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PRICE FIVE CENTS

SETTLERS LOSE THEIR LANDS

Commissioners Give State Preference in Appeal Case

One of the most important decisions of the commissioner of the general land office made in some time, is the one just rendered which affects twenty-eight persons in townships 43 and 44 range 2, east.

The first decision was that in which Mike Short was defeated by the state in an appeal from the decision of the local office rejecting his application for homestead entry on the northeast 1/4 of section 18, township 44, north range 2, east. The local office rejected the application on the ground that the land was within the territory withdrawn by the state on its application of July 7, 1905. Short claimed that he had lived continuously on the land since June 2, 1905, having bought his improvements from a prior settler, Otto H. Oleson, for \$400 on that day. The plat of the survey of the land in controversy was filed in the local office July 5, 1905, the survey application having been made in 1889. The decision of the local office was upheld by the commissioner because Short did not reside on the land but a few days before the survey plat was filed and his application did not precede that of the state, as the time spent on the land by Oleson did not count for Short, and the state was allowed 60 days in which to make further withdrawals.

The local office received the applications of seventeen settlers and the state contested their right to the land, defeating the following and reversing the decision of the local office, on the grounds of prior application by the state. Those defeated are: Louis Monson, Lula Showalter, William G. Moore, Theo. Delisle, G. W. Moore, Chas. N. Downie, Peter J. Craig, Stephen A. Thorp, Geo. W.

Kays, Chas. O. Portfors, William Helmer, James M. Brown. The decision of the local office was upheld in five of the cases on the grounds that the settlers had made application prior to that of the state and had lived there before the application for the survey was made. Those who win are: John McCaffery, Simon D. Brady, James B. Foreman, Andrew Lalonde and Philip Landry.

In July, 1905, Walter D. Bond, James W. Calkins, Chas. G. Weilm and Thomas Coddington made application for homesteads in township 44 and were refused by the local office on the grounds that the land was withdrawn by the state or was railroad grant. They appealed and commissioner of the general land office upheld the decision of the local office. In July, 1905, James Raymond, Wm. R. Shouler, Thomas O. Miller, John J. Morrison, Henry H. Hogland and Elisha Lines, appearing for the heirs of Wesley Lines, deceased, made application for a homestead entry and were refused by the local office on the grounds that the land had been withdrawn by the state or was within the railroad grant. They appealed to the general land office where the decision of the local office was upheld in the cases of Raymond, Shouler and Miller, but reversed as to Morrison and the heirs of Lines on the settlement previous to the application for the survey and before the state made application for the withdrawal of the land.

In the cases in which the state is defeated, the state has a chance of taking another appeal as do the settlers that were defeated by the state but this slight chance may not be taken, as this is regarded as a final decision.



MME. SYLVINO GURGEL DO AMARAL.

One of the most beautiful ladies of the diplomatic corps in Washington is Mme. Sylvino Gurgel do Amaral, wife of the first secretary to the Brazilian legation. Mme. do Amaral is a native of Portugal. She is particularly noted for the richness and grace of her gowns, being accounted one of the best dressed women in Washington, where she takes a prominent part in society.

VICTIMS OF RAILWAY WRECK

Fifty Injured in a B. & O. Collision

Washington, Dec. 31.—An appalling disaster, resulting in the death, as far as can be learned of 38 persons and the injury of about 50 more, occurred about 6:30 o'clock on the Baltimore & Ohio railroad at Terra Cotta, a suburb of Washington. Frederick City, Md., local train No. 66, on the point of starting from the station, was run into by a train made up of eight empty passenger coaches, bound from the west for Washington. It is said the engineer of the empty train had failed to see the red signal indicating that another train was in the block, and plunged ahead on his mission of death.

A dense fog and drizzling rain prevailed during the day and the night, and to the inability of the engineer of the rear train to see the signal showing that another train was in the block, is attributed the cause of the accident. The grade at the place where the tragedy occurred is downward and the tracks were slippery. The Fredrick train, which is run on Sundays only, is largely for the accommodation of those who have gone into the suburbs on Sundays and for the benefit of church goers who desire to attend services in Washington at night. Presumably a number of the latter were on the train. The train is scheduled to reach Terra Cotta about 6:15 o'clock, and was about on time last night when the crash came.

At first, owing to the impenetrable fog, it was impossible to determine the extent of the disaster, and early rumors placed the number of killed at higher figures than those which proved later to be accurate. When the news reached Washington people began to go to Terra Cotta, and many who had relatives killed and injured remained at the scene of the wreck until the special train conveyed the dead and injured to the city. An earlier train that had been dispatched to Terra Cotta brought the injured, whose wounds had been hastily dressed, and they were sent to various hospitals. Three died on the way to the city and one death occurred in one of the hospitals.

ROCKEFELLER TALKS

Says Centralization is Natural.

New York, Dec. 13.—Discussing today the subject of centralization in business, John D. Rockefeller said: "It is natural that the man who drove the stage coach should be an

inn should look with disfavor upon the big magnificent hotels, but it was progress; it had to come, and for a while it was a hardship for those men to adapt themselves to the new conditions. They had my sympathy, I assure you, but we all must continually meet new conditions and adapt ourselves to them. It can't be otherwise.

"Of course, I am sorry that I am so misunderstood, but I have the best feeling for everybody. I bear ill will to no one, and it is a great thing to think that this is so by the grace of God."

ROW OVER GAMBLING

Lid Is on and Off Three Times in One Week.

Sandpoint, Idaho, Dec. 31.—The controversy over gambling has grown more sensational during the past few days. The lid has been put on three times and taken off as often within the week. Marshal Moran has been ordered by the city council to close them up, but declines to do so and it is now stated that he has offered his resignation. Even those councilmen who pronounce the report a hoax, confidently say that his resignation will be tendered at the next session of the council. It is hinted his resignation will be demanded if it is not offered voluntarily. Some city officials are determined that the unlawful practice shall stop. Every member of the council voted to have gambling closed 10 days ago and the instructions given to Marshal Moran were passed by a unanimous vote. Speculations rise as to whether the authorities will stand by their instructions.

Will Disband.

Owing to the inability of the basketball teams to secure a court at the Blackwell pavilion or other suitable place it appears that it will be necessary for the teams to disband for the season. The matter of securing a gymnasium for the high school is being agitated by Superintendent Barton and the matter will be placed before the board of trustees of the district and also before the Commercial club, in this manner reaching the business men of the city. In other cities of the same size either public gymnasiums or private institutions will be found where the pupils of the schools may receive physical instruction, as well as mental, and it is

THE CHURCHES FILE PROTEST

Say That Action of France Is Menace to Christianity

Washington, Dec. 31.—A meeting of citizens of Washington of various religious denominations was held here last night to condemn the action of the French government of confiscating the property of the Catholic church and imposing restrictions upon the Catholics in France. The meeting was held in Columbia theater and some of the most prominent religious leaders of this city were in attendance. More than 1500 were unable to gain admission. The speakers were Edward Gans of Baltimore, Rev. John Van Schaick of the Dutch Reformed church, Major McCrystal of New York, and Rev. D. J. Stafford of St. Patrick's Roman Catholic church.

The meeting concluded with the adoption of resolutions strongly condemning the French government for its action, the resolution stating that the public utterances of several of the leading statesmen of France "indicate a desire to strike at the very root of Christianity and are thus a serious menace to Christian civilization."

ARCHBISHOP'S PROTEST.

Minneapolis, Dec. 31.—Archbishop Ireland spoke at the Immaculate Conception church on the church separation law now being enforced in France, to an immense audience, hundreds being unable to gain admittance. The archbishop's sermon was in defense of the church in France in its struggle against the government. He reviewed, exhaustively, the relations of the church and state in that country during the last quarter of century.

The archbishop denied that the church was opposed to the law of separation but declared that it must be a fair separation, carrying with it

the liberty that separation means in this country, or in England, or in Germany.

He said the trouble would continue and that the church in the end would defeat the efforts of the state and come into its rights and liberties.

VATICAN AWAITS MOVE.

Rome, Dec. 31.—The approval of the French senate Saturday of the amended separation law did not cause surprise at the Vatican, such an outcome having been expected. What the holy see now awaits is the application of the law, during which the pope will issue an address to French Catholics, but when this will be done or in what form has not been decided. The pope is reported to have said today:

"Our prayers are for the assistance of the whole Catholic world for the French clergy in order to help them through persecution to final victory."

Cardinal Tripepi, who died Saturday, left the whole of his patrimony, amounting to a million dollars, to the pope.

CATHOLICS AROUSED.

San Sebastiane, Spain, Dec. 31.—Three thousand five hundred Catholics gathered at the building today to protest at the passage of the associations law. Afterward they formed a procession and marched to the town-hall, but there were no disorders.

PROCESSIONS AT MILAN.

Milan, Dec. 31.—Clericals and anticlericals participated in processions here today, one in favor of the French Catholics and the other in favor of the French government. Both, after insignificant disturbances, were suppressed by the police. Each side claims that 2000 persons were in its procession.

CALL VOLIVA A ROBBER

Chicago, Dec. 31.—Wilbur Glenn Voliva, general overseer of Zion City, was denounced as "Judas Iscariot," "devil" and "robber" by followers of John Alexander Dowie during a meeting attended by 2500 persons in Zion tabernacle here last night. The first interruption, which almost precipitated a panic in the audience, occurred when Voliva made a sarcastic allusion to Dowie. "Shut up," ordered a Dowitee in the audience; "you're only a dog." Two ushers seized the accuser by the throat in an effort to stifle his voice. Gurgling through the hands clasped over his mouth, the disturber continued: "Don't you mention John Alexander Dowie's name again, you Judas Iscariot, for he picked you out and made half a man of you—the rest is devil."

Soon after the disturber was silenced an outburst followed Voliva's declaration that he would distribute pamphlets exposing the various Masonic oaths. A third dramatic sensation occurred when Voliva walked to the front of the platform and asked one of the followers of Dowie to shake his hand. The latter refused, declaring that he would not shake hands with the devil. Voliva predicted that before another year had passed he would have reorganized Zion City on a substantial basis.

ALLEGED SLAYER INSANE

Has Been Incarcerated in Asylums Twice.

Moscow, Idaho, Dec. 31.—Dr. J. N. Clarke and D. F. Rae, appointed by Judge Steele to examine Gus Swanson, the alleged slayer of John Island, as to his sanity, completed their work yesterday afternoon. Their findings, which will be given to Judge Steele on Monday morning, are: 1. That Swanson is weak mentally. 2. That he is suffering from a nervous malady, which would result, with a person of keener sensibilities, in complete nervous prostration. 3. That he is in a serious condition from a well developed pulmonary trouble. 4. That he is now insane. 5. As to his condition at the

been an inmate of insane asylums—once at St. Peter, Minn., and once at Jamestown, N. D. It is quite probable that Swanson will never be brought to trial for the killing of John Island, but that he will be sent to the asylum at Orifino. The case will be called Wednesday morning.

Corporations File Articles.

Rathdrum, Idaho, Dec. 31.—The Spokane Ornamental Iron and Wire Works company have filed articles of incorporation with the county recorder. Capital stock is \$10,000. Objects of the corporation as stated in the articles are to manufacture iron and brass wire and ornamental metal work. The principal stockholders are Alfred H. C. Trepte, Robert Oelschlagel and Carl W. Trepte, all of Spokane.

Articles also have been filed by the Riverside Copper Mining company with the principal place of business at Wardner, Idaho. The capital stock is \$1,000,000 and the incorporators are N. H. C. Barnhart, Wardner; William H. Cain, Kellogg; T. Y. Mason, Wardner, and S. S. Benham, Wardner.

Death of John Best.

John Best died yesterday morning at eight o'clock at his residence in a boat house near the boat club docks from a severe case of gastritis. The deceased was 34 years of age and leaves a wife and four children to mourn his loss and also a large number of relatives in the city and vicinity. He has been a resident of this portion of the state for the past 15 years and is well known. The body was removed to the parlors of the Idaho Undertaking company where a post mortem examination was held in the presence of the relatives and Dr. Sabin, by Drs. Watts and Wood. The examination disclosed the fact that Best came to his death from the effects of a chronic case of gastritis. The funeral will be held tomorrow at ten o'clock from the undertaking parlor.

Bert Porter, of the Coeur d'Alene Drug store, will leave tomorrow for

NO CATTLE IN THE RIVER

W. H. Goff, of Colfax, Wash., cat-tleman and real estate man, is in the city making arrangements for shipping about 300 head of cattle from the St. Joe valley where he is wintering about 1000 head, to his 10,000 acre ranch at Keystone, Wash. Mr. Goff stated that he had leased the northeast corner of the reserve from the government for grazing purposes and would winter the balance of the cattle at that place.

When asked as to the condition of the cattle, Mr. Goff, stated to a Press representative, that the cattle were in excellent condition and that there was a good supply of feed, but that the older cows, used for breeding purposes, did not stand the cold weather, and that he would ship them to Keystone where he had sheds and plenty of feed. When asked if he knew anything about the cattle which were being thrown into the river he stated that his men had not done so and that what few cattle had died from exposure, he had ordered his men to bury some distance from the river. He stated that owing to the high water a number of the cows when walking along the bank would be thrown into the water by the bank giving away and that in this manner several floated down stream. None were allowed to float down the river when their fate was known but they were hauled out and skinned.

This is the first denial to the charge of throwing the carcasses of dead cattle into the rivers that has been made, but since the first reports were made the practice has been stopped, the offenders evidently fearing prosecution. The authorities are working on the matter at the present time and any further attempts will be prosecuted.

CANNOT MARKET POLES

Demand Seems to Have Fallen Off Completely

Sandpoint, Idaho, Dec. 31.—A slump in the price of small and medium sizes of cedar poles has been felt recently by dealers. The demand seems to have almost wholly disappeared in the east and in some cases the local dealers have not been able

TWO MEN DROWNED

D. E. Thomas and H. W. Bidell Are Victims.

Sandpoint, Idaho, Dec. 31.—D. E. Thomas and H. W. Bidell, employees of the Spokane International railway, attempted to cross the Pend-d'Oreille river, near Wrencoee, Christmas eve. Their boat was found yesterday overturned in the river. The river was dragged and the bodies recovered. They are now lying at the

local dealers have not been able