

WEATHER REPORT.

Rain or snow and colder tonight and Friday.

COUNTY OFFICIAL PAPER.

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PENDLETON, OREGON, THURSDAY, JANUARY 19, 1911.

CITY OFFICIAL PAPER.

NO. 7115

CHARGES MADE AGAINST COE

Further Suit Filed in Circuit Court by Attorneys for Furnish Element.

SUIT BROUGHT TO COLLECT SUM OF \$125,000

Attorneys in Complaint Charge Misappropriation of Funds Against Co-owner of Furnish Project - Coe Had Admitted Part of Shortage.

There was a new development in the famous Furnish-Coe controversy this afternoon when suit was filed in the local circuit court by Atty. C. W. Fulon and Raley & Raley for the Inland Irrigation company, the Furnish Ditch company and W. J. Furnish against Henry W. Coe, the Columbia Land company and other parties as nominal defendants in order to make up the issue. The complaint is a lengthy affair, covering 138 pages of closely typewritten matter. In brief the suit is for the collection of \$125,000 and alleges that Coe and the Columbia company were short in their collections made on sales of lands and water rights of the Inland Irrigation company, while Coe was acting as agent, and it calls for an accounting by Coe and the Columbia Land company to the Inland Irrigation company and to the Hibernia Savings Bank of Portland which was the trustee named under the bond issue.

The complaint sets forth the original contracts between the plaintiffs and the defendants and afterwards sets forth numerous violations and breaches of the contract by Coe and his sub-agent, the Columbia company. The peculiar showing made by the complaint is one to the effect that bonds were issued on the properties of the Inland Irrigation company to the extent of \$280,000 and that of these bonds, W. J. Furnish was holder of \$260,000 and other parties of the remaining \$20,000 and that under the contracts Coe was to sell the lands and water rights and pay all proceeds of such sales to the Hibernia Savings bank, which institution should thereafter pay interest on the bonds after paying to Coe a commission of 25 per cent of such sales for his services as agent. Coe claims to have sold about \$300,000 worth of the property but, it is alleged, has turned over to the trustee sufficient money only to redeem \$25,000 of the bonds and that Furnish still holds \$235,000 of such bonds.

It is complained that Coe misappropriated funds and applied them to his own use in the building up of Stanfield, Hermiston and other projects not in any manner connected with the Furnish project. It is further charged that on July 7, 1910, the plaintiffs discovered a misappropriation on the part of Coe and called upon him for an accounting and that at that time Coe admitted he was \$103,091.81 short in his accounts, but that since that time the plaintiffs have discovered a far greater shortage than admitted.

It is further charged that Coe had taken a large number of notes aggregating \$20,000 or \$30,000 for back payments on land sold and had taken such notes in the name of the Columbia Land company instead of the Inland Irrigation company, and that instead of turning the notes over to the trustee for redemption of the bonds, applied them to his own use.

A large number of such notes are cited and it is alleged that the Scandinavian American bank of Portland and other banks now hold such notes. The list of these notes with the amounts are set out.

It is also charged that Coe made many deals whereby he received a commission and profits on the lands of the Inland Irrigation company. That he concealed from the company and that he applied these funds to his own use. An extended list of such instances is made.

Coe and the Columbia Land Co. are further charged with numerous acts of fraud and deception which are set out in full in the complaint with the dates, amounts and parties being given in each instance.

Wickersham to Speak. Syracuse, N. Y., Jan. 19.—United States Senator Root is presiding and Attorney General Wickersham will deliver the principal address at the annual meeting of the New York Bar association, which convened here today for a session of two days.

Observe Lee's Birthday. Atlanta, Ga., Jan. 19.—Gen. Robert E. Lee's birthday was observed today by Confederate organizations throughout the South. The anniversary is a legal holiday in this state, Florida, North Carolina, South Carolina, Virginia, Alabama and Arkansas.

Electricity is now being used in fixing dyeing solutions.

SIX MINERS KILLED NEAR HELENA, MONT.

Helena, Mont., Jan. 19.—As a result of an explosion in the Keating mine at Radersburg, 40 miles from here, this afternoon, six miners are dead, or are badly injured and there is an unconfirmed rumor that two more men are somewhere in the workings. The dead: Ed Ryan, shift boss. Dan Ryan, his brother. Wan Whyte. Percy Way. Louis Tucker. Harry Abbott. The injured: John Russell, both arms broken. Alexander Westlake, leg broken. Pending an investigation of the explosion, the officials of the Keating Gold Mining company said only that the men named had been killed and injured; that no one below the 300-foot level of the mine was injured. All the bodies were recovered and the men working below the 300-foot level were taken out through other than the main shaft.

BALL PLAYER'S DEATH MAY REVEAL A CRIME

Monroe, Wash., Jan. 19.—Analysis of the stomach of George Allen, a ball player who died last week, indicates he died of arsenical poisoning. The authorities today began an investigation. In the meantime the funeral of Allen's mother, who died the day before he did, is postponed by order of the coroner. Five other members of the Allen family are seriously ill from a complaint similar to that which caused Allen's death.

A Written Portrait. London, Jan. 19.—George V. has been presented by Rabbi Lipkin, of South Africa, with an 89,000-word biography of King Edward, written in minute script and so cleverly arranged that it presents, when held at a distance, a portrait of the late monarch.

JURY FOUND MIKE O'NEAL GUILTY

MORE CRIMINAL WORK IN CIRCUIT COURT

Weston Burglars Occupy Time During Forenoon—Grand Jury Returned Three Not True Bills Yesterday.

After deliberating for over an hour yesterday afternoon, the jury in the case of the State vs. Mike O'Neal returned a verdict of guilty as charged but recommended to the court that the defendant be paroled and this recommendation will probably be carried out. O'Neal was charged with obtaining money under false pretenses by presenting a forged check to J. H. Taylor last Christmas day for \$25, but the testimony clearly showed, that, while technically guilty, the defendant, who is an old sheepherder, had been made the dupe of a clever check artist and, for this reason, the parole was recommended.

Burglars Are Up. The entire morning was consumed with the taking of testimony in the case of Jack McCarty, charged with larceny from a dwelling. The defendant is accused of entering the dwelling of Jess York near Helix and taking a razor and a fifty-cent piece, and although he denies it and is substantiated by his pal, James Blake, who tacitly admits that he is the guilty party, the state has introduced evidence which makes the case against him clear and unmistakable. It was also shown this morning that McCarty was probably sentenced to the Kansas penitentiary at once time under the name of Dave Bradshaw and is now wanted in that state for breaking his parole. The case of Blake, who is charged with receiving stolen goods, will also come up this afternoon. Both men are being defended by Attorney J. P. Neal of Freewater.

Grand Jury Reports. The grand jury late yesterday afternoon returned three not true bills, one against Dan McCarty, implicated with Charles Bowers in the robbery of the Koch second hand store, and one each against Fritz Benson and J. L. Silverton, charged with the theft of a dead goose at Hermiston. Several indictments will probably be returned this evening.

CALIFORNIA IS FOLLOWING FOOTSTEPS OF OREGON

Sacramento, Jan. 19.—California's initiative, referendum and recall bill is ready for presentation to the legislature. It takes the form of two amendments to the constitution, modeled along the Oregon system. The governor and his nearest political adherents have been working two weeks to perfect the measure. Eight per cent of the voters preceding a general election can initiate or petition for a new law or constitutional amendment under the bill.

WILLAMETTE IS ROARING

Heavy Damage Inflicted at Salem and One Life Has Already Been Lost.

ALL BRIDGES OUT NEAR CAPITAL CITY

Heavy Rains and Floods Demoralize Railroad Traffic in Western Oregon - Portland Basements Are Flooded and Further Damage Is Expected.

Salem, Ore., Jan. 19.—The most disastrous flood in years is now on. Conditions are growing worse hourly. Many homes are already flooded and practically every bridge in the city is gone. The city is damaged \$50,000, and private homes \$20,000. The Willamette has risen 15 feet in forty-eight hours. Joshua Smith, aged 84, a farmer entering the city on horseback last night rode into the river where the bridge had gone out and was drowned.

At Portland. Portland, Jan. 19.—Rains which are ending today after beginning Tuesday are the heaviest since 1883. They have demoralized railroad traffic north, east and south and crippled the telegraph lines in the Willamette valley. Washouts near Salem stopped the Southern Pacific, also the trains to Seattle, and the O.-W. R. & N. The Willamette is rising rapidly, and will be at a dangerous stage tomorrow. Already a number of basements are flooded.

Other Towns Affected. At Oregon City the paper mill officials are preparing for a rush of water down the Willamette. They are apprehensive. At McMinnville the low lands of the Yamhill river are inundated. The river has risen 28 feet in 24 hours and is still rising. Farmers are moving to the highlands. At Corvallis many basements and streets are flooded. Mary's river is rising rapidly. It is already elevated 21 feet.

BORAH GRILLS OLD PLAN OF ELECTION

Washington, Jan. 19.—Speaking on the resolution submitting a constitutional amendment providing for the direct election of United States senators, Borah of Idaho, today branded the present system of selecting senators as vicious and out of date. He said for the past twenty years prolonged contests in legislatures have fully illustrated the present system. He said some times an election occupied the entire session, to the exclusion of important business. In the same period charges of bribery and corruption connected with elections. When patronage enters into the contest the whole affair becomes a disgrace. Borah mentioned the Lorimer incident as an illustration of how a man could hold a seat despite bribery charges.

Judge T. P. Gilliland came in from his ranch at Pilot Rock yesterday and is spending today in the city.

CITY COUNCIL WOULD PROVIDE FOR IMPROVEMENT DISTRICTS

At the regular meeting of the city council last night, the street committee presented a preliminary draft of an amendment to the charter which will be a great factor in securing for Pendleton improved streets. By it, instead of the cost of such improvements being taxed up to the abutting property, all of the property which is benefited to any extent will be required to share in the expense. When any street improvement is decided upon by the council, the city engineer will draw up a plat showing, in his estimation, what property is benefited and to what extent, but the council will reserve the right to reject or change this plat as it sees fit.

This plan is known as the improvement district plan and is in vogue in many cities throughout the northwest. It is generally conceded that the present plan is unjust and often results in the confiscation of the property along the streets improved because such property is made to bear all of the expense. All of the councilmen were in favor of the new plan, but Councilman Strain, while admitting that it was vastly superior to the

SENATE FIGHT OVER ASYLUM

Nottingham, Bowerman and Others Defend Selection of Former State Board.

DEBATE ARISES OVER COMMITTEE APPOINTMENT

Local People Expect Legislative Committee to Make Week-end Trip to Pendleton—Plans Being Made to Entertain Members.

Salem, Ore., Jan. 19.—Soreness over the selection of the eastern Oregon asylum site came to the surface in the senate this afternoon when a resolution calling for the appointment of a joint committee to investigate the site came from the resolutions committee with a recommendation for passage. Nottingham led off in an attack on State Treasurer Kay. Nottingham said he resented the inaction against Bowerman over the choice of a site, as a political trick. "We gave particular attention to the quality and usefulness of the land and may have overlooked a building site," said Nottingham.

Joseph replied and declared the existence of such insinuations are the best reason for a full investigation. Bowerman then took the floor and entered upon a detailed defense of his action in choosing the site.

Committee Expected Saturday. In local circles it is now believed the legislative committee will make a week-end trip to Pendleton for the purpose of inspecting the asylum sites. Preliminary preparations are now being made towards accommodating and entertaining the committee while here. The arrangements are being made by the board of managers of the Commercial club.

Railroad Men to Speak. Beaverton, Tex., Jan. 19.—Railroad and business men of state and national prominence will speak at the annual meeting today of the Beaverton Chamber of Commerce.

SLIDE BLOCKS ALL TRAINS FROM WEST

Pendleton has had no train service from the west since last night and it is probable that no eastbound trains will arrive until late this evening. This disarrangement of the schedule was caused by a landslide somewhere between The Dalles and Portland. The local O.-W. R. & N. people have received no details as to the accident other than that no trains were caught in the slide, but they are of the opinion that the point in the vicinity of Cascade Locks where other slides have occurred in the past is the locality of the present trouble. The trains are being routed by way of Wallula to Umatilla, and while it is reported that the first train will reach here about six o'clock this evening, it is quite likely that it will be a much later hour.

Allie Slusher spent last night in the city, returning this morning to his ranch at Noll.

OREGON SCHOONER WRECK OFF EUREKA

Eureka, Cal., Jan. 19.—At an early hour this morning the steam schooner Lakme, with a crew of 15 men, is drifting helplessly before a hurricane toward the shore at Cape Blanco. Two desperate efforts to get the men off her were frustrated by the stormy sea. Oil is now being thrown overboard and it is believed that a second attempt will be made to launch a lifeboat.

The Lakme, which is bound from Coos Bay to San Pedro with a cargo of lumber, became waterlogged yesterday afternoon. She reported her plight by signals to the wireless station at Cape Blanco. The operator there sent out a "S. O. S." message to any vessel within hearing, and the call was picked up by Standard Oil tank steamer Asuncion, the passenger steamer Watson and the steamer Artyll. All three went to the aid of the Lakme and stood by for some hours.

Wireless reports from Table Bluff say that the Lakme put out a lifeboat but the frail craft was smashed against the side of the steamer by hurrying waves. During the evening a line was passed successfully to the Watson, but before any of the crew could leave, the line parted.

To Rescue The Lakme. San Francisco, Jan. 19.—The revenue cutter McCullough sailed today from Sausalito to aid the schooner Lakme. She will stand by to rescue the crew as soon as the waves subside.

REVOLVING MURDER REVEALED IN CHICAGO YESTERDAY

Chicago, Jan. 19.—Hacked pieces of the body of an unidentified Italian were found in an alley here today. A short bloody ax and revolver nearby told the story. The flesh was hacked off in large chunks. It is believed the victim was a tailor who scabbed during the recent garment workers strike. The police think foreign garment workers are guilty.

JAP CABINET QUILTS DURING SWIFT STORM

EXECUTION OF SOCIALISTS MAY NOW BE PREVENTED

General Protest Over Intended Execution of 24 Men Causes Three Ministerial Leaders to Resign Their Offices.

Tokio, Jan. 19.—Daunted by the storm of protests which have poured in since the sentencing to death of 24 socialists yesterday for alleged conspiracy to assassinate the Mikado, Premier Katsura, Minister of the Interior, Hirata, Minister of Education Komatsudara, Minister of Agriculture and Commerce Oura, the three most powerful cabinet members tendered their resignations today. It is believed the now world wide petitions for the commutation of the sentences of the socialists will go direct to the Mikado, and possibly may be granted.

The action of Katsura and his colleagues is hailed by Japanese socialists as an important preliminary victory in the fight they have started to save Kotoku and his fellow convicts.

Sentences Commuted. Tokio, Jan. 19.—Save Gotoku and his mistress, the socialists under death sentences, were commuted to imprisonment at various terms today.

PERMANENT TARIFF BOARD HAS BEEN AGREED UPON

Washington, Jan. 19.—A permanent tariff board along the lines of the Dalmell bill was agreed upon by the 12 republican members of the house ways and means committee today by a vote of 8 to 4. The action followed a series of conferences over the various plans for a permanent tariff board which President Taft has been urging congress to provide at this session.

Today's action was taken after a long discussion of the two leading plans, the Longworth bill, favored by the administration, and the Dalmell bill.

The Longworth bill provides for a commission of five members at \$7500 each annually, and the Dalmell bill for three members, the chairman drawing \$7500 and the other two \$7000 each. The Dalmell bill authorizes the board to investigate anywhere, though the president's consent is necessary to inquire abroad and the reports are to be made to the president or the house ways and means committee, or the senate finance committee, whenever called for.

At Tacoma. Tacoma, Jan. 19.—Trains are slowly regaining their schedules. Two hundred men worked all night to clear the tracks.

WARM ROAST FOR BALLINGER

Senator Fletcher of Florida Upholds Minority Report of Investigation Committee.

SAYS BALLINGER IS "JUST WITHIN LINE"

Accused Secretary of Desiring to Forward Claims of Cunningham People—Sent Inexperienced Lawyer to Contest Claims.

Washington, Jan. 19.—Declaring Ballinger is just within the "line of criminal guilt," Senator Fletcher of Florida, today spoke in the senate endorsing the report of the minority investigating committee. He said people are not satisfied to have officials barely kept within the law, while pursuing a course of "neglectfulness and unfaithfulness." He said that the record of the investigation it appeared that Ballinger as a lawyer and as secretary of the interior fully sympathized with the coal land claimants and desired they be given patents. He referred to the Cunningham claims.

Fletcher said: "No where did Ballinger want the law enforced. If they violated the law, he held the law absurd. Nowhere is he shown safeguarding the people's interests. He always seemed to feel it his duty to look out for private interests and to entirely lose sight of the fact that the people's property was at stake." Fletcher declared it "positively wicked" in Ballinger to send "a young lawyer only a year out of college" to the Pacific coast to defend the government's interest in the Cunningham claims.

J. PIERPONT MORGAN GETS ORIGINAL TWIN MSS.

New York, Jan. 19.—J. Pierpont Morgan has purchased the original manuscripts of several of the famous works of Mark Twain, including "Life on the Mississippi" and "Pudd'n' Head Wilson." It is understood that Mr. Morgan intends to secure all the Clemens manuscripts with the purpose of placing them in some museum where they may be preserved for future generations. Several of the manuscripts will be sold at auction, and, in addition to the sale this month, another will be held next year and a third in 1913.

SAYS HOBBLE SKIRT WAS SUPREME TORTURE

Portland, Ore., Jan. 19.—Declaring her hobble skirt was an instrument of torture and that she could not wear it, Miss Mildred Powers, a court stenographer, appealed to the law for redress against her tailor.

"I had to walk home because I could not get aboard a street car," she said in her testimony. "I could hardly breathe, I almost fell down three times and I was ill on account of it."

Judge Olson of the justice court was called to adjudicate the vexing question. That the court might see the offending garment, Miss Powers withdrew and donned the skirt. She returned to the court room with the dress unhooked to show that one alone could not fasten it. Friends pulled and tugged and Miss Powers grew red in the face as the hooks were drawn into place.

It was contended that the garment was too skimpy, not complying with specifications furnished the tailor and the owner of the hobble gown told the court it was "simply ridiculous." Fortunately for the peace of mind of the judge, an agreement was made between the two after the case had proceeded for some time whereby the matter was satisfactorily settled.

DOGS FAITHFUL TO MASTER UNTO DEATH

Portland, Ore., Jan. 19.—Their master killed while hunting, two faithful dogs of August Long stood watch over his dead body during a raging storm until a searching party came to find him. Even then they could hardly be called from the side of their dead master and rescuers had to roll them away with strips of venison cut from the carcass of a deer the hunter had killed. Only in this way could the men gain possession of the corps, over which the dogs kept guard. Long was a farmer of Columbia county and he died as the result of a fall while in the woods alone.