# ALL HANDS SAVED OFF THE OAKLAND

## Captain Whitney and Crew Brought in by the Laura May.

## IT WAS A NARROW ESCAPE

### Vessel Sprung Aleak in a Gale—Seamen Refused Duty the Day the Ship Was Abandoned.

Captain Whitney.
A. B. Jensen, first officer.
Thomas McPherson, second officer.
Charles Christiansen, seaman.
Daniel Coughlan, seaman.
Henry Shaw, seaman.
Fred Burgunder, seaman.
George Gasman, seaman.
Timothy McMullan, seaman.
Gustav Lichtenfels, steward.

"All hands saved," was the salutation made by Captain Whitney, of the wrecked bark Oakland, as he stood on the deck of the schooner Laura May, which tied up at the dock here yesterday afternoon.

In speaking of his recent rough experiences, Captain Whitney said to an Astorian representative: "Myself and 10 men have had a very narrow escape. We sailed from Astoria December 22 with a cargo of lumber for California. I was an eighth owner in the vessel. So far as I know she was staunch and seaworthy. Shortly after leaving the Columbia river we struck a gale, but managed to reach 45 south. Directly we were in another heavy gale, and were drifted towards the north. On the 24th I found that the water in the hold was gaining upon us, it being then seven feet. It was evident to me that the seams in the forward part of the boat had spread in an unaccountable manner. At 3 o'cock on the afternoon of the 24th we commenced throwing our deck load overboard, and by 5 p.m. Christmas day had finished down to the hog chains. Then we found that the forward hog chain had parted. This may have caused the leak. At 9:30 on the morning of the 26th the main deck blew up, from the pressure of water beneath, as if a charge of dynamite had been fired under it. The ship's nose was already under water, but up to that time we had good hopes of being able to wear her around, and get into port. After the accident we concluded it was useless to stay by the ship any longer and took to the boats. Early that morning we sighted the schooner Laura May, our position then being about 45 miles west of Cape Disappointment, in 126 west, 46.26 north. I made signals of distress by firing blue lights and rockets and the schooner hove to for us. After taking to the boats we were only about 40 minutes in reaching the schooner. The sea was rough, but all of us managed to get aboard of her in safety. We took nothing away with us, but the rags we stood in. There was no insurance, on the vessel, but the cargo was insured. I think the ship must have split in the second gale we encountered. When we left her the ship was listed to windward, at an angle of about 45 degrees, and if she had ever righted, she would certainly have turned turtle. I think we were very lucky in securing the assistance of the Laura May. I have telegraphed to the Sound, where the vessel has been towed to port, for our belongings, but don't imagine anything was saved, as the cabins have apparently been broken to pieces."

The steward, Gustav Fon Lichtenfelz, states that just before the Oakland left Astoria on the 22d, the men refused duty, claiming that they had been worked too hard. The ship was then leaking a little, and they did not want to work the pumps. Twice on the high seas afterwards, they refused duty again, on the same grounds of overwork. Once they would not set the topsails, when ordered by the mate, and on the very morning on which the ship was abandoned, they declined to work the pumps. The ship was so water-logged that it would have made no difference. The captain was determined to do all he could to save his vessel. For two days the steward worked up to his knees in water in his galley, but could not keep fire enough to cook with. Two steamers, both hailed, passed them, one just before they abandoned the ship, and one just after they were rescued by the Laura May.

Captain Hanson of the schooner Laura May, which arrived yesterday, with the shipwrecked crew of the Oakland, says that he is 20 days from San Francisco, having had a fair passage except during the last few days. "Early on the morning of the 26th, while the weather was blowing a living gale, and we were about 30 miles off the mouth of the river I sighted the bark Oakland, which was making signals of distress. We hove to for her, our position then being about 30 miles off Cape Disappointment. We were held outside three days, then sailed into the mouth of the river the afternoon of the 30th. We came to anchor near Sand Island, alongside of buoy No. 8. A gale sprung up from the northeast, and we parted both anchor chains, losing the chains and both anchors. All we could do was to put up sticks and go to sea again. This afternoon we were towed in by the tug Fearless, thankful that we are all here safe and sound. When we came in there were six large ships outside, waiting to come into the harbor, and last night there were still three lying outside of us. The way the tides are now there is no slack water in the day time, and as the tides and currents are very swift I understand this is the reason why it will be impossible to tow ships in in the daytime for several days to come."

The news has just been received here of the wrecking and foundering of the gasoline launch Keystone, belonging to McGowan & Sons, the cannerymen. The Keystone left South Bend on the afternoon of the 30th, bound for Astoria. She reached about 25 miles south, or about off the Columbia river, when she ran up against a strong east wind and could make no headway. The waves were breaking high and flooded her with water. About that time the schooner Melanoton came along, bound from San Francisco to South Bend. Captain Maupin jumped from his launch aboard the schooner. Just as he did so the Keystone sank beneath his feet never to appear again. Captain Maupin was taken back to South Bend, but it is not learned whether he had a crew with him or not.

The British steamer Pak Ling, sister ship to the Hyson, which sailed from here a few days ago, under command of Captain H. L. Allen, arrived in yesterday from Yokohama, 15 days out. Captain Allen reports a favorable voyage and says he is in ballast for wheat loading.

### THE ROSS WILL CASE.

Decision, in Detail, of the County Court. The Will Is Void.

The court having carefully considered all the evidence in this case finds as follows:

That the testator died on the 11th day of April, 1895.

On the 6th day of May, 1895, all of the heirs of Job W. Ross, including Albert E. Ross, the petitioner in the case, and Geo. W. Ross, speciaal beneficiaries under the contested will, signed a petition to this court setting forth that Job W. Ross died intestate, leaving an estate valued at about $4,500, and asking that W. B. Ross, a son of the deceased, and brother of the proponents, be appointed administrator of said estate. That ever since that time and until March 16, 1896, said W. B. Ross continued to act as administrator of said estate, when Albert E. Ross filed a "petition" for the probate of will and revocation of letters of administration. No further appearance or papers relating to the above matter were had until March 6, 1897, when a new petition for probate of will was filed, and the attorney for the petitioner stating that one of the subscribing witnesses to the will was suddenly called away, and the petitioner was very anxious to have the proof made at that time, whereupon the court notified the petitioner's attorney that should the contestants, who were not present, desire to examine the witnesses, the ex parte proceedings then had would be considered void, and the case subject to rehearing.

The testimony in this case is voluminous, but from the proponent's testimony on page 23 he states in answer to the direct question of his attorney, "Do you know anything about the execution of this will which I now hand you?" He said, "No, sir. I didn't know anything about it until two or three weeks afterward." Q. "After its execution or after your father's death?" A. "After my father's death." Also on pages 264 to 269 the same subject is continued.

This is certainly proof sufficient to show that the proponent knew at the time he signed the petition for the appointment of W. B. Ross as administrator and of the existence as well as the contents of the will, and that he made no effort to file it until March 16, 1896, over ten months after he had signed said petition.

Oregon Statutes, Sec. 1092, say that "if after administration has been granted upon an estate, a will of the deceased be found, and proven, the letters of administration shall be revoked, and letters testementary, or administration with the will annexed, shall be issued." The will must not only have been proven, but it must have been found after the administration has been granted.

All the decisions that I have examined hold that a party knowing a certain state of facts to exist, and who seeks the aid of the court upon a different state of facts and procures a judgment, or decree therein, cannot afterwards come into court and have said judgment set aside and another judgment or decree entered to conform to the real facts. He is estopped by his own acts from questioning the first judgment or decree.

The evidence in this case tends more to show undue influence and deception as to the contents of the will, than insanity on the part of the testator, whose mind was weak, and he was suffering boddily pain.

The court therefore finds that the testator if allowed to exercise his own judgment, without any improper interference, could have made a proper will. But that he was old, in feeble health and his mind weak and impaired to such an extent that he was easily influenced or deceived by those possessing his confidence, and that the will in question was the result of undue influence practiced upon him by those acting in the interest of the beneficiaries under the will, and that it is void, the petition for probate of said will is therefore denied.

J. H. D. GRAY,
County Judge of Clatsop County, Oregon.

### A. F. C. AGAIN DEFEATED.

Ilwaco Eleven Put Up Another Fine Game.

With hope pitched to the top notch fine weather, until the promise of a good game, the A. F. C. team and their friends departed at 12:30 yesterday for Ilwaco, to meet the Ilwaco football team, but returned later with their spirits and colors somewhat lower, but not at all dishonored, for they met a hard defeat by the score of 6-0 in favor of their opponents.

It was a hot game!

It might be said here that the one touchdown was made by Ilwaco by not exactly straightforward, hard football, but rather by a trick game or "fluke."

A fake center dive by their fullback who then handed the ball to the quarter who with a clear field ran 20 yards for a touchdown, tells the story of how the Astorians were outwitted and beaten before they knew it. But it was done and the best they could make of it was to hold their own.

Although Ilwacos lost two of their best half backs, they were still about equal to the Astorians greatly improved team. They stood little show though, on end runs, for Young and M. Crosby, at ends, being experienced players, were sufficient to check any attempts there. Mr. Fink, their new fullback, was a good substitute for Loomis, whose absence was felt. Seaborg and McBlain made good gains, as did Lawler, the other half. Seaborg was good at line bucking, going through several times to stop the runner.

As for the Ilwacos, their improvement was very noticeable. Grant at halfback was a new and valuable addition. Holmes at quarter was an improvement, as his college experience was good advantage. Allen and Crosby, halfs, and the three center men, Leinenweber, Johnson and Prof. Spencer, had a picnic with their opponents. Mr. Teede, at left tackle, was very aggressive, and his weight counted for a good deal.

The game throughout, with the exception of the "fluke", was confined to the center of the field, and when in danger, both sides frequently resorted to long punts.

LINE UP

| A. F. C. | | Ilwaco |
|---|---|---|
| Lienweber | C | Smith |
| Spencer | L G R | Pike |
| Johnson | R G L | Light |
| Teedie | L T R | Wilson |
| Marion | R T L | Beasly |
| Crosby, N | L E R | Myres |
| Young (Capt) | R E L | Whitcome |
| Holmes | Q | McBlain |
| Allen | L H R | Lawler |
| Grant | R H L | (Capt) Seaborg |
| Crosby, W | F | Fink |

### TODAY'S WEATHER.

Rain; gales on coast.

## AROUND TOWN.

SUNDAY

If this were seen,
The happiest youth viewing his progress through,
What perish past, what crosses do ensue,
Would shut the book, and sit him down and die.
—Shakespeare.

Try Schilling's Best tea and baking powder.

Bicycles were out in full force yesterday.

Sheriff Hare went over to Seaside yesterday.

Hot Scotch and hot Tom and Jerry at the Office.

Groceries at the lowest prices at the Pacific Grocery Co.

The choicest candies and nuts can be found at the Parlor.

Bicycle and repair shop at 185 Ninth street. Charges reasonable.

Our prices are the lowest in the city. Call and see us. Pacific Grocery Co.

Ask for sample of Chase & Sanborn's famous teas, at Ross, Higgins & Co.'s.

Umbrellas covered and repaired by a practical workman, at 185 Ninth street.

P. J. Meany, the leading merchant tailor, 137 Tenth St. The highest price paid for fur skins.

Dr. Bishop has removed his office and rooms to 502 Commercial street, over the Co-operative Grocery Co.

LOST—Large round garnet brooch; heavy antique setting. Finder will please communicate with Astorian.

New crop dried fruits, new crop raisins, figs and assorted nuts—all extxra fine quality, at Ross, Higgins & Co.

W. J. Heckard creamery butter received Wednesdays and Saturdays at the Parlor. Also sweet cream every day.

J. B. Turner, U. S. S. Percy; H. V. Gates, Hillsboro; G. V. Williams, A. Whitney, are guests at the Occident.

Notwithstanding the heavy weather and rough seas, the O. R. & N. steamers arrive and depart on time like a railroad train.

It's a doctor's business to study health. Doctors confidently recommend HARPER Whiskey. Sold by Foard & Stokes Company.

Plum pudding, cranberries, sweet cider and a large line of other seasonable staple and fancy groceries at Ross, Higgins & Co.

NOTICE: The public should remember that there is but one original airtighth. Queen heater in the market, and that Fisher Bros. are the exclusive Astoria agents.

Service at Grace church Sunday, January 2, at 11 a. m. and 4 p. m. The subject for the catechising at the afternoon service will be our mission work in Japan. Service at Holy Innocents' at 7:30.

If you have hides, wool, furs, rags, bone, or any kind of junk for sale, ship it to R. M. Gaston, 105 Fourteenth street, Astoria, Oregon, or write him and he will call at your place and get it. He pays cash.

Largest and most complete assortment of air-tight heaters in the city. All the kinds advertised in this paper may be seen and compared at our store, then your selection will be satisfactory to you. Foard & Stokes Co.

Swedish Lutheran church—Services Sunday ni Swedjsh at 10.30 a. m. Sunday school at 12:15. No services in the evening. The congregation will hold its annual meeting Monday, January 3, at 10 a. m. All confirmed male members are requested to be present.

Shares of the Alaska Transportation and Development Company of Chicago are the most desirable investment before the public. Safer than savings banks and bank stock. Paying large dividends. Shares one dollar. For information address W. L. Dudley, general agent, Haller building, Seattle, Wash.

Presbyterian church—Services as usual Sunday. Theme of the morning sermon, "Retrospect and Prospect." Theme of the evening sermon, "A message for the New Year." Some of the Christmas music will be repeated. The choir will be assisted by the Sunday school choir. All are most cordially invited to be present.

At the Congregational church the themes of Pastor Bollinger will be "Approaching God" and "Man's Earthly Future"—a New Year sermon. Communion after the morning sermon. Week of prayer services on Monday and Tuesday evening. Annual business on Wednesday evening. A hearty welcome awaits all strangers.

At the meeting of Seaside lodge, No. 12, A. O. U. W., Deputy Grand Master Workman F. D. Winton installed the following officers: Past Master Workman F. D. Winton, M. W. William Kelly, Foreman Martin Johnson, Overseer C. W. Carlson, Recorder J. Tuttle, Financier Thomas Dealey, Receiver J. E. Higgins, Guide F. S. Lee, Inside Watchman Louis Pulski, Outside Watchman Joseph Kinkella.

The poultry exhibit on Bond street opened yesterday with ninety birds. Twenty more are expected in by Monday, and at least twenty coops are expected from points outside of Clatsop county. There are four and five birds in a coop. The coops are ranged on staging on each side of the building, and there is a row of staging in the center of the building running nearly the full length of the room in the center of the building, which will be occupied by the coops expected to arrive later on. There are a great many varieties already on exhibition.

Smelt have already made their appearance in the river although it will be two or three weeks before they come in any quantity. They bring a Klondike price in the markets now, but after awhile they will be within the reach of all. Very few so far have appeared in any of the markets in town and a great many could not be disposed of at the ruling price of 25 cents per pound. Fresh salmon is also scarce in the markets, but the smelt season will last nearly till the spring when the markets will again be supplied with the Royal Chinook.

The price of steelheads this winter is three and a half cents a pound, with no prospect of an advance until spring opens. It was anticipated before steelhead fishing commenced this winter that they would bring as high as six cents per pound, when the season opened, owing to the demand last fall, but the buyers came to an understanding and settled on the price of three cents and a half. The run so far has been very light, and fishermen are using their old gear, as the price paid would not justify the use of any other kind.

The attention of those interested in their education is again called to the night-school on Exchange street. Miss Powell has endeavored to so reduce the tuition that few need stay away on account of the cost. If it is still too high and you are anxious to learn come any way. To those joining the class now for the common studies, the tuition will be 45 cents a week of four evenings from 7 to 9 p. m., Monday to Thursday inclusive. This is not to be a precedent for other night-schools or other years. Learning, come immediately.

James Keating arrived yesterday from Dawson City. He says the Supreme party is all right. The members are working on a number of lay claims on a percentage basis. The claims are located on Bonanza creek. Clinton's claim on Hooker creek promises to be very rich. Cord wood is selling at $25 per cord, and then it costs $10 to have it sawed and packed. Rough lumber is worth $150 per thousand, with two small mills operating. Meals are $3.50 each. He left Dawson November 21, and made the trip in 28 days to Dyea, five of which were lost on the way. The trails are very rough and for 30 miles the river was open, necessitating sledding on the side of a steep mountain, with guy ropes to keep the sled from turning into the water. On top of Chilkoot pass there was heavy snow, but he considered that the best route. There is no danger whatever of any starvation at Dawson, but the government expedition will be greatly appreciated nevertheless. He brought with him the leader of his dog team, a fine specimen of the native animal, for which he paid $250. He has located a claim on Gay gulch in which he has given August Erickson a one-half interest. Just before leaving Dawson three saloons and a church were burned down, and Mr. Keating reports that a number of people had narrow escapes.

### IN OLDEN TIMES

People overjooked the importance of permanently beneficial effects and were satisfied with transient action; but now it is generally known that Syrup of Figs will permanently overcome habitual constipation, well-informed people will not buy other laxatives, which act for a time, but finally injure the system. Buy the genuine, made by the California Fig Syrup Company.

### ASSIGNEE'S SALE.

The entire stock of goods in the New York Novelty Store, consisting of holiday novelties, books stationery and musical instruments of all kinds, will be closed out regardless of cost by the assignee.

### SACRED CONCERT.

A chorus composed principally of members from the Finnish and Swedish Lutheran churches, will give a sacred concert in Foard & Stokes hall Sunday, January 2, at 8 p. m.

Admission 25 cents for adults, and 15 cents for children. The proceeds will be for the benefit of the Swedish Lutheran church.

### ASTORIA SCHOOL OF SUGGESTIVE THERAPEUTICS.

Established for the Treatment of all Functional and Nervous Diseases.

NEURALGIA and RHEUMATISM, Asthma, Obstinate Constipation, Dyspepsia, Headache, Insomnia, Melancholia, Mentsrual and Sexual Disorders, Nervous Prostration, Paralysis, Stammering, St. Vitus' Dance, Vicious Habits and DRUG HABITS (tobacco, alcohol, morphine and cocaine), successfully treated.

Instruction given.

W. I. HOWARD, M. D.,
Medical Director.
536 Commercial Street.

When going East travel on the Northern Pacific Railway. Quick time and the only line running dining cars. Train leaves Portland daily at 11 o'clock a. m.