

WHOSE MONEY IS IT?

Joseph M. Nickum Says His Mother Gave It to Him.

CONTEST FOR \$7000 IN COURT

Granddaughter of Susannah Nickum Sees Her Uncle's Removal as Administrator—Had Rejected Poor Settlement.

Joseph M. Nickum was removed as administrator of the estate of his mother, Susannah Nickum, deceased, by County Judge Webster yesterday, not because of any dereliction of duty in connection with the conduct of his trust, but because he claims to be the owner of \$7000, a share of which Ida May Feller, a granddaughter of Susannah Nickum, is making a contest.

The Supreme Court has held that where an administrator has any interest in property he cannot act concerning it. Mrs. Feller in that respect is the administrator of the estate of Susannah Nickum, deceased, who was a brother of Joseph M. Nickum, and her mother, who is also dead, was Sarah Nickum.

Susannah Nickum died on September 28, 1892, at which time John W. Nickum had already passed away and soon after his mother's demise Joseph M. Nickum petitioned for letters of administration of the estate, stating that he was the only heir.

The inventory which was filed states that the property consists of a note for \$100 signed by Mrs. Feller and with not to be paid, and land in Washington appraised at \$1500.

A short time afterwards H. H. Northup, representing Mrs. Feller, thereupon filed a motion for summary judgment in the case and made a fight in behalf of her rights as the grandchild of Susannah Nickum.

Mrs. Feller was then and is yet a minor, although married, and Judge Northup was appointed her legal guardian. At that time, believing the estate to be small and with some bills to pay, Judge Northup agreed to accept \$1500 in settlement of Mrs. Feller's share.

It has since developed that Susannah Nickum a few months before death sold certain real estate for \$6000 and deposited \$7000 of the money in one bank and \$5000 in another. Counsel for Mrs. Feller, Alexander Bernstein, on this fact coming to light, reopened the case and asked for the return of this money and for the removal of Joseph M. Nickum as administrator.

At the hearing yesterday, in testifying, Joseph M. Nickum did not account for \$1500 of the money, but said he thought his brother, John W. Nickum, who was then still alive, might have received it. He stated that the \$1500 was paid to \$7000 was deposited in a bank in the name of Susannah Nickum. Further testifying, Mr. Nickum said his brother died in April, 1892, and that John W. Nickum's mother asked him how much was left of the \$3000 placed in the bank. He answered that it was all left, and she should get her share; that he would take care of her anyhow, and assigned the certificate of deposit to him.

Mrs. Nickum, he said, was married to John W. Nickum in 1885, and the court yesterday it was acknowledged that Mrs. Feller is a legal heir, and all claims of illegitimacy were allowed for the purpose of the matter of the removal of the administrator and the settlement of \$150 made with H. H. Northup as guardian of Mrs. Feller were taken up.

Judge Northup testified that Ida May Nickum, or Feller, came to his office and told him of the death of her grandmother, and that Joseph M. Nickum had represented himself as the sole heir. Judge Northup stated that he filed a petition in her behalf in the County Court yesterday, and thought it was true. He had known Mr. Nickum for many years, and thought it was in his best interest to file the petition.

"It was claimed by Judge Tanner, representing Mr. Nickum, that the young woman was not a legal heir. The matter was disputed between us, and he neither convinced me, nor I him. Finally it was suggested, I think by me, that it would be best to compromise. I discovered that the administrator had filed claims amounting to \$2000 for money advanced by him to Mrs. Susannah Nickum during her lifetime, and there was the bill for funeral expenses and some other bills."

Judge Northup stated that he stipulated with Judge Tanner to accept \$1500 in settlement of the claim of Ida May Nickum, and signed the stipulation. She was in Spokane at the time and he notified her, but she never signed the deed or agreed to the settlement. Judge Northup said he had no knowledge at that time that J. M. Nickum had received \$7000 from the sale of the property.

On cross examination, Judge Tanner, acting for the administrator, asked: "If it turns out that his mother actually gave him the \$7000, would you still consider \$1500 a good settlement?" "If it turns out that there was only \$1500 in the estate, it was a good settlement, but if it turns out there was \$7000 in the estate, it was a poor settlement," answered Judge Northup.

The question of whether Susannah Nickum gave her son the \$7000 will be taken up by the administrator, who has not yet been appointed by Judge Webster.

Joseph M. Nickum is a well-known business man of Portland.

COUNTY MUST DENY SUIT.

Judge Cleland Denies Rosa Rohse's Complaint Must Be Amended.

In the suit of Rosa Rohse against the Board of County Commissioners to enjoin the widening of the White House road in front of her property, Judge Cleland yesterday decided that Multnomah County is a necessary party defendant to the suit, and the complaint filed by Mrs. Rohse will have to be amended to that effect.

Concerning the point that the notice calling attention to the proposed change in the width of the road was not legal because it was not published in the first issue of the form of the County Court Judge Cleland held that the notice was sufficient. It was issued on July 29 and the hearing was on August 21 following, which period extended over the 30 days required by statute.

In regard to the contention of the attorneys for Mrs. Rohse that the road is within the city limits, and subject to improvement as a street, and consequently the County Court has no authority over it, Judge Cleland held that the fact that a highway is within the city limits does not necessarily make it a city street. The city charter on this subject provides: "All county roads lying within the limits of the City of Portland, which may not have been laid out or accepted as streets by the authority of said city, shall remain

and be county roads until they shall be laid out and accepted by the city, etc." Mrs. Rohse complains that the widening of the White House road will take a strip of ground from her 18 feet in width for which she will receive no compensation, and she also objects to the county authorities causing her fences and buildings to be moved back. One of the defenses interposed when the case was argued recently on demurrer was that Mrs. Rohse has allowed the time to elapse in which to demand damages, and, therefore, cannot now bring anything to be paid to her for injury to her property if any results from the widening of the road. Judge Cleland did not pass upon that question.

CALL BRIDGE AN OBSTRUCTION.

Defendants in Almond Branch Suit Argue for Nonsuit.

A motion for a nonsuit was argued before Judge Sears yesterday in the action of Multnomah County against the Williamette & Columbia River Towing Company, Pacific Export Lumber Company, Pilot William Mitchell et al., by Ralph Dunlop, counsel for the plaintiff, and C. E. S. Wood, William M. Calk and J. Couch Flinders for the defense. Judge Sears will decide the motion this morning. This is the suit for damages caused by the steamship Almond Branch and steamer Vulcan in a collision with the Morrison street bridge in February, 1929.

In support of the motion for a nonsuit, the attorneys for the defendants argued that part of the evidence submitted shows that it is unsafe and dangerous for large vessels to pass through the Morrison street bridge draw, even in still water; that the bridge as it is constructed is an obstruction to navigation; that no liability upon the part of the defendants was established, and that the liability, if any, was on the part of the steamship Almond Branch and its master, Captain Anderson, who had control of the tug Vulcan with the pilots. Other portions of the testimony were gone over by counsel to show that a case had not been made out against the defendants.

Under the direction of the court, yesterday the complaint of Mrs. Rohse will have to be amended to conform to the views of the court and the case will subsequently be argued on its merits and a final decision be reached.

INDIAN ON TRIAL FOR MURDER.

Frank Winnishet Is Accused of Killing Another.

The time of the Federal grand jury was consumed in the investigation of the case against Frank Winnishet, the Indian accused of murdering an Indian by the name of Peat, on the Warm Springs reservation some time since.

Several red men from the reservation were before the jury and testified as to what they knew about the crime. Their testimony was secured through means of an interpreter.

The Indian witnesses, while waiting to be called, sat and stood about the hall, watching with the keenest interest everything that went on. One portly buck amused himself by sitting in a corner and examining an old rubber overcoat that he had picked up somewhere. The details of the crime were thoroughly explained to the jury, but there were no new developments.

No reports have been made by the grand jury as yet. It is expected that the investigation of the land frauds will commence today.

DESERTERS SENT TO JAIL.

Two Sailors Arrested and Taken Before United States Commissioner.

Two sailors who had grown tired of life on the rolling waves and sought to escape the duties of a seaman by deserting, were arrested yesterday and taken before the United States Commissioner to answer for their sins of commission. The luckless deserters were Hugh McDonald, of the English ship Dunslaw, and Marcel Auguste Montere, of the French vessel Berenger.

The deserters were remanded to jail by the Commissioner to await action by the English and French Consuls.

Jury List Drawn.

The following named persons were drawn for the jury by Judge Cleland and County Clerk Fields to serve as jurors in the State Circuit Court for the November term:

- F. W. Andrews, real estate.
W. B. Ayer, president Eastern Lumber Company.
C. Barrett, plumber.
Robert D. Busan, millman.
P. T. Blake, grocer.
Paul Ellis, farmer.
E. H. Cooper, grocer.
W. H. Cooper, contractor.
H. P. Christensen, painter, etc.
C. B. Davis, fuel.
H. H. Decker, farmer.
George Fleckenstein, farmer.
William Fraser, lawyer.
W. H. Galt, furniture.
Graham Glass, Jr., lithographer.
J. W. Goe, manager Acme Mills.
M. C. Hall, superintendent Northern Pacific Express Company.
James Hunter, farmer.
William Hyde, janitor, Mount Taber.
Robert D. Inman, millman.
Carl Jensen, farmer.
J. A. Johnson, painter.
John Keating, contractor.
J. H. Kinn, painter.
John Klotzner, capitalist.
C. E. Ladd, broker.
H. H. Ladd, merchant.
B. Lutke, merchant.
James Lyons, lawyer.
A. B. Magley, broker.
H. H. Marshall, insurance.
Thomas Mann, builder.
W. W. McBride, wood, etc.
W. F. McCall, hotel.
H. B. McCullough, laundry.
H. B. McFarland, grocer.
Hugh McGuire, president Pacific Company.
A. S. Meyer, Portland Cement Company.
A. L. Mills, banker.
E. H. Marchessault, decorator.
H. H. Marshall, insurance.
E. B. Nicol, bookkeeper.
H. E. Noble, insurance.
H. E. Norman, grocer.
Thomas O'Connell, carpenter.
M. W. Parsitis, manufacturer.
Thomas Richardson, carpenter.
Lewis Russell, real estate.
William C. Scherer, agent New York Central Railway Company.
S. Silverfield, furrier.
S. Townsend, crockery.
J. L. Vestal, druggist.
E. W. Walker, carpenter.
M. Winch, agent.

Against ex-Clerk Holmes' Widow.

Judge Cleland denied a motion to strike out parts of the complaint in the suit of Multnomah County against Anna Holmes, executrix of the will of the late County Clerk Hanley H. Holmes, and his bondsmen to recover shortages in accounts. The points sought to be struck out were allegations specifying that certain fees, etc., were misappropriated and unaccounted for. The motion was probably only a time-saver, because the court in dismissing it remanded that the allegations objected to were very material, so that the county might make out a case.

Articles of Incorporation.

Incorporation articles of the Stark Davis Company were filed in the County Clerk's office yesterday by T. M. Stark, A. J. Davis and G. W. Stapleton; capital stock \$2500. The objects announced are to buy and sell at wholesale and retail plumbing supplies, tinware, metals, etc.

Charged With Stealing Ring.

District Attorney John Manning yesterday filed an information in the State Circuit Court against Thomas Wood charging him with stealing a ring valued at \$100 from H. Y. Zui.

If you desire to take Hood's Sarsaparilla do not be induced to buy any other Hood's cures.



THE TIMBER SHARKS' CHORUS. Oh, gayly we took to the timber. As a means of increasing our store—And it only a trifle more timber. We'd take to the timber since more.

GREAT LIEU LAND RING

(Continued from First Page.)

his lips. Government officials presume that Hyde has made peace with Schneider. But there are reports abroad, that Schneider will act as the Government's witness, and that Uncle Sam will not seek to punish him.

And where is Schneider? Down in Arizona somewhere, seeking health, so the report runs. According to one rumor he is in the real estate business at Tucson, and according to another he is in the livery business somewhere else. Be that as it may, he is a much changed man since eight or nine years ago, when he was buying school land certificates in Oregon, paying \$5 and \$10 for each half section and receiving \$50 therefor from Hyde & Co. All over the Coast Schneider ranged in those good old days.

Those transactions were legitimate enough in a court of law, though of course they can hardly be defended in a severe court of ethics. When a man applies for 320 acres of school land, in order that he may sell out to a syndicate for \$5, he is perhaps within the law even if public sentiment clamors otherwise.

But Schneider, by his own admissions went still further. Not content with paying applicants for the use of their names, he turned out fictitious names, and when his think factory could not keep up with orders, he used names of actual individuals but altered them just enough to avoid trouble. These "dummies," as they are called, were affixed to the applications and to the affidavits and attested by notaries public, who certified that the applicants had duly appeared and been sworn, and so on and so forth.

Yet even such conduct as this probably could not be prosecuted by the Federal Government inasmuch as the offenses came under state jurisdiction. Uncle Sam can, however, get after members of the ring for bribery of his own officers and for conspiracy. And will he? That's what he's been trying to do for many months. But he'll have to hustle. The offenders can take refuge behind the statute of limitations for defense against suits more than three years old.

And now Schneider is a valetudinarian. He is attended by his faithful spouse, a thrifty helpmeet by the way. This lady used to be invaluable for her aptitude at inventing names and signatures and at affixing the same to the proper documents. She got up early and sat up late with her unflagging pen. Years were on and the couple increased in worldly treasures; more years, and still their riches grew.

Thousands upon thousands of acres of school land were thus acquired by Hyde & Co. How did Hyde & Co. get their money out? What became of the lands? Where did they go?

Into forest reserves. The lands were bought for that purpose. The reserves were created for that purpose. The conspirators knew where they wanted reserves. They knew in advance whether the President was going to proclaim a reserve.

Reserves in Oregon and California were proposed at their instigation, laid off according to their desires, amended to their convenience and created to their satisfaction.

Then they trooped into the local land offices with their "dummies" and their hirelings. They took what lands they wanted and persons outside the ring came "too late." So close was the ring that it became practically impossible for an "outsider" to get state land of any value, nor could he get worthless land unless it was to be outside of a reserve.

Arid land, alkali land, rocky land, towering crags, high cliffs, mountain tops, became "base" and Uncle Sam exchanged it for the most fertile and the best timbered areas in the realm.

So much for the lieu land law, written largely, it is said, by Hyde himself, and enacted in 1897. If there are sick gentle-

REAL ESTATE ADVANCES

PRICES HAVE ALMOST RETURNED TO FORMER LEVEL.

Valuations Are Not Inflated, and Few Purchases Are Made on Speculative Basis.

A good many people who only a few months ago expected to be forced into selling their real estate in order to pay mortgages upon it are beginning to feel rich again. Within 15 months prices on real estate have almost returned to former levels. This new condition of affairs is looked upon by real estate brokers as a secure condition. Ten years ago every dollar was equal to the notitious price asked in boom times. People are beginning to look upon real estate again as a valuable possession instead of a drug on the market.

This change in attitude of mind in itself helps the price to rise. Short-sighted landowners have been waiting a long time to get out of their land what they paid for it. They can do so now, but as soon as they find they can't go up their prices. Market values are the result of psychological conditions. One large dealer of real estate in the heart of the city said yesterday:

"The human family reminds me sometimes of nothing so much as a band of sheep running after one another over the hills. Just let them think that one place is more desirable than another, and they will pay any price for it. But I don't care. I have made my money."

What he said is true of speculative prices, but when a man is figuring out where he can get the most rent or where he can combine moderate prices and convenience in a home site he uses judgment. That is what is being done now, and property values are receiving a substantial increase in consequence.

A real estate man who was looking up a corner, 100x100, in the district running south from Washington street, in the neighborhood of Twenty-third street, got \$2500 as the lowest price and \$10,000 as the highest. Prices averaged about \$5000. The most desirable inside lots were held at from \$2500 to \$3000, and less desirable ones at \$1500 to \$2000.

This condition is perfectly steady; when a lot is sold it is generally built upon right away. The prices paid represent the real value.

A comparison of prices of property in one locality at different times, when taken in connection with the census report, brings out some interesting points. When the property mentioned in the foregoing was put upon the market, 30 years ago, Portland had barely one-fifth of its present population. A choice quarter block in King's Second Addition, which has now almost entirely changed hands, was at that time sold for \$2000. Some time later, when Portland was half its present size, the owner refused \$3000 for it. No time since then has he been able to get any more than that amount for the unit, every recently. That piece of property, however, is not on the market, but a vacant quarter within a block of it is offered for sale at \$10,000 today. If the price of the latter piece were to come down a couple of thousand dollars in his price, he would be making interest and taxes on the money invested ten or eleven years ago. When he gets the price he asks it can truthfully be said that prices for choice residence property in that portion of the city are about ready to make his report to F. H. Newell, chief geographer of the Government, who has charge of the entire arid lands irrigation project. However, what Mr. Whistler has learned with relation to where it is practicable to establish irrigation reservoirs and ditches, and what recommendations he will make, are sealed secrets for the present. This information will not be made public until it has been placed before the chief of the department and is acted upon.

Mr. Whistler started out from Pendleton, his headquarters, and traveled by stage through the eastern and southern portions of the state. He has spent several weeks going over every part of the district that might be benefited by irrigation and has taken copious data relative to the country. Special attention has been paid to the watersheds and other sources of water supply. In order to determine just what amount of water can be relied upon in the various districts, he has had water gauges established along the rivers and streams in all districts where irrigation possibilities seem to be. Men have been secured to watch and keep records of the water readings that a definite estimate may be made of the supply.

The topography of the country has been carefully studied that suitable locations for reservoirs and ditches may be selected for recommendation.

This data has been secured, and while he is not at liberty to say so or give any intimation of it, it is understood that Mr. Whistler has already decided upon what recommendations shall be made—or at least, some of them.

He spent some time yesterday with District Weather Forecaster Deals, securing information in relation to the average rainfall in various portions of the state for several years past, also the river readings so far as they have been secured by the weather bureau. This data will be used to determine what amount of water from rains can be counted upon and what volume of water the rivers may be expected to furnish at the various times of the year.

As the general information gathered by the Weather Bureau is of the utmost value to Mr. Whistler and vice versa, the representatives of the two departments will work together for a time and compare notes at frequent intervals.

Mr. Whistler returned to Pendleton last night and will go to Washington in a short time.

DIPLOMAT CONFIRMS IT.

Belgium Minister Talks of Far-East Proposition Made America.

NEW YORK, Oct. 20.—Baron Moncheux, Belgian Minister to the United States, arrived today on the steamer Kronland from Antwerp. He was shown the City of Brussels dispatch, stating that Belgium was willing to give important commercial privileges to America in trade with China, Japan and Corea, provided the United States would give Belgium her protection out there. He said:

"I believe that statement is true, though I am not prepared to give details."

French Parliament Reassembles. PARIS, Oct. 20.—Both branches of Parliament reassembled today. The absence of important issues minimized the interest in the event, but the galleries were filled with people desirous of witnessing the opening scenes.

Boy Cured of Croup in Fifteen Minutes.

Chamberlain's Cough Remedy cured our little four-year-old boy of croup in fifteen minutes. My wife and I have used this remedy in our family for the past five years, having tried many other kinds previous to that time, and can say that we consider it far superior to any other. We are never without it in our home.—Frank Hill, Ipswich, Ill. For sale by all druggists.

HANDSOME FEATURES ARE INHERITED.

But true beauty, a clear complexion, may be acquired. It is merely a question of healthy digestion and pure blood. Powder and Cosmetics only imitate beauty, but Abbey's Salt of Fruits give the true beauty of health by removing poisonous matter from the blood, it clears the complexion, and imparts a glow of health to the cheeks.

Pimples disappear like frost before the sun. If the bowels are kept in perfect working order, the system cannot absorb this poison.

Every bottle is sold with an absolute guarantee that there is nothing else so good for the stomach and bowels as Abbey's Salt of Fruits—a most pleasant tasting tonic laxative.

At bedtime and in the morning take two teaspoonsful of Abbey's Effervescent Salt in a tumbler of water—not cold, there will be no reactionary or bad after effects. Abbey's Salt does not depress the heart.

It is indorsed by the leading physicians, and sold by the druggists in all parts of the civilized world, 25c., 50c. and \$1.00 per bottle. Guaranteed free from opiates and drug stimulants. If you are not using it send for a trial bottle free today. Address the Abbey Effervescent Salt Company, Ltd., 9 Murray Street, New York City; 144 Queen Victoria Street, London, England; 712 Craig Street, Montreal, Canada.

MCKIBBIN FURS. NONE BETTER MADE. Ask Your Dealer. Advertisement for Mckibbin Furs featuring a woman in a fur coat.

GOLD DUST. A wonderful aid in washing dishes, glassware, silver, pots and pans is GOLD DUST. Advertisement for Gold Dust cleaning product.

STATE MEDICAL INSTITUTE. 701 FIRST AVE., SEATTLE, WASH. Advertisement for State Medical Institute.

HAND SAPOLIO. FOR TOILET AND BATH. Delicate enough for the softest skin, and yet efficacious in removing any stain. Advertisement for Hand Sapolio.

Every Woman. Marvel Whirling Spray. The New Ladies' Spray. Advertisement for Marvel Whirling Spray.

WILCOX TANSY PILLS. For the cure of all troubles. Advertisement for Wilcox Tansy Pills.