SUBURBANITES SHUT OUT

ONE ALLEGED FATAL DEFECT IN LOCKWOOD'S PRIMARY BILL.

Part of Plaintiffs' Brief in the Test Case and an Editorial by Ed Bingham.

In the brief filed by plaintiffs' counsel in the case of Ladd et al. vs Holmes, County Clerk (the suit to test the validity of the Lockwood act, relating to primary elections), great stress is laid on the point that electors residing in Multnomah County, outside of the City of Portland, are practically without a vote in such primaries. On this point E. W. Bingham and Wallace McCamant, plaintiffs' counsel, say:

In the oral argument particular attention was called to the provision in section 24 of the Lockwood act (Stats. 1901, p. 327), which undertakes to provide some means of representation in the "convention" for those electors who happen to reside outside the limits of a city of 10,000 inhabitants, but within the county, for which the convention is chosen and acts.

For the sake of reasoning this point, it may be conceded that a local law regulating elections may be constitutionally enacted. But, if so, the locality must embrace a governmental, political, section of the state. This Lockwood bill contemplates county government. The convention to be elected and given exclusive authority to speak for the several political parties, in the matter of nominating candidates for the county offices, is, under the act, chosen upon one common plan within the city limits, and no means or machinery, or legislative regulation is provided, whereby the inhabitants of the county, residing just outside the city of 10,000, are to have their electoral rights recognized, or safeguarded.

For illustration, an elector may be one of the heaviest taxpayers—a prominent individual in the city, but under subdivision 17 of article 2 of the constitution, because his family resides outside of the city limits, he is obliged to vote in a rural or suburban election precinct. Now, under this Lockwood bill and section 24 thereof, what facilities are provided for him? None whatever, if the "political party or association" to which he belongs does not make any provision for him. If the Legislature has made any provision for him, it has delegated to unknown persons such duty. The "political party or association" is not obliged by the act to do anything. It is under the act optional with the "political party or association" whether or not to afford the suburban elector any representation in the "convention," and if afforded same, how, and how much?

The constitution, article 2, section 1, declares all elections shall be free and equal.

This convention and its nominations concern the county, not merely the city, and yet this Lockwood bill or act works the grossest inequality between certain electors of the county, by drawing a line of distinction between those electors whose families happen to reside within the boudaries of a city and those who reside outside the city, but within the same county. Such legislative distinctions must be held in contravention of said article 2, section 1, of the constitution. If the state may be subdivided into departments, in the matter of election laws, still the Legislature must not subdivide those political divisions of the state, like counties, and produce an inequality among the electors of that political subdivision. In other words, even if local legislation on the subject can be permitted, the legislation regulating the election of candidates for county offices must be equal, and equnlly affect every elector within the county. This Lockwood act signally fails in this respect. It leaves the suburban elector without any legal representation or remedy.

In the oral argument particular attention was called to another point, which was that this legislation, this so-called Lockwood act (Stats. 1901, p. 317) is and must be considered as any other act of the Legislature regulating elections.

The Legislature is but the servant of the people. The people have but two modes of expression; one is by rifles and bullets, like the South African Boers, and the other is by their ballots, as in Oregon. Any legislation affecting this latter sovereign power of the people must be considered as "regulating elections." It will not do to permit the servants of the people, the Legislature, to tie the hands of the people in this sovereign matter of elections. Nominations are a necessary part and parcel of elections. Politicians have naturally seized upon the machinery of making nominations because they saw, instinctively, there was their opportunity for finesse and "logrolling" and political traffic.

Counsel for plaintiffs are in hearty accord on the legal questions submitted on this demurrer. We are agreed in the opinion that the act under consideration is invalid and unconstitutional on all of the grounds discussed in the argument. We are, however, not agreed on the political question of what primary legislation is wise. On this latter question, and as bearing on the legal questions discussed, one of the counsel for plaintiffs submits the following in conclusion:

The people are sick and tired with the convention system of nominations. They come back to the homely advice of old Ben Franklin, and realize that if they want their business attended to they must go to the polls and help nominate candidates, and not merely elect men to office. They must take the trouble to go to the primaries and nominate the most suitable man for each office. In other words, direct primaries have become a necessity in the course of our development as a Republic and a Nation. The convention system is played out. It has utterly lost the public confidence. Legislation which tries to perpetuate its iniquities, and in contravention of the constitution, must be squelched. That is the duty of the courts and patriotic Judges. The people must be left politically free in a republic, or else they will rebel. If the Legislature, the very servant of the people, can hinder, hamper and tie the hands of the people, as in this Lockwood bill, it may go farther next session and ultimately raise a revolution of anarchy.

It will not do to allow a political faction, or idealists, to frame election laws, under pretense of regulating, which hamper and hinder electors and play into the hands of politicians.

The people by their constitution have made it the duty of the Legislature to safeguard elections, but that only.

YEAR BOOK FOR 1901-2.

Portland Women's Club Programme for Coming Season.

The year book of the Portland Women's Club for 1901-2, sixth season, is just out, and is one of the most tasteful that has yet been issued. It is slightly different in style of makeup from those that have preceded it, in that the programme occupies less space relatively than heretofore. Otherwise there are no material changes.

The constitution and by-laws, as revised and adopted June 28, 1901, are given in full. The only important change in these is one that has been already referred to, viz: that the club may now discuss at its meetings all subjects, religion, politics and temperance having been barred out up to the present time.

Following is next year's programme, now made public for the first time:

Nineteenth century topics — Second and fourth Fridays of each month, 2:30 o'clock P. M.

October 11—Officers' day.

October 25—"American Poetry"; Mrs. Levi Young, chairman.

November 8—"Russia"; Mrs. Hannah Fried Baruh, chairman.

November 22—Browning department; Mrs. Alma A. Rogers, chairman.

December 13—German department; Frau Mundt, chairman.

December 27—Biographical lecture; Mrs. Edward Bingham, chairman.

January 10—Musicale; Mrs. William Knight, chairman.

January 24—Pottery department; Mrs. Rose H. Hoyt, chairman.

February 14—Home department; Dr. Mae H. Cardwell, chairman.

February 28—"Progress of Woman"; Mrs. M. L. T. Hidden, chairman.

March 14—Goethe's "Faust"; Mrs. Julia Marquam, chairman.

March 28—Calendar committee.

April 11—"Historical April"; Mrs. Sarah A. Evans, chairman.

April 25—"Oregon History"; Mrs. Robert A. Miller, chairman.

May 9—"History of Surgery"; Dr. Esther Pohl, chairman.

May 23—Indian day; Mrs. E. F. Riley, chairman.

June 13—Annual election.

June 27—Installation of officers.

The calendar committee that has prepared this programmme comprises Mrs. Grace Watt Ross, Mrs. Hannah Fried Baruh, Mrs. Charles Parker, Mrs. Seneca Smith, Mrs. H. Glafke, Jr.

New Heads of Departments.

A new and very important department has been added to the list of the club departments, that of Oregon history, which is to be in charge of Mrs. Robert A. Miller, of Oregon City, and will meet in this city at some place to be designated later on the first and third Tuesdays of each month, at 2 P. M. The German department is, in the future, to meet every Monday at 3:30 P. M. Parliamentary law is to have Mrs. M. L. T. Hidden for a leader this year, in place of Mrs. Ross; it will meet on the second and fourth Mondays at 2 P. M. The time of meeting for the class in ancient and modern pottery is changed to 3:30 P. M., instead of 2 o'clock. The Browning department will meet on the first and third Saturdays at 2 o'clock, members leading by turns. The philanthropic department has a new leader in Mrs. Peter H. Ward, and will meet on the First Tuesday of each month at 2 o'clock. The musical work of the club is still down under the leadership of Mrs. Fletcher Linn, notwithstanding her present absence abroad. The other departments are unchanged.

The year book is in the club colors of green and white. Members may receive copies by calling at 522 Chamber of Commerce.

THREE DWELLINGS BURNED

Mt. Tabor District Suffers Through Inefficient Fire Protection.

Fire destroyed the dwellings of F. H. V. Andrews and F. J. Perkins, on Scott avenue, Tabor Heights, yesterday morning. At 3 o'clock the fire broke out in the Perkins house, and it quickly spread to Mr. Andrews' residence. Mrs. Perkins was alone in the house at the time with her children, and it was through an accident she was aroused. The fire had spread all through the upper portion of the house when the falling of plaster on the stove in the kitchen awoke the family. They barely had time to escape with their clothes. The handsome two-story dwelling occupied by F. H. V. Andrews ignited in spite of the efforts of the neighbors to save it. When it was seen that the building was doomed the neighbors saved most of the furniture. The residence of P. H. Hanson was also threatened, but was saved by a determined effort. Part of the furniture in the Perkins house was saved. Fortunately there was no more wind at the time, for had there been several more dwellings would have been burned. The Andrews house was a two-story dwelling owned by Mr. Cling, and cost about $2500. The dwelling of Mr. Perkins was a story and a half and cost about $1500. The total loss by the fire is estimated at $4000, which is partly covered by insurance. Andrews' furniture was insured for $600. The fire is supposed to have been caused by a defective flue in the Perkins residence. Mrs. Perkins had been up late the night before and had a fire in the kitchen stove. There were no ladders, no hose and the water supply was insufficient. The neighbors worked effectively, but under great disadvantages. Mr. Andrews wishes to thank them for their aid.

A five-room cottage, in Orchard Addition, Mount Tabor, occupied by J. Jameson, was burned a few days ago. The loss was $500.

Annexation Sentiment Growing.

W. A. Laidlaw, a resident of Mount Tabor, gives it as his opinion that the sentiment in favor of annexation is growing. He said that he is strongly favorable to coming inside the city as soon as it can be done. Those opposed to annexation, he said, own the larger tracts and are fearful that they will be taxed for sewers and other things, forgetting that these improvements are optional with the people and cannot be forced on them without their consent. W. M. Owens says that at a recent entertainment it was necessary to have a Deputy Sheriff present to restrain the youngsters, who had made a practice of disturbing public gatherings. Mr. Owens thinks that annexation is necessary to secure ample water for fire and domestic use, and police authority. The question is likely to be well exploited at Mount Tabor now that the burning of four dwellings recently brings home to the residents the matter of fire protection. The loss from fire at Mount Tabor the past two weeks amounts to nearly $10,000.

Death of Mrs. Katharine Mason.

Mrs. Katharine Mason, of Woodlawn, died at St. Vincent's Hospital at 5 o'clock yesterday morning after a hemorrhage from multiple ulceration of the stomach. A husband and three children survive her. Deceased was born November 27, 1859, at San Francisco. She had always lived on the Pacific Coast. She was married to John K. Mason in Astoria in 1882. Astoria and Portland have been the family home. Mrs. Mason had a large acquaintance along the Columbia River, having taught in the public schools at several points. She was active in lodge circles, being a member of Utopia Ladge, No. 62, Order of Rebekahs.

The funeral will take place at 10 o'clock Wednesday morning from Finley, Kimball & Co.'s undertaking parlors, and interment will be at the Lone Fir cemetery.

Tremont Mail.

Arrangements have been made by which residents of Tremont, east of Woodstock, can get their mail from the Woodstock postoffice through the aid of Mrs. Rupauch. The latter has the store in Tremont. Mail goes to the Woodstock postoffice first, where it is stamped. This arrangement has been made on account of the recent burning of the Tremont postoffice, depriving that district of mail facilities. Postmaster Higgins has not yet settled whether he will rebuild or not.

East Side Notes.

Jack Nendall, conductor on the Portland City & Oregon Railway, met with a serious accident while coupling two cars. His left arm was broken in two places, the elbow was crushed and his shoulder-blade injured. He lives at Milwaukie.

One of the new cars of the Portland City & Oregon Railway has been put in operation. It is a handsome car and provided with powerful motors and capable of making a high rate of speed. It has power enough to haul several trailers. The other five new cars are being put in shape at the Milwaukie shops.

The repair department has fixed up East Stark street roadway between East Water and East Twelfth streets. Most of the distance is covered by elevated roadway and badly worn. This dry weather makes the planks very brittle and they constantly give way. East Stark is now in as good condition as is possible under the circumstances.

Wise Bros., dentists, both phones; the Failing.

DISCORD IN THE FAMILY.

Mrs. Stump Has Her Husband and His Companion Arrested.

J. H. Stump and Annie Wright were arrested early this morning in a Front-street hotel by Policeman Jamison and were locked up on a serious charge. The complaint was made by Mrs. C. Stump, wife of J. H. Stump, who is a bartender.

TRY GRAIN-O! TRY GRAIN-O!

Ask your Grocer today to show you a package of GRAIN-O, the new food drink that takes the place of coffee. The children may drink it without injury as well as the adult. All who try it, like it. GRAIN-O has that rich seal brown of Mocha or Java, but it is made from pure grains, and the most delicate stomach receives it without distress. ¼ the price of coffee. 15c and 25c per package. Sold by all grocers.

Warm weather weakens, but Hood's Sarsaparilla strengthens, regardless of the season. Try it.

FRAUD IS ALLEGED

(Continued from First Page.)

Watts. The former had been stenographer in the law office of Thayer & St. Rayner in Portland, and the latter had been a law student in the same office. Miss Parker did work as a public stenographer in addition to that for the law firm. She is still a public stenographer in the Chamber of Commerce building, and Watts now has a law office, also in that building. Miss Parker was one of the 100 applicants, as also was Mr. Watts. She withdrew her application before time to prove arrived. Watts is still hanging fire.

Story of the Details.

Miss Parker testified that September 19, 1899, W. W. Thayer received a telegram from Claude Thayer, his son, at Tillamook, Or., saying that a crowd of people would be in on the evening train, and to look after them. Governor Thayer turned that telegram over to Miss Parker, saying, "I shall not remain down town till that hour; you remain and look after them if you choose," or words to that effect. Witness continued:

I met said train, and Mr. Clark Hadley, with about 36 persons in his charge, arrived on said train. Thomas Coates, a member of said party, and a few of his immediate friends, went with me to said office, where he announced to me that he was in possession of data for the filing of about 36 to 40 timber claims; that he had been instructed by Claude Thayer, Clark Hadley and Morris Leach to bring said data to me and instruct me to prepare non-mineral timber papers upon the blanks formerly ordered from the United States Land Office in Oregon City for that purpose. I made inquiry as to how and why that should be done, and he then related to me that a short time before, during a game of billiards between Claude Thayer and another in Clark Hadley's saloon, in Tillamook, for the sum of 50 cents, Hadley and Leach suggested that if they were going to gamble they should gamble for a goodly sum. Said Thayer then told Hadley and Leach that if they wanted to gamble to put up $25c each in a blind pool and he would put up the same amount, and at the end of three days he would announce to them what it should be. At the expiration of the three days he told them they were to secure persons to file on timber lands, they (Thayer, Hadley and Leach) to pay all expenses. They were to sell the lands so filed upon by said persons, give the applicant one-half the profits and divide the other half between themselves equally. The settler was to be at no expense whatever. Upon said instructions I prepared the papers.

Later another crowd followed, and I again prepared papers upon direction of Claude Thayer personally by letter.

On or about the 12th day of October Claude Thayer came to said office and told me personally identically the same circumstances related to me by Thomas Coates as to the game played in Clark Hadley's billard hall and the amount of money put in said pool; that he had instructed the said Coates to bring said data to me; that he fully appreciated the work I had done and the manner in which it had been hurried through, saving them three days' hotel bill for at least 30 people; that the boys, meaning said Hadley and Leach, were delighted with the scheme; that there was the making of a goodly little fortune for them, and they would pay me well.

On October 15, W. W. Thayer died, and the said Claude Thayer occupied said W. W. Thayer's private room in said office until about the middle of January, 1900, during all of which time I was employed by him. During this time he stated to me that he had a few little settlers of his own ahead of the big pool with Hadley and Leach.

When Coates was called to testify he flatly contradicted Miss Parker, denying absolutely that he had told her the story about the billiard hall circumstance or anything of similar purport, or that anything of that kind ever occurred. Claude Thayer was not asked to testify on that point.

J. F. Watts testified about assisting Miss Parker in making out the papers for Claude Thayer, Hadley and Leach, to his service in getting maps showing the location of the land entered, payment of hotel bills with money sent him by Thayer, and to a great number of details as to Thayer's efforts to dispose of the land in question, etc.

The ground taken by the defense in the case was that there was no use to deny allegations made as to transactions subsequent to the date when the entries were made, that the entryman then swore that he was taking the land for his own use and benefit and without any agreement or contract in any manner or with any persons whomsoever by which any other person than himself would profit from the entry, and that after that the entryman might legally borrow money upon his claim or agree to sell it and such action would not in any wise invalidate his final proof and title.

Some Interesting Exhibits.

A number of interesting exhibits were introduced and filed in the case and are now a part of the record. Among these is a warranty deed duly executed and acknowledged by Egbert D. Severance, one of the contestees, in which the consideration and the name of the grantee was blank. This was dated Dec. 29, 1899. Another exhibit is the receipt from C. and E. Thayer to F. and S. R. Severance for deed for $1800 for timber claims, "to be left with us in escrow 60 days." This bore date December 28, 1899. There is a proposal of Claude Thayer to a Mr. Bradley (said to be of the Bridal Veil Lumber Company) in which "practically 14,000 acres" of timber land, averaging 5,000,000 feet to the quarter section, was offered for $1000 per 160 acres. A description of the facilities for reaching the San Francisco market is given with this, and the ease with which the timber may be gotten to log-driving streams is set forth. It closes with the statement that "it is quite probable, although this is not guaranteed, that additional land adjoining the Wilson and the Trask Rivers can be sucured, amounting to probably 10,000 acres or more." This was dated at Portland, October 25, 1899, about a month after the entries were made at the United States Land Office at Oregon City. All these exhibits were offered by the contestant, of course, as were also two letters purporting to have been written by Claude Thayer. On the part of the contestees three letters written by J. F. Watts were presented, one of which is trivial. The letters are here given in chronological order.

That Watts was not averse to participating in the work of taking timber land is shown by the following letter:

Portland, Or., Sept. 29, 1899.—C. Thayer, Esq., Tillamook—Dear Sir: While in Oregon City today, helping look after the interests of a number of Tillamook residents, I found there was 160 acres, E. ½ of W. ½, Sec. 29, Tp. 2 N., R. 6 W., which was not taken up, and which some other parties were after, so I filed upon it myself. I know nothing about timber claims myself, as I am asking your advice and if you wish it I will prove on it and hold it subject to your order.

Next time there is a crowd coming down here if you can send me their names and the description beforehand, I can have all their papers made out so as there will be no delay in the matter. Kindly let me hear from you.

Yours truly,
J. F. WATTS.

It may properly here be noted that the oath taken by the entryman who applies for timber land contains this matter:

I have personally examined said land, and from my personal knowledge state that said land is unfit for cultivation, and valuable chiefly for its timber; that it is uninhabited; that it contains no mining or other improvements, nor, as I verily believe, any valuable deposit of gold, silver, cinnabar, copper, or coal; that I have made no other application under said acts; that I do not apply to purchase the land above described on speculation, but in good faith to appropriate it to my own exclusive use and benefit, and that I have not, directly or indirectly, made any agreement or contract, or in any way or manner, with any person or persons whomsoever, by which the title I may acquire from the Government of the United States may inure in whole or in part to the benefit of any person except myself.

In the following letter from Thayer to Watts the "Governor" referred to was ex-Governor W. W. Thayer, father of the writer of the letter:

Tillamook, Or., Oct. 5, 1899.—Mr. J. F. Watt, Portland—Dear Sir: Yours 29 at hand. So you "fell by the wayside" and committed—told a naughty one, in fact, did you? Don't let the Governor find it out. He is in arms. He has been dunned for $4.13. He wants to know (like Captain Dodge in a fog) "where in hell we are, anyhow?" Have the Governor explain to the dunnor that he (the Governor) is not proper dunnee; that this debt was incurred by an iniquitous combine of Claude Thayer, George Cohn, Morris Leach and Clarke Hadley, united together to steal timber land, encourage perjury among honest young Portland lawyers, etc.

I will get around and pay you some money. In regard to your claim, I will try to ascertain how you fared in the lottery in the way of getting a good claim and then will advise with you further. Please keep in touch with Oatman. He had a buyer in view. If his buyer turns up telegraph me, please, at once. As the wire is alive with busybodies you had better use a telegram saying Oatman can do nothing.

We are liable to handle the thing here any minute now, and Oatman don't want to be slow himself. He should use the wire with his man if he locates him. Yours very truly,

CLAUDE THAYER.

The "Morris, Clarke & George" to whom the following letter from Claude Thayer was addressed were represented in the evidence to be Morris Leach, Clark Hadley and George Cohen:

Portland, Or., Nov. 18, 1899. — Morris, Clarke & George: I think I have the land sold at $6 25. I knocked the everlasting spots out of a thousand dollars trying it. It is not too certain. I encounter common men and brokers and hogs and one thing and another on every corner.

Now, I don't need any cruiser estimates from W. S. Cone, and after paying out what we will have to we won't have a margin to pay him for the regular estimates. Don't make any mistake about this. If we make the sale we can pay him as high as a thousand dollars for a general statement such as I inclose for him to sign. Of course, make it as much less as possible. I will try to throw the whole crusing into his hands, out of which he would make a considerable sum of money.

Look out that no one tampers with your people. It is very easy for any one to say, "Why, I have a man coming from Rhinelander (or any old place) who will give $8 an acre." But it isn't easy to say, as I can, "I have got $50,000 to back you up." Some of our people would get excited like sheep and when they got here to prove up would get left.

The N. P. R. R. Co. wants these lands, and if one of the boys didn't have the money to prove up the script would get that land before next morning and no power on earth could help it. A St. Paul man has paid $5,000,000 for the Northern Pacific lands and he could run in a man there who would fool the people right up to the last moment, or who would get statements from them to use in a contest. Don't, for God's sake, let anything happen at that end now.

All the trend in the East was for Southern pine lands and it was the hardest thing I had to buck against. I have been "up against" the big fellow, but can't say that I was "skeerd."

Stumpage is worth $8 there, eh?

CLAUDE THAYER.

A mistake was evidently made in the year of the following letter, 1899 having been written for 1900. It pertained to certain letters relating to the contest of the Northern Pacific Railway Company that was then in progress:

Portland, Or., Jan. 20, 1899. — Dear Claude: Hays and I have just had an interview with Moreland in reference to those letters which you received copies of and which Hays has been working on in the hope of recovering them. He has had several interviews with Miner, who as a matter of fact is a friend or employe of the real possessor of the letters. He has found out from Miner that this man proposes to use them to sustain a contest which he intends to file against all the lands selected by Tillamook people. The basis of the contest will be that the filings were fraudulent and were made in the interest of third parties. Now Miner tells Hays he is willing to turn over all papers that this man holds for the sum of $300; in other words, he is willing to steal them and give them to us for that amount. But his opportunity to get them is liable to vanish at any time, and if we get them we must act quickly, as the man may make a change of base any time, which will make it impossible for Miner to get them. All this is merely a reiteration of our conversation with Mr. Moreland, and as a result he advised me to write you immediately and have you instruct him by wire (being careful of the wording of your message) just what you wish done with the matter. Mr. Moreland says it would not be policy to arrest Miner, as in the first place he might not have the letters in his possession; secondly, "it would not pay to arrest a man with burglars' tools in his possession when our name is inscribed on the tools." Mr. Moreland says the only point to consider is the recovery of the letters. Who got them or how they were obtained is of minor importance. The question to be considered is, do you consider it necessary to get them? Moreland says it is. I have lots more to write you, but I want to catch this mail. Kate is all cooled down now. I feel half sorry for her. I think she is all bluff. I taxed her about the letters, but she denied all knowledge of them. I will write again tomorrow. We are all well.

Yours, in haste,
J. F. WATTS.

On this letter, in a different hand, is the following:

Oak: Just received this letter. You had better see Moreland yourself and also talk with Carey. You must remember that Hays is probably right in with Parker and that it is not unlikely that Hays is "Miner." Carey is the safest man to advise with. CLAUDE.

The "Oak" to whom this indorsement was addressed is Oakum Nolan, cashier in the bank of C. & E. Thayer, at Tillamook. The "Kate" referred to in the letter of Watts is Miss Parker, the stenographer, who was originally one of the entrymen, but subsequently withdrew and became a witness for the contestant. "Carey" is Charles E. Carey, the well-known Portland attorney.

Not a Collusive Contest.

Charles E. Hays, the contestant in these cases, says the impression that has gone abroad that his contest is really in the interest of Thayer and his friends, against whom the allegations are made, is erroneous. He avers that his action is in good faith to defeat a fraudulent transaction, and not for the purpose of tying up the land so that no money need be paid on it until a satisfactory sale shall have been made. Confirmatory of this he points to the fact that Thayer has already paid over $3000 on the claims entered by the 14 whose case has been heard, and that his own success in that case would mean the loss of that money to Thayer or the entrymen. He admits, however, that his contest against the 14 is weaker than that against the 73, which has not yet been heard. Hays makes the following statement:

"On Tuesday morning, July 23, the attorney for Claude Thayer told me in his office in Oregon City that I could not win the case in any event; that I could not get a hearing in the 73 cases now before the Land Office unless Mr. Thayer wanted me to have it, to operate as a stay of proceedings and effect the delay that Thayer might desire. He said if this was under Harrison's or Cleveland's Administration I would stand some show, but under the present Administration, no. He also asserted that an appeal to the Secretary of the Interior would avail me nothing; that they could reach the Secretary also."

Register Moores, of the Oregon City Land Office, yesterday called attention to the fact that mere suspicion, or even unfavorable circumstances, could not justify the land office officials in declaring illegal any action supported by positive and direct affidavits. Applicants make direct and specific oaths that they have complied with the law, and evidence to overturn those sworn statements must be equally direct and specific. It is quite different to have a well-formed suspicion of fraud than to have tangible evidence of it. Something stronger than merely general circumstantial evidence is required. Another thing, all timber land notices are published for 10 consecutive weeks, with names of witnesses, in the paper nearest the land, and if the application be not genuine or lawful there is plenty of opportunity for objection that shall be specific and effective. In the absence of such objection land officials cannot be blamed for accepting proofs as made in good faith.

Contest Yet to Be Heard.

The entrymen and the tracts entered that are involved in the contest filed at Oregon City July 8, which have not yet been set for hearing, are as follows:

Augusta McLean, S. E. ¼, Sec. 24, Tp. 2 N., R. 7 W.

William R. Illingworth, S. W. ¼, Sec. 26, Tp. 2 N., R. 7 W.

Carl Peterson, S. ½ of N. E. ¼, N. W. ¼ of N. E. ¼, and N. E. ¼ of S. E. ¼, Sec. 4, Tp. 2 N., R. 7 W.

Clark E. Hadley, S. ½ or S. ½, Sec. 11, Tp. 2 N., R. 7 W.

Eureka H. Quick, lots 3 and 4, and E. ½ of S. W. ¼, Sec. 18, Tp. 2 N., R. 6 E.

Margaret E. Nolan, lots 3 and 4, and E. ½ of S. W. ¼, Sec. 19, Tp. 2 N., R. 6 W.

Ashley G. West, S. E. ¼, Sec. 9, Tp. 2 N., R. 6 W.

Shelley M. Bailey, N. W. ¼, Sec. 25, Tp. 2 N., R. 7 W.

Cora Himes, N. W. ¼, Sec. 12, Tp. 2 N., R. 7 W.

Rosilla M. Sanders, E. ½ of N. W. ¼, Sec. 31, Tp. 2 N., R. 6 W.

John H. Hathaway, S. W. ¼, Sec. 9, Tp. 2 N., R. 6 W.

Nellie Allen, S. E. ¼, Sec. 1, Tp 2 N., R 7 W.

Blanche Newman, Lots 3 and 4, and W. ½ of S. E. ¼, Sec. 10, Tp. 2 N., R. 6 W.

George R. Himes, S. W. ¼, Sec. 13, Tp. 2 N., R. 7 W.

Lavina B. Coates, N. ½ of N. ½, Sec. 14, Tp. 2 N., R. 7 W.

M. D. Reading, N. E. ¼, Sec. 13, Tp. 2 N., R. 7 W.

Oliver J. Groce, N. E. ¼ of S. E. ¼, and S. E. ¼ of N. E. ¼, Sec. 31, Tp. 2 N., R. 6 W.

Oliver J. Groce, S. ½ of N. W. ¼, Sec. 32, Tp. 2 N., R. 6 W.

William H. Hamilton, N. ½ of N. ½, Sec. 11, Tp. 2 N., R. 7 W.

Oak Nolan, S. W. ¼, Sec. 5, Tp. 2 N., R. 6 W.

Maydelle Kiger, N. W. ¼, Sec. 24, Tp. 2 N., R. 7 W.

Charles A. Bailey, N. W. ¼ of S. E. ¼ and N. ½ of S. E. ¼, Sec. 4, Tp. 2 N., R. 7 W.

Charles A. Bailey, N. E. ¼ of S. E. ¼, Sec. 5, Tp. 2 N., R. 7 W.

D. C. Bowers, W. ½ of S. E. ¼ and E. ½ of S. W. ¼, Sec. 15, Tp. 2 N., R. 7 W.

Ovilla Bowers, S. E. ¼, Sec. 13, Tp. 2 N., R. 7 W.

Maurice Leach, S. ½ of N. ½, Sec. 11, Tp. 2 N., R. 7 W.

W. J. Stevens, N. ½ of S. ½, Sec. 11, Tp. 2 N., R. 7 W.

Eugene Jenkins, W. ½ of N. E. ¼ and N. ½ of N. W. ¼, Sec. 21, Tp. 2 N., R. 7 W.

Mary Johnson, N. W. ¼, Sec. 1, Tp. 2 N., R. 7 W.

John P. Allen, lots 1 and 2, and S ½ of N. E. ¼, Sec. 1, Tp. 2 N., R. 7 W.

William Barker, N. E. ¼, Sec. 12, Tp. 2 N., R. 7 W.

Robert Sturgeon, N. E. ¼, Sec. 24, Tp. 2 N., R. 7 W.

Millie A. Coles, N. ½ of S. E. ¼ and N. ½ of S. W. ¼, Sec. 14, Tp. 2 N., R. 7 W.

John J. Purcell, N. ½ of S. ½, Sec. 2, Tp. 2 N., R. 7 W.

Catherine C. Witherell, S. ½ of S. E. ¼, Sec. 14, Tp. 2 N., R. 7 W.

Catherine C. Witherell, N. ½ of N. E. ¼, Sec. 23, Tp. 2 N., R. 7 W.

George W. Kiger, W. ½ of W. ½, Sec. 11, Tp. 2 N., R. 6 W.

Frank E. Fitzpatrick, S. E. ¼, Sec. 19, Tp. 2 N., R. 6 W.

Caleb M. Martin, S. E. ¼, Sec. 8, Tp. 2 N., R. 6 W.

Thomas P. Wise, S. E. ¼, Sec. 18, Tp. 2 N., R. 6 W.

Maggie A. Groce, S. E. ¼, Sec. 7, Tp. 2 N., R. 6 W.

Fred C. Baker, lot 1, N. W. ¼ of N. E. ¼, and N. ½ of N. W. ¼, Sec 15, Tp. 2 N., R. 6 W.

Mary J. Martin, N. E. ¼, Sec. 7, Tp. 2 N., R. 6 W.

Oliver A. Quick, lots 1 and 2, and E. ½ of N. W. ¼, Sec. 18, Tp. 2 N., R. 6 W.

William F. Easom, N. E. ¼, Sec. 30, Tp. 2 N., R. 6 W.

Sarah A. Bailey, S. W. ¼, Sec. 12, Tp. 2 N., R. 7 W.

Edith Tuttle, lots 1 and 2, and S. ½ of N. E. ¼, Sec. 3, Tp. 2 N., R. 7 W.

Erick Erickson, E. ½ of S. W. ¼, Sec. 23, Tp. 2 N., R. 7 W.

Erick Erickson, E. ½ of N. W. ¼, Sec. 26, Tp. 2 N., R. 7 W.

Charles B. Handley, N. ½ of N. W. ¼ and S. E. ¼ of N. E. ¼, Sec. 3, Tp. 2 N., R. 7 W.

Charles B. Handley, N. E. ¼ of N. E. ¼, Sec. 4, Tp. 2 N., R. 7 W.

William E. Martin, S. E. ¼, Sec. 24, Tp. 2 N., R. 7 W.

John E. Embum, N. E. ¼ of N. W. ¼, Sec. 30, Tp. 2 N., R. 7 W.

John E. Embum, lots 3 and 4, and E. ¼ of S. W. ¼, Sec. 19, Tp. 2 N., R. 7 W.

Isaac Simler, N. W. ¼, Sec. 4, Tp. 2 N., R. 2 W.

Winford Johnson, N. W. ¼, Sec. 18, Tp 2 N., R. 6 W.

Thomas Lyster, S. W. ¼ of N. E. ¼, and W. ½ of S. E. ¼, Sec. 23, Tp. 2 N., R. 7 W.

Thomas Lyster, N. W. ¼ of N. E. ¼, Sec. 21, Tp. 2 N., R. 7 W.

John F. Watts, E. ½ of W. ½, Sec. 29, Tp. 2 N., R. 6 W.

Jens F. Larsen, N. E. ¼, Sec. 19, Tp. 2 N., R. 6 W.

Catherine L. Brown, N. W. ¼, Sec. 17, Tp. 2 N., R. 6 W.

William O'Hara, lots 1 and 2 and E. ½ of N. W. ¼, Sec. 3, Tp. 2 N., R. 6 W.

Ernest C. Groce, lots 3 and 4 and E. ½ of N. W. ¼, Sec. 19, Tp. 2 N., R. 6 W.

John A. Brant, W. ½ of S. E. ¼, Sec. 19, Tp. 2 N., R. 7 W.

John A. Brant, W. ½ of N. E. ¼, Sec. 30, Tp. 2 N., R. 7 W.

Robert M. Watson, S. ½ of S. ½, Sec. 2, Tp. 2 N., R. 7 W.

Bertha B. Martin, S. W. ¼, Sec. 24, Tp. 2 N., R. 7 W.

Annie Tone, S. ½ of N. ½, Sec. 2, Tp. 2 N., R. 7 W.

Maud Sturgeon, E. ½ of W. ½, Sec. 11, Tp. 2 N., R. 6 W.

Arthur Sanders, S. E. ¼, Sec. 30, Tp. 2 N., R. 6 W.

Mrs. H. Larsen, S. W. ¼, Sec. 10, Tp. 2 N., R. 6 W.

Charles H. Himes, S. W. ¼, Sec. 17, Tp. 2 N., R. 6 W.

Delphina Whalen, S. W. ¼, Sec. 25, Tp. 2 N., R. 7 W.

Sarah J. Himes, N. W. ¼, Sec. 13, Tp. 2 N., R. 7 W.

George Johnson, N. ½ of N. ½, Sec. 2, Tp. 2 N., R. 7 W.

Sollie Smith, N. E. ¼, Sec. 25, Tp. 2 N., R. 7 W.

Henry Crenshaw, E. ½ of W. ½, Sec. 20, Tp. 2 N., R. 6 W.

Frank Skomp, lots 2 and 3, S. E. ¼ of N. W. ¼, N. E. ¼ of S. W. ¼, and N. W. ¼ of S. E. ¼, Sec. 7, Tp. 2 N., R. 7 W.

William J. Himes, S. W. ¼, Sec. 1, Tp. 2 N., R. 7 W.

Thomas Coates, S. ½ of N. ½, Sec. 14, Tp. 2 N., R. 7 W.

Alma Barker, S. E. ¼, Sec. 12, Tp. 2 N., R. 7 W.

James W. Hunt, S. E. ¼, Sec. 6, Tp. 2 N., R. 6 W.

George H. Handley, Lots 1 and 2, and W. ½ of N. E. ¼, Sec. 10, Tp. 2 N., R. 6 W.

PERSONAL MENTION.

Professor F. A. McLouth, of Corvallis, is at the Imperial.

State Senator C. W. Fulton, of Astoria, is at the Imperial.

Mrs. W. H. Games and daughter, Dagmar Obright, are at Long Beach.

Dr. George Anderson, of Sacramento, is in the city and expects to begin practice here.

Fish Commissioner H. G. Van Dusen, of Astoria, registered at the Imperial yesterday.

Miss Francis Graham, one of Albany's "hello" girls, is visiting her sister, Mrs. Mark Brownson, of this city.

Miss Cecilia Haines, who has been visiting her aunt, Mrs. Burchard, for the past two months, has left for her home at Salem.

Mrs. A. G. Coombs and her children, and Miss Lillie Hepp, postmistress at Lorin Station, Cal., returned home via Portland after a month's visit to their parents, Mr. and Mrs. Jacob Hepp, Palestine.

H. B. Litt left last evening for New York to be gone till about September 25. He goes by way of Seattle, where he will probably institute proceedings against transportation companies to recover $10,000 damages for delay in transmitting goods to his establishment in Nome.

Johnny Parkhill, the Mexican War veteran, about whom Mr. Rennicks was inquiring a few days ago, is in the Soldiers' Home, at Roseburg, well cared for, as The Oregonian is informed by one who knows him well. He is now quite an old man, and probably not strong enough to go hunting for copper mines in the Cascades.

NEW YORK, Aug. 5.—Dr. Robert J. Pilkington, of Portland, who has been in New York for the past six months, in charge of the Willard Parker Hospital of this city, called at The Oregonian office today. He will return to Portland next week, having gained many honors since he took charge of Gotham's hospital.

NEW YORK, Aug. 5.—Northwestern people registered at the New York hotels today as follows:

From Portland—H. H. Fagon, at the Hoffman.

From Whatcom—R. Muir, at the Continental.

From Everett—C. T. Skinner, at the Albert.

From Tacoma—E. E. Bernhart, at the Astor.

From Spokane—E. Crosby, at the Hoffman; Mrs. A. Melconder, at the Rosamore; H. H. Hebert, at the Imperial; F. Bieber, at the Albert.

From Seattle—W. L. Reynolds, at the Herald Square; E. P. Shorrock, at the Astor.

ON THREE CHARGES.

Fred Love Had a Busy Day in the Municipal Court.

Fred Love, one of the proprietors of the Turf Saloon, was before Municipal Judge Cameron yesterday, charged with assaulting Policemen Bolger and Crate last Saturday morning at Fourth and Stark streets, when they were called to protect Mrs. Margaret Dalton, who had sent a messenger boy for police help. Bolger testified that Love called him a vile name, refused to go to the police station, and struck him. Witness was obli