CARROLL LAWSUITS **QUIETED FOR TIME**

EQUITY PROCEEDING BY CAR. COURT'S COURSE. ROLL ORDERED TERMINATED. Judge Kelly. AND O'NEILL REPUSES TO GO AHEAD IN LAW CASE

In circult court within the pare is which John D. Carroll was a party

company was decided against him

Yesterday Judgo Percy R. Kelly dismissed the equity case in which fudge to O'Neill. Carroll had asked for \$55,000 from Cordella L. Ankeny and R. N. Can- to trying this action, and declines to trail for alleged conspiracy against proceed with the trial because there's

roll failed to proceed as defendant in court, and on the ground that pininthe case of Cantrall against him, al. tiff gave in open court notice of aplowed the plaintiff, Cantrall, to take peal to the supreme court," stated the an order for judgment. Attorney C attorney, M. O'Neill gave notice yesterday that he would appeal from the court order has been ordered that the trial prodismissing Carroll vs. Cantrail and ceed, and the counsel declines to pro-Ankeny, and is expected to take an ceed. Have you anything to say, Mr. appeal from the order of judgment at. Stone?" lowed this morning to the plaintiff in Cantrall vs. Carroll.

In the case yesterday Charles A hardy of Eugene appeared for Mrs. Ankeny, while Charles F. Stone and J. C. Rutenic appeared for Cantrall in both issues in which he was a party.

When O'Neils asked for a continu ance of Carroll vs Cantrall and Anke. ny he was told by the court that on paying the reasonable expenses of the defendants in preparing and coming here for trial, the continuance would be granted. The defendants filed a bill for \$635 expenses, including \$230 attorney's fees for Hardy, away from he would no longer appear in the case his office five days at \$50 per day. Hardy told the court that he not only thought this was not an excessive charge, but that he considered it extremely reasonable, and made it only \$50 a day with a view to having it

The court decided to allow Mrs. Ankeny \$160 and Cantrall \$50, a total of \$210. O'Neill was not satisfled with the \$425 worth of pruning accomplished by the court in favor of his ellent, and pled to be allowed to settle at \$10, the sum named by the Oregon law to be paid for continu once under certain circumstances. The court declined to modify its position. bereupon Mr. O'Neill pleaded pov erty for his client, saying that Carroll was financially unable to pay more than \$100, and could not pay that much until he could get into the bank. which was then closed, it being 3:40 p. m. The court smiled at this.

Attorney Stone indicated to the court that the offer of \$100 would not be acceptable. The court decided its order for payment of \$210 to defendants for expenses in order to secure continuance, not being accepted by plaintiff, to dismiss the case. Various exceptions and objections were interjected by O'Neill during the proceedings, and at the conclusion he had the record show notice of appeal,

The court then ordered the law case of Cantrall vs. Carroll to proceed in trial, to which O'Neill objected, saying that it was not proper, con-sidering the appeal pending to the supreme court on the cross bill, which meant the Carroll vs. Cantrall and heated sleeping apartments, modern Ankeny issue. The court failed to menus and civilized wearing apparel take the attorney's view of the mat-came near bringing about the undoter, and said that if O'Nelli wished to ing of Ishi, the aborigine from Tecite authorities, to have them before hama, who has been in captivity for the court by 9 o'clock this morning. several months past. So, this morning O'Nelli appeared

at 9 o'clock and argued against going TWO ARE DISMISSED said that the case should be proceeded Affiliated colleges, Ishi probably ahead with the law case, but the court with or dismissed. O'Neill wished to

"Call a jury, Mr. Clerk," ordered

"May I not be heard?" pleaded Mr. O'Nelli

"I will hear you after the jury has been called " said the court.

The following jurors were order-1 hours a decided quietus, for the time into the jury box: D. B. Nichols, John being, has been put on litigation in Forbes, Thomas E. Stanley, F. P. Van JOSLEN TRIAL SUDDENLY which John D. Carroll was a party. Meter, Alexander McDonald, G. H. On Monday evening the isone in Carleton, H. S. Parish, Floyd Branwhich he was plaintiff against George denburg, H. R. Dunlap, Jacob Reuck, Notand and the Altamont Investment C. H. Underwood, R. J. Sheets. The jurors took their seats.

"Now I will bear you," said the

'The defendant excepts and objects a cress bill to the action at law which This morning the court, after Car- cross bill has been dismissed by this

"Very well," said the court. "It a juror.

"We ask that the answer be dis missed," was the response.

"It will be so ordered," declared his Special to The Herald

Attorney O'Neill then rose to his feet to object and except.

Since you have announced in open court that you will no longer appear la the case, I cannot hear you, Mr. O'Neill," said the court. "But if you wish the record to show that you except we will have it so show."

O'Neill asked to have this done. and the court then said that the exception would be disallowed for the reason that counsel had announced "We would ask the court to give us

an order of judgment," said Stone. "You may prepare your order, and

it will be made," said the court. Attorney Stone had drawn up as order of judgment for \$5,000 and costs, which was presented to the San Quentin to testify. court and approved by Judge Percy

grew out of a law action brought in 1908 by Cantrall to secure \$5,000 worth of personal property covered by a chattel mortgage given by Carroll to Cantrall, on personal property consisting of horses, cattle, wagons and a general farming equipment. In the action Cantrall alleged that there had been a breach of the condition chattel mortgage by an attachment served in an action by Scott David on a note for approximately \$500.

To the action Carroll filed an an-Cantrall ranch, which had been taken Cape Trafalgar with the sea heavy. from Carroll by Cantrall and his coowners. Carroll claimed that the plaintiff should not be permitted to but the French cruiser Briant reached foreclose after taking back the ranch. He also alleged that he was damaged in the sum of \$50,000 by reason of alleged violation of contract and dispossessing him of the ranch.

ABORIGINE CANNOT GET USED TO CIVILIZATION

SAN FRANCISCO, Dec. 13-Steam-

Ishi recently contracted pneumonia.

New Livermore Hotel Opens For Reception Of People After Rooms

Guests are now being received in since. The rooms upstairs have all the new Livermore hotel in the Mel- been tastefully fitted up, and folks present powers control of public utilhase property at the corner of Fourth who want to stop in the center of the ities, unless the citizens force an elecand Main streets. Work of fitting the business district now have a European tion to give powers to the railroad new quarters for the entertainment of guests has been going on for some weeks, the bar and wholesale liquor the bar and wholesale liquor troops at the new location will be assembly votes tomorrow. There are departments having been going on going on the proposition of the senate will adopt the Thompson and new houses will be occupied for a son reapportionment bill today, and weeks, the bar and wholesale liquor troops are the senate will adopt the Thompson and new houses will be occupied for a son reapportionment bill today, and the assembly votes tomorrow. There weeks, the bar and wholesale liquor troops are the senate will adopt the Thompson and new houses will be occupied for a son reapportionment bill today, and the senate will adopt the Thompson and new houses will be occupied for a son reapportionment bill today, and the senate will adopt the Thompson and new houses will be occupied for a son reapportionment bill today, and the senate will adopt the Thompson and new houses will be occupied for a son reapportionment bill today, and the senate will adopt the Thompson and new houses will be occupied for a son reapportionment bill today, and the senate will adopt the Thompson and new houses will be occupied for a son reapportionment bill today, and the senate will adopt the Thompson and new houses will be occupied for a son reapportionment bill today, and the senate will adopt the Thompson and new houses will be occupied for a son reapportionment bill today.

The senate will adopt the Thompson and new houses will be occupied for a son reapportionment bill today.

The senate will adopt the Thompson and new houses will be occupied for a son reapportionment below to the senate will adopt the Thompson and new houses will be occupied for a son reapportionment below to the senate will adopt the Thompson and new houses will be occupied for a son reapportionment below to the senate will adopt the Thompson and new houses will be occupied for a son reapportion and new houses will be occupied for a son reapport to the sen new quarters for the entertainment of inu for their reception. Both the old commission. and put in running order some time opened later.

and for a time it looked as though the "untamed child of nature" would die. While he had roamed, half-clad. through the forests of Northern California in all kinds of weather, subsisting on berries, roots and rudely prepared meats, Ishi was a stranger

be heard on his objections to the hunting ground. He is still confined to his room, but is reported to be out

ing the total forty-one.

Panel Ordered

United Press Pervice

SAN FRANCISCO, Dec. 13 .- The ment of the new house. trial of Dr. Joslen for seducing Ethe!

The jury was dismissed, and a new in good running order at the start, panel called for tomorrow.

HEIGHT SAVED HIM FROM HAVING AQUEOUS GRAVE

OREGON CITY, Ore., Dec. 13,-James Brennen, six feet six inches. fell into the river. Finally his hair appeared on the surface. Then Brennan stood up.

"I'n' a poor swimmer," he yelled to a workman on the bank, "but I'm a United Press Service good walker, and my height is my salvation.

TRY SCHMITZ BRIBERY CASES, COURT ORDERS

nited Press Service

SAN FRANCISCO, eDc. 13 .- Ex- the majority will be 3,600. Mayor Schmitz' bribery cases have before Judge Lawlor.

Abs Ruef will probably come from

The Carrell-Cantrall-Ankeny Issues DUKE, DUCHESS, PRINCESS ON STRANDED SHIP DELHI

British Steamer Carrying Titled English Folk Goes Ashore Near Cape Trafalgar, and the Passengers Are Taken Off

United Press Service

GIBRALTAR, Dec. 13 .- The Britswer and also a cross bill, alleging ish steamer Delhi, with the Duke and that the chattel mortgage was given Duchess of Fife and Princess Alexanas part payment for the Ankeny and dria Maude aboard, stranded near-

> The cruisers Duke of Edinburgh and Weymouth rushed to the rescue them first and took off the passengers. The Delhi was bound for Egypt.

WANT CONGRESS TO GIVE CHANCE TO POPULAR VOTE

For President and Vice President, Se California Senate Adopts Resolu tiof Asking Submission of Constitutional Amendment.

inited Press Service

SACRAMENTO, Dec. 13 .- The senate unanimously adopted the Sanford resolution calling on congress to submit a constitutional amendment providing for the election of president and vice president by direct popular. national votes

The Hewitt-Priesker bill, a companbeen agreed upon by sponsors of the public utilities bill.

It gives cities which retain their

mined the sayage's health, and but for MANAGER OF WHITE PELICAN AVIATOR'S DEATH CRASH SUDDENLY RESIGNS, AND IS UNDERSTOOD TO HAVE OFFER ELSEWHERE

J. E. Brower has resigned as man- killed today at Etamps. ager of the White Pelican hotel and At the Briceville mine three corpses W. Paul Johnson is acting in the were recovered this afternoon, mak-capacity of head of the hostelry for capacity of head of the hostelry for VALUABLE LOVE, THIS OF resignation so unexpectedly could not be learned today, but it is reported that Mr. Brower has an offer from an Oakland hotel, and will return to the whence he came to this city.

Mr. Brower has seen service with That One of the Witnesses for De. and is an experienced inn keeper. He fendant is Son of Juror—Result is was engaged by the Klamath Devel-That Jury Is Dismissed and a New opment company some time since to United Press Service have charge of the White Pelican, and

ery that Harold Levy, a witness for lean, including some very good peo- her husband's affections. the defense, is a son of Jacob Levy, ple, and it is largely to his credit that

DEMOCRATS CROWING IN ARIZONA OVER VICTORY

Republican State Secretary Concedes Defeat of His Party With Exception while she lived. of the Candidate for Office of State

PHOENIX, Ariz., Dec. 13.—Repub- United Press Service lican State Secretary Hayes concedes Fred Cleaveland, candidate for state tion. treasurer, by majorities of about 500. Senator Lorimer will probably tes-Democratic Chairman Birdno says tify before the case closes.

Vôting was heavy, but returns are

FREE TEXT BOOK DEBATE SPECIAL SENATE ORDER

No Member of California Upper Hous Will Be Dragged From a Sick Bed to Vote on Question

The result is doubtful. No one will be excused, and Senator Lewis will be dragged from a sickhed to vote.

ACCUSED OF GIFT CONTRARY TO LAW ARIZONA A STATE, IS

AN IN JAIL CHARGED WITH GIV. ING INTOXICATING LIQUOR TO INDIAN-ONE BRAVE IS ALSO ARRESTED

Gus Redeker was arrested yester day by Deputy Sheriff James Wheeler on a charge of furnishing liquor to an Indian known as "Hunchback."

Deputy Sheriff John Schallock arrested Jack Palmer, a Klamath In- standpatters, which is designed to dian, on a charge of drunkenness, at prevent the admission of Arizona as the request of Edson Watson, superintendent of the Klamath reservation, ty yesterday had watchers at every and the officers are after another In- polling place in the first state election ion to the public utilities bill, has dian known as Copperfield, who is aleever held in Arisons, urging their leged to be mixed up in transactions friends to vote against the recall of involving the handling of intoxicating judges.

Wright, left this morning for Southern California. They expect to spend the winter in Pasadena, where Mr. and Mrs. W. A. Wright are now permanently located.

RESULT OF HIGH PLYING

United Press Service PARIS, Dec. 13.-Lieutenant Chass. Lantheaume, aviator, was instantly

His monoplane fell 1,500 feet

Golden Gate neighborhood, from First Wife Got a Divorce After Allen-Second Wife's Money as a Balm to Wounded Feelings

came to Klamath Falls a couple of today fixed the value of a husband's against Henry P. Ashurst and Mark months or so ago to take the manage- love at \$35,000 when it awarded that sum as damages to Mrs. Eliza A He engaged all the principal factors Philips, who sued Mrs. Mattle A Williams was stopped by the discov- in the working force of the White Pel- Phillips for \$100,000 for alienation of majority in the state legislature, and

John W. Phillips, the husband, had the hospitality of the place was put disappeared, leaving his two former both houses to the republicans. wives to fight it out for themselves in court. The defendant is reputed to the socialist party, claims the elocbe worth \$2,000,000. The first Mrs. tion of two members of his party to Fhillips secured a divorce in 1909, the legislature. It is estimated that after the alleged alienation occurred, the socialist vote will total 1,000.

Mrs. Phillips No. 1 says Mrs. chillips No. 2 won John's heart by promising to leave him all her money after INDIA'S VASSALAGE ONCE she cled, and promising to share her \$2,000 monthly income with him

TO END LORIMER PROBE ALL PARTIES CONSENT

WASHINGTON, D. C., Dec. 13 .the election of the entire democratic All parties in the Lorimer case have state ticket with the exception of agreed to speedily end the investiga-

The kind mother used to make been ordered for final trial Saturday so fragmentary that a comprehensive not the shipped-in goods, but home estimate will be impossible until later. made—15c per pound. We keep this

class of goods constantly in stock.

12-2t FULTON MARKET.

ALLEGED BRIBER GIVEN

Will Be Excused, and One Delegate In Bain Case, as He Is Already Under Business Men

No time for trial was set. It is believed the prosecution will peter out to meet the wishes of business men, who deplore the undesira-

DESIGN OF DEMOCRATS

Great Activity Among Political Parties—Standpatters Anxious to Hold Office-Adherents of the Rooster Party Opposed.

Inited Press Service

PHOENIX, Ariz., Dec. 13 .- Deter mined to block a political scheme by federal office holders and republican a state, the dominant democratic par-

We have the finest fresh separated that provision. The democrats, eager inquiry it is learned that Attorie; Times dynamiting may face charges. country butter. Made like creamfor statehood, were anxious that the paint it could be in the plans to arrest a well known Calculus make it, for the part roll. We amendment the part of the plans to arrest a well known Calculus make it, for the part of the plans to arrest a well known Calculus make it.

Mr. and Mrs. Roy Wright and family, who have been spending a few days with Dr. and Mrs. George I MCNAMARAS' BOSS DYNAMITER SOUGHT

ly to prevent the admission of the state, and thereby to hold their jobs. John J. Birdno, chairman of the SAN FRANCISCO MAN

democratic state central committee, today claimed the election by a majority of 3,675 out of a total estimat- SUSPECT IS LABOR LEADER, AND ed vote of 21,000. The enabling acc of congress distranchising 7,000 eligible voters by allowing practically no one to vote not registered in 1907, received much condemnation, and this has been one of the issues of the campaign against Ralph H. Cameron, territorial delegate to Washington, who a running for the United States sen-

Chairman J. L. Hubbell of the reation, and Now Obtains \$35,000 of publicans will win by a majority of 1,565, but several of the leaders of the republican party admit defeat. Their reat fight was for the election of Cameron who with Hoval A. Smith SEATTLE, Dec. 13.—A jury here as running mate, put up a hard fight A. Smith, the democratic aspirants

> for senatorial togas. The democrats claim a two-thirds concede only the countles of Pima and Apache, and five members in

W S Bradford state secretary of

MORE ROYALLY ACCENTED

ne of Matchiew Splendor, So Appeals to King George That He Announces the Removal of Capital to Delhi From Calcutta

Upited Press Service

DELHI. India, Dec. 13.-India's day when, in the presence of 100,000 E. Allen, J. H. Wenandy and M. S. persons, representing some 300,000,- Lattin for the one-year terms. 000 subjects, 150 native rulers knelt reception that he announced he would the judges. remove the Indian capital from Calcutta to Delhi

Amid scenes of barbaric pomp and magnificence, unequalled in the hisempress by Viceroy Lord Lytton in Stifts; Bond in Other Charge-Prosecution 1877, and where King Edward was May Wane to Meet the Bishes of proclaimed by Viceroy Lord Curzon Worshipful Master, Wardens and broin 1903, King George the Fifth-the

lin, accused of bribery, to have his 6,000 natives are dying from plague. Falls an upright, conscientious and liberty on his own recognizance in that hundreds of thousands are on the proorable business man, and the Mathe Bain case, as he is already under verge of starvation, and that the spirit sonic fraternity a beloved member. \$10,000 ball in the Lockwood bribery of sedition abroad in the land is reand. pressed only by England's strong display of force, was apparently forgotten for the moment.

dreds of races and creeds combined to make a series of tableaux of surpassing splendor.

Would Recover Root of All Evil Suits for the recovery of money have been entered against George C Clark by the Innes-Clarke Lumber for divorce from Myra M. Hyndman company through Attorney C. M. in the office of County Clerk De Len. O Neill, and by C.J.Bradbury, through W. H. A. Renner is attorney for the Attorney W. H. A. Renner.

HAS BEEN MISSING SINCE AT-TENDING THE CONVENTION AT

United Press Bervios

LOS ANGELES, Dec. 13 .- Assistant District Attorney Ford says that a prominent San Francisco labor leader is responsible for the dynamiting of the Times building, and that Jim McNamara took orders from him.

He says that when McNamara left the East neither he nor his brother hnew the Times was to be dynamited. He says the man has been missi since he left New York for this co after attending the Atlanta con tion, but is being shadowed, and can not escape.

Ford says he will be arrected and convicted, asserting the suspect was in Los Angeles at the time of the dynamiting.

BEND BALLOT FRAUDS ARE STIRRING UP BUSY BURG

BEND, Ore., Dec. 12.—The city council has held two meetings the past week for the purpose of canvassing the returns of the election held here last week, but as yet has not accepted the reports as signed by the judges of election.

At a meeting held Thursday evening it was shown that the first fifty names included seven fraudulent votes. The council met again Saturday evening to discuss a thorough in-

vestigation. According to the returns, Dr. U. C. Coe, the present incumbent, was reelected mayor by a majority of \$1 votes over J. N. Hunter; F. Dement, assainge to Great Britain was again S. J. Spencer and A. L. French were formally proclaimed to the world to- elected for the two-year terms, and H.

This was the first election under in homage to the head of the alien the new charter, and the vote cast was house of Hanover and Saxe-Coburg. the largest in the history of the city, King George was so pleased with his 207 votes having been accepted by

RESOLUTION

Whereas God, in his supreme wistory of India, in the great arena dom has seen fit to call from our where Queen Victoria was proclaimed midst our beloved brother, John R.

Therefore, Be it resoived by the thers of Klamath Lodge No. 77. A. P. United Press Service

SACRAMENTO, Dec. 13—The free

LOS ANGELES, Dec. 13.—Judge

LOS ANGELES, Dec. 13.—Judge

The fact that every west more than The fact that every week more than energetic citizen; the city of Klamath

Be it further resolved, That we, the Worshipful Master, Wardens and brothers of Klamath Lodge No. 77, A. F. The Oriental setting, the glitter of & A. M., proclaim the sorrow of this the royal crowns, the gorgeous robes lodge over his death; extend the symand jewels of the Indian princes, the pathies of its members to the bereavthousands of brilliantly uniformed ed family; order this resolution to and superbly disciplined troops, and be engrossed upon the minutes of the the vari-clad host of people of hun- lodge by the secretary, and a copy to be delivered to the bereaved family. MARION HANKS,

F. T. SANDERSON T. W. STEPHENS. ilyndman Divorce Bill Filed Fred W. Hyndman has filed a blit

Government To Probe Bribery As Well As Dynamiting By Laborites

plaintiff.

When President Taft vetoed the United Press Service Contrary to expectations Prederichs
Arisona constitution an amendment JOS ANGELES, Dec. 13.—With has actively resumed prosecuting, and was framed for this election killing resumption of the federal dynamiting.