded by Mrs. Breck and a "big" bottle of peroxide in the hands of Mrs. Prince were the weapons used in the fray. Mrs. Breck got the worst of the fight, when she was laid low with a blow over the eye with the bottle. The husband, who witnessed the first part of the fight, ran away when the hatpin and bottle appeared.

TRAGEDIES IN SOUTHERN CALIFORNIA

Phone Message Gives Notice That Jack Hardy Is Killed at a Mountain Inn.

(United Press Leased Wire.) San Bernardino, Cal., Dec. 21.—In response to a long distance telephone message officers started today for Hardy's Inn in Mill Creek canyon, on the Bear Valley trail, where Jack Hardy is reported to have been shot and instantly killed. Hardy is a brother of Luther Hardy, proprietor of the inn, and is well known in the mountain country. The message gave no details of the shooting.

BUETGEN TELLS LAWYER WILKINS WHAT'S WHAT

"If Attorney M. O. Wilkins or anybody else wants to see the records of this court they are liberty to do so," said N. D. Buetsgen, clerk of the municipal court, whom Wilkins charged with preventing him from seeing the books, "but the examination will have to be made at the proper time. I do not intend to have anybody nosing around my desk when I am not there to attend to things."

TRIES TO HALT KARL STREET IMPROVEMENTS

Attorney Ralph Dunway has started another suit in the circuit court, asking for a writ of review on an assessment of the improvement of Karl street, between Milwaukee and East Twentieth streets. The plaintiffs in the case are George H. Cook, Fred Fiedler, William Suters, F. Opitz, Louis Feuer, Max Leeb, John Reinsacker and Thomas Denny. The city of Portland is made defendant.

In his complaint Dunway alleges that the reassessment of this improvement was not made according to law, and that it is confiscation of the property. He attacks the legality of the proceedings by which the street was improved, and asks that the city be compelled to desist in further attempting to collect the assessment on the work. On a former complaint, the court granted a writ of review, and held that the assessment was improper. The necessary defects in the proceedings were corrected, and a reassessment made.

M' COURT CHANGES MIND ABOUT A COMPROMISE

A stipulation between the government and the Booth-Kelly Lumber company to settle the suit to cancel timber claims owned by the defendant company and which were allegedly taken up by relatives of Robert A. Booth, fell through this morning while the interested parties were about to sign it.

The stipulation was drawn by United States District Attorney McCourt and was agreed to by the Booth-Kelly company. Just as Mr. McCourt was going to sign it he discovered the books of the company showed the timber secured from the United States to be more valuable than he had known. A continuance of the hearing before Commissioner Brode was taken and the government has sent an expert to Eugene to go over the books and get at the correct estimates of the timber and its value.

UNIDENTIFIED PERSONS WOUND DANGEROUSLY ABRAM ESPARZO AT COLTON.

(United Press Leased Wire.) Colton, Cal., Dec. 21.—Shot by unidentified assailants, Abram Esparzo, 19 years of age, lies near death with a bullet in his back. The shooting occurred last night and although officers have searched unceasingly for the person who fired the shot, they have been unsuccessful. Esparzo's father was shot a year ago, following a quarrel.

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The lawyer is merely attempting to locate all the cases where bail has been forfeited in cases where no complaints were filed or where fines were assessed when a prisoner pleaded guilty, and no formal written complaint on the regular blanks was made out, with the view of compelling the city to return this money," explained Buetsgen.

When Wilkins was ordered to leave the books alone, while Buetsgen was in court, he became enraged and threatened to bring mandamus proceedings against the clerk.

CANNON RELAXES GRIP NOT AT ALL

As Vigorously Dominant as of Yore; Shelves Taft's Special Message.

(United Press Leased Wire.) Washington, Dec. 21.—Declaring "calendar Wednesday" was "peculiarly sacred," Speaker Cannon today refused to permit the immediate consideration of a special message sent to congress by President Taft. Less than 80 members were present, in spite of the fact that it was "calendar Wednesday."

Most of the session was taken up with a discussion of the Moon bill for a revision of laws relating to the judiciary. Taft's special message recommended the adoption of a law authorizing President Taft and officials of the state of Texas to mark the boundary between Texas and New Mexico. The message was read and its consideration suggested by the speaker objected.

The senate today adjourned at 2 o'clock. It will reconvene January 5.

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DESIRES PENALTIES FOR CONTRACTORS

Civic Council Will Ask Mayor to Act on Hawthorne Bridge Delay.

Officers of the civic council announced today that they will appear before the mayor and members of the city council to demand that the penalties for delay on the Hawthorne bridge be assessed on Robert Wakefield & Co. at the rate of \$100 for each day's delay. Resolutions to this effect were adopted at the meeting of the civic council Monday evening, as were resolutions relating to the proposed increase of teachers' salaries. The latter resolution read:

"It is the sense of this organization that it indorses the action of the school board in its avowed intention to ask the tax payers to authorize an increase in the salaries of the teachers in the public schools of district No. 1, Multnomah county, so that they shall be commensurate with the salaries paid for like services in other cities, and that we believe such action is necessary for the maintenance of the proper standard and efficiency of the educational system in said district No. 1, and that the employment and dismissal of teachers should be governed by civil service, or by some other similar rules."

The date of the meeting between President John Haak of the civic council with two representatives from the school board to devise a revision of the school law and a reorganization of the school board which was authorized Monday evening has not been set. The four committees are to choose a time to join in their discussions. A meeting of the committee appointed to hear complaints concerning services given by public service corporations has not yet been called. A committee of three from the civic council, namely, J. H. Nolte, E. S. Mills and R. D. Merchant, will confer with E. H. Bennett, municipal architect, upon his arrival in Portland upon the proper location of public docks.

GRAND JURY OUIES RODRIGUEZ CASE

No Indictments, and Nobody Held Responsible for Mexican's Death.

(United Press Leased Wire.) Rock Springs, Texas, Dec. 21.—Without finding indictments and without fixing the responsibility, the grand jury that has been investigating the lynching of Antonio Rodriguez, a Mexican, whose death caused anti-American riots in Mexico, was discharged today.

Rodriguez was burned at the stake after having confessed that he murdered an American woman. The lynching caused an outbreak of serious riots in Mexico City and other Mexican towns, and the Mexican government asked Washington for explanations of the affair. The state department asked Governor Campbell of Texas to investigate, and the governor reported his willingness to do so. The grand jury hearing was a part of this investigation.

ACCUSED OF WORKING GIRLS OVER 10 HOURS

Robert J. Campbell, one of the department managers of the Meier & Frank store was arrested this morning on a warrant sworn out by State Labor Commissioner O. P. Hoff, charged with working two girls of the store more than ten hours a day.

One complaint was made in behalf of Miss Jennie Floyd who is said to have been compelled to work more than the specified time on December 19 and the other in behalf of Charlotte Gustafson, who worked more than 10 hours on December 15.

Campbell was taken to the station, but immediately released on bail.

JUDGE REFUSES TO TAKE CASE FROM JURY

Judge Wolverton in the United States district court today refused to take the suit of Mrs. William Easton against K. L. and S. A. Kendall from the jury and direct a verdict for the defendant. The suit is to collect \$7500 for the death of the plaintiff's son, a lineman employed by the Pacific States Telephone company. A non-suit was asked for on the ground that the defendant company is not compelled to insulate its wires where they cross those of another concern. It was at such a crossing that young Easton was killed.

Journal Want Ads bring results.

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COOK WILL LAND AT NEW YORK TOMORROW

(United Press Leased Wire.) New York, Dec. 21.—Dr. Frederick A. Cook, who claimed that he thought he had discovered the North Pole, will arrive tomorrow on the steamer George Washington. No committees of citizens or naval pageants will welcome him to New York as the explorer was received a year ago.

Dr. Cook is returning to spend the holidays with his family.

FIGHTING LABORER STRIKES WOMAN IN FACE

George H. Dahl, a laborer, was arrested last night at the Pekin Grill by Officer C. J. Rupert after a strenuous fight in which Dahl succeeded in breaking away from the officer several times and during his tantrums, managed to knock Chln Hing, the manager of the cafe, down with a stinging blow in the face.

The officer was called when Dahl began to abuse a woman in the cafe on whom he was attempting to force his attention. As the officer pulled him away from the woman, Dahl spit in the woman's face. When they got to the cashier's counter, Dahl broke away and struck Mrs. Lewis, the cashier in the grill.

When the officer got Dahl on the street he again broke loose and attacked Hing. In police court this morning he stated that he had been drinking and didn't know what he was doing. His case was continued until tomorrow.

COUNTY CLERK SAYS COUPLE ILLEGALLY WED

Upon a marriage license issued in Yakima county, Washington, a justice of the peace married Alfred F. Lyons and Miss Eullia G. Lewis. The return on the marriage yesterday reached County Clerk Flelds, who contends the marriage is illegal. The license was issued July 14. Lyons lives in Linn county, Oregon, and his wife formerly lived at Yakima. They came to Portland to be married. The return on the marriage has been filed with the county records, in case the couple desire to be remarried.

ADMITTED TO PROBATE.

The will of Annie Marks was admitted to probate today in the county court. She leaves \$100 to her husband, \$500 to her sister, Ester Meyer of Portland, \$750 to two grandchildren, and the balance of her estate to the three children.

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MEIER & FRANK'S 200 TELEPHONE CONNECTIONS WITH EVERY DEPT. OF THE GREAT CITY. Complete FREE Long Distance Telephone Service to Meier & Frank's. MEIER & FRANK'S was the first store in the Northwest to fully utilize the telephone in business. Now we have perfected plans for a Complete Free Long-Distance Telephone Service to Meier & Frank's on Both Pacific and Home Systems. Just call your local exchange and ask for the Mail Order Department of the Meier & Frank Store, Portland, telling the operator to reverse charge—we pay for it. In this way you can give your order to the head of our big Mail Order Department, who sees that it is filled personally by one of the 50 expert shoppers in our out-of-town division. If your order is taken from our Mail Order Catalogue, give the catalogue number, size, color, etc. State also whether purchase is to be shipped by mail, express or freight. Customers in all cities and towns adjacent to Portland on either the Pacific (Bell) or Independent Systems may use this free telephone order service to their hearts' content—no extra charge. Order From Catalogue or Daily Ads. Telephone and mail orders will be filled on all items in our daily advertisements, unless stated to the contrary and provided lots still remain in stock. Also any articles listed in our big Mail Order Catalogue, which is free for the asking.