

GOVERNMENT IS LOSER IN BIG PROCEEDINGS

LOCAL LAND OFFICE FINDS FOR MANY DEFENDANTS IN FAMOUS HEPPNER CASES.

PROOF HELD INSUFFICIENT

Government Proceedings Against Northwestern Timber Company and Twenty-Seven Others, and Involving Deals With Scriber and Thomson, Held for Dismissal by the Local Land Office—Case Important.

Holding that the government utterly failed to prove illegal agreements or conspiracies were entered into or existed between the Northwestern Timber company of Spokane and twenty-seven other timber claimants, the La Grande land office has held for dismissal all government proceedings against these defendants and the first battle in what is conceded to be the biggest government timber proceeding in Eastern Oregon in the past two years, is won by the defendants. Register Bramwell and Receiver Eberhard hold the entire batch of cases for dismissal, thereby freeing—as far as the land office here is concerned—the Northwestern Timber company, transferees and the twenty-seven other defendants.

The cases were filed more than a year ago here by the government which alleged conspiracies existed to obtain fraudulent title to lands near Heppner. The alleged misdeeds occurred in 1903 when John L. Ayers and P. B. McSwords both of Heppner, were alleged to have entered into a conspiracy for the purpose of speculation and to defraud the government out of valuable timber lands, about one hundred claims in all.

Flood Spoils Scheme.

The government went on to allege that the disastrous flood in Heppner several years ago, drowned McSwords and John L. Ayers, but that shortly afterwards a man named S. W. Spencer, now living at Heppner, picked up the alleged conspiracy and promulgated it to a successful consummation. The charges went on to state among other things that J. W. Scriber and A. B. Thomson figured illegally in the matter.

The cases were heard at Heppner, and various other places throughout the Northwest, and the defendants given a chance to tell their stories. On the strength of this testimony, totaling 12,000 pages in all, the local land office made its final decision.

The officials held that the government failed to prove a conspiracy existed before the filing; that while the entrymen borrowed money from Scriber, they had a perfect right to, no original agreement having been shown.

The proceedings against these particular twenty-eight defendants were brought in this land office because the filings had been made here and the patents had not been issued. About seventy-five other claimants said by the government to have been in the same conspiracy, were given patent and suits are pending in the federal courts to cancel the patents.

The Northwestern Timber company comes into the cases by reason that David Wilson of Spokane organized the company and his concern was made transferee for the title; in other words Wilson's company was to take over the land which the alleged claimants might gain title to, thus giving them pre-arranged titles of land thus acquired.

The official title of the cases is known as, John Mills, Elmer Lindsay, John T. Kirk, Oscar F. Neal, John Woodward, Harvey Humphreys, Alfred L. Ayers, Wm. E. Prun, Manerva A. Meadows, William P. Scriber, Cecil T. Humphreys, George Whites, Edward Brown, Emma C. Fuller, Alfred L. Ayers,

guardian of William Ayers, Allen W. Saling, Mattie B. Scriber, heirs of George Tillard, deceased, Naomis Garner, Oliver S. Andrews, Mabel America Leezer, Thomas J. Humphreys, Arthur E. Humphreys, Septimus W. Spencer, Anna F. Spencer, Charles W. Fuller, Henry E. Warren and the Northwest Timber company, transferees, defendants.

The initial defendant figured most conspicuously in the evidence and the testimony from John Mills case covers page after page and most of the evidence treated in the entire opinion hinges somewhat on the Mills testimony.

Case Long in Making.

For the past six months, midnight oil has been burned over these cases by the register and receiver. With twelve thousand pages of typewritten testimony or read carefully and carefully consider, the task was a monumental one. The decision, handling all the evidence in this monster mass of details is crowded into twenty-one pages.

The principal charges preferred by the government include:

1. That the said John Mills did not apply to purchase said lands in good faith, to appropriate the same to his own use and benefit, but did apply to purchase the same for the purpose of speculation, under an agreement with and for the sole use and benefit of John L. Ayers, or P. B. McSwords, or

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ELECTION FRAUD INVOLVES MANY OFFICIALS

WAGON LOADS OF PEOPLE PLEAD GUILTY TO FRAUDS.

Hundreds Disfranchised in Indiana For Selling Votes.

Hammond, Ind., Dec. 28—Nine city officials of the town of Gary, Indiana, a new city built by the United States Steel corporation were called into court today for arraignment on indictments charging election frauds. Mayor Thomas Klatt, and Chief of Police Martin are among the accused. Indictments charge they altered the results of the November election. It is expected they will be released on bail.

Great Number Indicted.

West Union, J., Dec. 28—West Union's hotels are overflowing today with citizens of Adams county waiting for a chance to plead guilty on a charge of selling their votes. Wagon loads of indicted voters poured into the city during the day. As fast as their cases were called they pleaded guilty and were disfranchised for five years with a small fine. It is reported the grand jury now in session will return 150 more indictments before tonight. Already 750 are indicted.

Aviators Attempts Long Flight.

Dover, Dec. 28—Robert Lorraine, the actor and aviator flew from Shepper Island in the North Sea today in an effort to win the Deforest prize for the longest flight from England's shores to France or Belgium. Lorraine took the course down by Cecil Grace the English aviator believed to have been drowned in the channel last week while attempting the same flight. The machine must be of English build to win the \$20,000 and the aviator must be a native Englishman.

Asiatics Infest California.

Sacramento, Dec. 28—That hundreds of Asiatics, mostly Hindus, are illegally in California and fails to provide funds to permit the employment of physicians to search out the diseased ones and have them deported was the assertion today of a prominent member of the state board of health. The federal government is willing to aid in the deportation of the undesirable alien if only report by state officials can be secured. One of the principal ailments of the Hindus here is the book worm and trachema.

RIPARIAN RIGHTS SETTLED BY JUDGE BEAN

Adjudication of riparian rights in the Grande Ronde river which for the past six months have been a bone of contention between J. L. Caviness, J. B. Stoddard and a score of others, was consummated this afternoon when Judge Bean of Pendleton commenced dictation of a formal decision placing the rights and priority of all the defendants in the case which has been in court several years in some form or other and which Judge Bean heard the evidence in.

While an opinion won't be filed until a late hour this afternoon, it is a well established fact as to who will have prior rights and exactly what each will get when there is water enough to go round. The year just past was a dry one and the apportionment made by Judge Bean would not give all riparian owners the water allotted to them in low water time. In the case there is not enough, the latest acquired rights would be shut off in favor of the older ones.

Until the decision is filed it is uncertain whether Mr. Caviness has prior rights over all of them or not. However, simmered down, there will be about a half dozen who would have claims dating back many years. It is presumed the opinion will show exact priority rights among the old riparian owners when it is filed.

Allotment of River Water.

Judge Bean apportioned the water of the Grande Ronde river as indicated by the evidence taken in the

case, in an oral opinion this morning. The allotment is based on the presumption that there are about 2,000 inches in the river at the lowest stages. This statement is also based on testimony given in the case, but last year the river dropped down to less than 1,000 inches, and such being likely to ensue again, the allotment of inches would not be of material benefit for it would again be required for some one to show priority rights other than those roughly indicated in the allotment of inches.

The Water Owners.

The decision gives the following allotment:

J. L. Caviness, 265 inches.
J. B. Stoddard, 50 inches.
J. S. Chandler, 20 inches.
L. C. Pennell, 20 inches.
Nesley Ditch company 250 inches.
May Park Water Ditch company, 150 inches from 1865; 63 inches from 1871. Part of this is appropriation from date of 1902.

Ora Dell Canal company, 375 inches on riparian land, or land bordering on the stream; 245 inches of date 1870.

The Irrigation canal company, 150 inches of date 1856; 450 of date 1869, 400 inches of date 1883; 750 inches of date 1901. Total 1750 inches.

City of La Grande 30 inches (Appropriation right of 1892.)

La Grande Irrigation company, date of 1903, subject to all other rights.

NEGRO LOCKED IN SAFE

Black Fiend Locken in Safe to Keep Mob From Lynching Him.

Clarksburg, Dec. 28—Escorted by a company of militia William Furby, a negro, was brought to Moundsville penitentiary today. He was rescued from a mob by the militia. He spent a greater part of the night locked in the vault of the Wells Fargo Express company at the railway station at Weston to prevent lynching. He is accused of attacking Florence Agelina a white girl.

DEFENSE FOR AUSTRALIA.

English Government to Train 100,000 Boys in Military Art.

Melbourn, Australia, Dec. 28—Active preparations by the government for the establishment of defense forces on the soundest footing in a short time will be under way. It was announced today that the government is planning to train at least 100,000 boys between 14 and 20 in military art, probably beginning in July. The government will soon order an equipment and clothing necessary for this new department.

ATHENAMAN WILL SUPERVISE NEW ASYLUM

INSTITUTION WILL BE BUILT WEST OF PENDLETON.

State Gets Over 330 Acres for About \$100 Per Acre—Start Soon.

Salem, Dec. 28—Doctor J. D. Plamond of Athena, a relative of State Senator Barrett of Athena, has been appointed superintendent of the Eastern Oregon asylum which is to be built on the Oliver farm west of Pendleton. It is expected he will take full charge of affairs at once for there is much to be done in the way of arranging estimates and other details for the opening of the institution.

It was definitely decided last evening at Salem that the proposed institution should be built at Pendleton. The sum appropriated is sufficient to make a thoroughly equipped asylum. There are approximately 330 acres and it will cost the state just about \$100 an acre.

Telegraph Manager Ill.

Miss Leona Bean, manager of the Western Union is ill at her home.

HONDURAS CITY SURROUNDED BY REBELS

ATTACK WILL BE COMMENCED TODAY BY TWO THOUSAND.

American Adventurer in Command of Revolutionary Forces, it is Said.

Puerto Cortez, Honduras, Dec. 28—Two thousand rebel troops are gathered ready for the attack upon Tegucigalpa it is reported here today. Federal forces are reported to be ready for the attack upon Tegucigalpa for months, will start soon. Preparations to repel the attack on the city are being made and troops are being mobilized.

The rebel army has been drilling for several weeks near Cape Gracias. Lee Christmas, an American adventurer who played an important part in the revolutionary movement and has led the armies in Honduras and Nicaragua, will share the command of the revolutionists with former President Bonilla who started the trouble.

American Boat to Remain Near.

Washington, Dec. 28—The United States gunboat Yorktown arrived at Amapala, Honduras, today. She was sent to investigate conditions and to protect the interests in the event of a revolutionary outbreak.

A MINER KILLED.

Miner from Alaska Shot and Killed in Seattle This Morning.

Seattle, Dec. 28—Billy Marks, a miner, recently returned from Alaska, was shot and killed in a Front Avenue saloon this morning. Edward Groogli was arrested in connection with the affair. It is reported they quarreled in a saloon and were ejected by the bartender. Next moment a shot was fired.

BIG SMELTING PLANT WRECKED.

Five Killed by Explosion of Gases in Famous El Paso Smelter Today.

El Paso, Dec. 28—Eight persons were killed today by a gas explosion at the El Paso smelting works. The plant is the second largest in the world and located five miles from this city. It is owned by the American Smelting company.

PROSPERITY PREDICTED.

New York State Superintendent of Banks Say Outlook for 1911 Good.

New York, Dec. 28—Unusual prosperity is predicted for 1911 by O. H. Cheney, state superintendent of banks. His prediction is based on conditions of banking business of New York state. He is preparing report showing the condition of the state banks. He says when the banks are prosperous other business flourishes also.

TWO AVIATORS IN PARIS FLIGHT CRUSHED

WIFE OF ONE SEES HUSBAND SMASHED TERRIBLY.

Two Famous Frenchmen Meet Their Waterloo Near Paris Today.

Paris, Dec. 28—Marquis Marie Paulia and Alexander Laffon, chief pilot of the Antionette school of aviation, were crushed to death today under an aeroplane just after they had taken to the air for a speed flight from Paris to Brussels, trying for a \$20,000 prize offered for the fastest passenger flight over the course.

Wife of Victim Present.

The crushed bodies were viewed by hundreds in the morgue this afternoon soon after the news had spread that they had been killed in an aeroplane accident while trying to fly from Paris to Brussels. Laffon's body was horribly crushed. His wife, who witnessed the fall is prostrated. The machine overturned twice in falling 200 feet and struck on top of the passengers.

CHANGES IN CREAMERY OWNERS

H. S. and L. F. Massee Sell Interests in Blue Mountain Creamery.

A deal was consummated today which sells stock owned by H. S. Massee, president and manager and L. F. Massee in the Blue Mountain creamery of this city to C. A. Robinson of Red Wing, Minn. The sale will actually take place January first when the present manager resigns. Mr. Robinson is now in business at Red Wing but will move to La Grande next spring and assume the management. F. H. Green, secretary of the company and Mr. Robinson will then be practically sole owners. H. S. Massee plans on spending several months at Blanchardsville, Wis., before deciding definitely on his future course. L. F. Massee, who was formerly express agent here, has not definitely outlined where he will locate, but probably in Portland.

Millionaire Arrested.

San Francisco, Dec. 28—B. H. Bibb, a millionaire lumberman of San Francisco has been arrested as a fugitive from justice, according to Assistant District Attorney Cotton who so informed Judge Lawler today when the Bibbs case came up. Bibb is charged with having sold a piece of real estate twice. He failed to answer.

MANILA HARBOR IS ALIVE WITH EXPLOSIVES

JAPANESE SAID TO HAVE BEEN CAUGHT MINING THE HARBOR AND SPYING TOO.

EFFORT TO HUSH RUMOR

Military Circles Agog Over Discovery of Japanese Bombs and Deep Sea Mines in Manila Harbor to Destroy American Ships in Time of War—Japanese Spies have Working Knowledge of all Fortifications.

Manila, Dec. 28—An alleged discovery of a conspiracy among Japanese to place mines in Manila harbor and blow up American war ships in case of war between two countries is persistently rumored in military circles today. Although General Duvall has said that a search of Japanese homes for explosives was unsuccessful, it is reported that explosives were found and also maps showing Japanese spies had a thorough working knowledge of the harbor and fortifications and had planned carefully when and where to place the submarine bombs in the harbor. This is causing much excitement in military circles as it is reported Duvall threatened to court martial any officer who tells the alleged facts. The story leaked out from the civil authorities who aided in the search.

According to current report today, the papers were discovered to identify the Japanese secret agents in the Philippines. It is reported that acting on this information a number of arrests have been made secretly. The reports say the Japanese have been smuggling explosives into the city for months. It is understood a careful search of the principal Japanese colonies is being planned by army officers. It is believed military authorities are attempting to cover up Japanese activity in the island and at the same time weeding out spies.

Uncle Sam Denies Report.

Washington, Dec. 28—The war department officials denied that official advices concerning the discovery of the alleged plot of the Japanese to mine the Manila harbor. Many army officers however are of the opinion that the Japanese have been working secretly in the island since the war with Russia.

Seattle Pioneer Dying.

Seattle, Dec. 28—Mrs. A. A. Denny, one of the first white women to come to Puget Sound in 1851, is dying here at her home in this city. She has been ill several months. She is the widow of Arthur Denny, one of the founders of Seattle.

SUFFRAGETTE DIES.

Mrs. Clark, an English Suffragette Dies From Ill Treatment Received.

London, Dec. 28—As a result of alleged hardships she said she was forced to endure in prison where she was sent for participating in recent suffragette raids on parliament, Mrs. Clark, sister of Mrs. Parkhurst, a suffragette leader, died today at Brighton, her home. Previous to her death she told of how officers fed her coarse food and were cruel. She was given no comforts. When released her health was impaired and she became ill and her death followed.

Lorimer Case Revived.

Washington, Dec. 28—Senators interviewed today believe that the white washing of Lorimer in the recent bribery scandal is due to a fight in the senate. Many senators, among them Beveridge are reported to be spending their vacation and studying the testimony of the committee, preparatory to a clash.