



## CHOICE FALLS ON WOLVERTON

### He Is Appointed Federal Judge.

## SELECTION OF ROOSEVELT

### Fulton Says Prompt Confirmation Is Assured.

## HENEY HASTENED ACTION

### Wanted Way Cleared for Land-Fraud Trials—Governor Chamberlain Applauds Choice—Halley for Supreme Bench.

**CHARLES EDWARD WOLVERTON.**  
Born Des Moines County, Iowa, May 16, 1851.  
Settled near Monmouth with father, John Wolverton, 1853.  
Graduated Christian College, Monmouth, 1872.  
Graduated law department, Kentucky University, Lexington, 1874.  
Admitted to Oregon bar, 1876.  
Began practice, Albany, 1874.  
Delegate to National Republican Convention at Minneapolis, 1892.  
Elected Oregon Supreme Court, 1894.  
Re-elected Supreme Court, 1900.  
Appointed United States District Judge, to succeed C. B. Bellinger, November 12, 1905.

OREGONIAN NEWS BUREAU, Washington, Nov. 21.—Judge Charles E. Wolverton, of Albany, now sitting on the Oregon Supreme bench, was today appointed United States District Judge for Oregon to fill the vacancy caused by the death of Judge Bellinger and the subsequent resignation of W. W. Cotton, to whom the office was tendered. Judge Wolverton's commission, after being signed by the President and Attorney-General, was forwarded to him today, and it is presumed that he will, upon its receipt, promptly take the oath and enter upon his new duties at Portland. His appointment, coming at this time, will require reappointment when Congress convenes, and his nomination will be sent to the Senate the first week of the session, but this will not interfere with his duties. He will be confirmed.

### He Is Roosevelt's Choice.

Judge Wolverton owes his appointment very largely to President Roosevelt. While he was strongly endorsed by Circuit Judge Gilbert and by prominent members of the Oregon bar, and while he was on Senator Fulton's list, and was highly regarded by Attorney-General Moody, his endorsements were no stronger than those of several other candidates. As has been stated before in these dispatches, Mr. Moody recognized merit in several candidates, but his choice was Judge Bean, of Salem. Mr. Fulton, while he named both Wolverton and Bean on the list which was submitted to the President after Judge Cotton declined, preferred and strongly urged the appointment of Judge McBride.

### Candidates Evenly Matched.

Before making his selection, the President gave his close personal attention to this matter, determined to choose the best man available. He went deeply into the record of each candidate and examined each one's endorsements. He also had several conferences with the Attorney-General and Assistant Attorney-General Robb, and finally conferred with Mr. Fulton. This morning the President informed Mr. Fulton of his decision, saying he found it difficult to make a choice, as the candidates were very evenly matched, but he was convinced that Judge Wolverton's appointment would be most desirable, and he determined to name him. The President had no other objection to offer to Judge McBride other than his age, which, apparently, counted against him with the Attorney-General as well. Why the President preferred Wolverton to Bean is not known. The Attorney-General says either would have made an excellent judge; in his opinion, one is about as well equipped as the other.

Mr. Fulton said today that, when Judge Wolverton's nomination comes before the Senate, it will be confirmed. He further expressed the opinion that Wolverton will make an excellent judge and will fill his new position with credit to himself and to the state.

### He Is Induced Action.

The appointment of Wolverton was hastened by a request recently made by District Attorney Henev. Mr. Henev will return to Portland very soon, and is anxious to resume and conclude the land trials. He found that no other district judge was available for service at Portland at this time, it being impossible for Judge Hunt or Judge De Haven to leave his court in the immediate future. On this suggestion the Attorney-General took the matter up with the President, who then hastened the appointment. While Mr. Henev urged the early appointment of a judge, he declared a few days ago that he had not intended anyone for that office, nor had he taken any hand whatever in the selection. All he wanted was to have a judge appointed so that the trials might be resumed. Judge Wolverton's appointment today makes this possible, for he will be able to qualify before Mr. Henev can reach Portland.

## SELECTION OF WOLVERTON

### President Acts Independently in Choosing Successor to Bellinger.

In choosing Wolverton for Federal Judge, President Roosevelt showed the same independence as in choosing C. J. Reed United States Marshal. Both appointments were made against the influence of the Fulton-Carey-Matthews organization in Oregon, though the fight against Wolverton was not of the militant kind as that against Reed. Senator Fulton included Judge Wolverton in his list of recommendations, but did so only diplomatically, for his real pull was in favor of Thomas A. McBride and R. S. Bean, one and then the other, according as the scales shifted.

Senator Fulton, soon after Judge Bellinger's death, announced himself for Bean, though he said that his real preference was for McBride, whom he did not deem it expedient to boost at that time for reasons which cropped out to the disadvantage of that candidate when his appointment was urged later. At that time Senator Fulton forwarded to the President a list of men, each of whom he said would fill the position with credit. In addition to the two just mentioned were W. W. Cotton, of Portland, named for the O. R. & N.; Charles E. Wolverton; L. R. Webster, of Portland, County Judge of Multnomah; Stephen A. Lowell, of Pendleton; and John L. Rand, of Baker City.

When W. W. Cotton gathered strong support, it included that of Senator Fulton, and when it was announced that Cotton would be the judge, a sigh of relief went up from all sides, owing to the tension that the delayed selection made in political circles. At once the politics of state were prepared to adjust itself to the new arrangement, just as yesterday, after the appointment of Wolverton was announced, for the fortunes of candidates for various state offices, especially for Governor and United States Senator, are directly and indirectly affected.

Then came the startling news that Mr. Cotton had declined the appointment before it had been actually conferred on him. The news came from New York, where Mr. Cotton said that time had gone, to confer, it was said, with the Harriman railroad men about the matter. Various reasons for this decision of Mr. Cotton were given. By some persons it was said that the Harriman people had persuaded him that his best interests lay with their railroads; by others that his intimate connection with railroad interests, when examined by the President, caused the Chief Executive to change his mind and to have the fact tipped off to Mr. Cotton so that the latter might decline. Be this as it may, the scramble was reopened by Mr. Cotton's withdrawal and political tension was relaxed, as before it seemed he would be the appointee.

Judge Bean became then the foremost candidate, yet all the while it was evident that Senator Fulton personally preferred McBride. At this stage, Judge Wolverton was not an active candidate. He endorsed the candidacy of Judge Bean, as did also the other Supreme Justices, Frank A. Moore. A steady stream of recommendations for Bean poured its way to Washington through mails and telegraph wires. Once it seemed that Bean would surely be the lucky man, indeed, dispatches were received from Washington, based on good authority, announcing that the President would probably name him and that Attorney-General Moody was chief of his supporters.

A lull in the fight followed, the appointment was not made, the boom of Bean seemed to diminish and that of McBride grew larger. Senator Fulton made known that he was putting for McBride and the odds appeared greater for McBride's side into the position. Again the news dispatches from Washington announced the probable appointee, this time McBride.

Influences were working again for Bean. His friends in Lane County, where his home is, were pressing Senator Fulton. When the Senator made his trip to East, whence he was called back to testify in the land-fraud trial of Willard N. Jones, he was understood to be exerting himself in behalf of Bean. In the meantime, the Wolverton boom had grown to big proportions. Judge McBride and Judge Bean were fought by the opponents of the Fulton-Carey-Matthews element, who alleged that the selection of either man would mean undue recognition of that political camp. United States Attorney Francis J. Henev was one of the men who threw his weight against both McBride and Bean, and his presence at the National capital in the last few days is believed to have had some connection with the appointment made yesterday. Another strong pull in Wolverton's behalf was exerted by Judge W. R. Gilbert, senior, of the United States Circuit Court of Appeals for this district.

Other candidates appeared in the course of the fight, among them Henry E. McClinn, of Portland; M. C. George and A. F. Sears, Judges of the Circuit Court; E. B. Watson, of Portland, ex-Justice of the Oregon Supreme Court; Ralph W. Wilbur and G. G. Gammons, of Portland.

Judge Wolverton was in the city yesterday in attendance at the session of the State Bar Association, and received many congratulations. He said that he greatly appreciated the honor, especially since he had not waged a campaign for it. Members of the bar swarmed thickly around him at the Imperial Hotel, where he and Mrs. Wolverton were staying, offering tokens of their good will.

## MEETS UNIVERSAL APPROVAL

### Democrats Join With Republicans. Governor Gives High Praise.

SALEM, Or., Nov. 21.—(Special)—The appointment of Justice Wolverton to succeed the late Judge Bellinger on the Federal bench has met universal approval in Salem. Governor Chamberlain and Banker A. Bush, the two leading Democrats of the state, give the appointment their unqualified endorsement. Among Republicans there is no hesitation in commending the President's choice. It is here considered certain that T. G. Halley, of Pendleton, will be Wolverton's successor on the State Supreme bench.

On learning of the appointment, Governor Chamberlain said: "The choice is an excellent one. Justice Wolverton is thoroughly capable and is a man of the strictest integrity. I have been intimately acquainted with him since 1874, when we

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## DRAWING LINES ON RATE BILL

### Senate Committee Meets to Consider Great Issue of Session.

## REPUBLICANS ARE DIVIDED

### Majority Opposes President's Policy and Democrats Leave Them to Fight It Out—May Offer Minority Report.

## WASHINGTON, Nov. 21.—(Special)—

The first formal steps toward the beginning of the great battle that, it is believed, will be fought this winter between the Senate and the President, were taken this afternoon, when the Senate committee on interstate commerce assembled, with nine out of 13 members present, to consider the subject of railroad rate regulation. This was in accordance with the direction of the Senate at the last session, and was in furtherance of aims of the committee, when, in the early summer, it heard several hundred witnesses for and against the bill proposed by the President to give the Interstate Commerce Commission the power to fix a rate, where a disputed rate had been found unreasonable.

Those present were Elkins, chairman; Cullom, Foraker, Millard, Dolliver and Kean, Republicans; and Tillman, Foster (La.) and Newlands, Democrats. The session was behind closed doors.

### Division Among Republicans.

Of the six members attending the conference, it developed that Senators Elkins, Aldrich, Kean and Foraker were nearly in accord on one side, and Senators Cullom and Dolliver were on the other. No propositions were advanced, but the four Senators in the first group mentioned indicated their desire for harmonious action and not too radical legislation. Senators Cullom and Dolliver insisted that the only way to have harmonious Repub-

lican action was for all the Republicans to get in line with the President and support his recommendations. The other Senators suggested that the proposition of the President had not been crystallized sufficiently to determine just what he wanted.

After the conference adjourned, some members of the committee expressed the opinion that a bill should be agreed on, but the opinion was also expressed that the majority of the full committee would report a bill in line with the recommendations of the President.

An effort will be made to keep the Republicans together. They will take up the consideration of bills at once. A compromise measure is expected.

### How Members Line Up.

A leading member states upon the committee as follows: Against railroad regulation—Aldrich, Elkins, Kean, Foraker and Foster. For regulation—Cullom, Dolliver, Clapp, Newlands and Carmack.

Uncertain—Tillman, McLaurin and Millard.

Of the latter, Tillman is classed as bitterly opposed to the President, and Millard is said to be very friendly to the railroad interests.

It is the intention of the Democratic members to stand aside for the present and let the disagreeing Republicans fight it out. If a satisfactory bill is decided upon, they will not prepare a minority report.

### Bill Offered by Commission.

The committee will meet tomorrow, at which time a bill prepared by the Interstate Commerce Commission will be considered. It contains these salient points:

Empowering the commission to fix a maximum rate where a rate has been complained of and found to be unreasonable.

Giving the commission the right and power to fix a maximum and minimum rate, where there is unreasonable discrimination between competitive points under section 3 of the present law.

Granting the commission the power to examine the books of railroad companies. Making the refrigeration of private cars a part of the freight-rate charge.

## AFTERMATH OF FAILURE

### Devlin's Bankrupt Partner Takes Poison and Will Die.

LEAVENWORTH, Kan., Nov. 21.—W. E. Thomas, who was associated with C. J. Devlin, the coal-mine operator and one of the principal stockholders in the defunct First National Bank of Topeka, Kan., took carbolic acid in the bathroom of his home in this city tonight at 5 o'clock. His condition is very critical and he is not expected to survive the night.

Mr. Thomas had been in ill-health since the failure of the Topeka bank and of the Devlin interests, as he was heavily involved, his liabilities being about \$48,000 and his assets about \$25,000.

## EVIL INFLUENCE AGAINST OREGON

### Hitchcock's Advisers Block Northwest Irrigation Projects.

## THEY STIR UP DISSENSION

### Hostility Causes Secretary's Advisers to Prevent the Adoption of Perfectly Feasible Projects in Oregon.

## OREGONIAN NEWS BUREAU, Wash-

ington, Nov. 21.—Unless there is an immediate change in the method of apportioning money out of the reclamation fund for the construction of irrigation works, President Roosevelt or Congress will be compelled to step in and make a change similar to the change that was made in the management of the Panama Canal work.

During the first two or three years the reclamation law was in force its terms were carried out in a manner which gave general satisfaction. There was some dissatisfaction because large sums were immediately set aside for work in Nevada, Arizona, Wyoming and a few other States and Territories which had contributed very little to the fund, but when it was shown that the Government was disinterestedly building in other states, this dissatisfaction died out.

But the reclamation law has been in force three years and a half; during that time engineers of the Reclamation Service have been developing projects in states which were not recognized at the start, and the service is anxious to give each state a fair show. In fact, the reclamation engineers have developed one or more feasible projects in almost every state in the West where work is not now in progress, but beyond that they cannot go until these projects are approved. Their approval rests entirely with the Secretary of the Interior, and it is in his office that much projected work is held up.

### Worthy Projects Tied Up.

As is well known, the Reclamation

Service has developed several projects in Oregon and in Washington; it has another feasible project in Utah, but it cannot build any of them, because the Secretary will not authorize their construction, nor set aside money for their construction. And until he does, the Reclamation Service is powerless to act; its hands are tied. The Reclamation Service, as shown by its recommendations, is anxious to build those projects which it has mapped out and planned, but its recommendations are being regularly set aside, and work has come to a standstill, and on projects which were under way during the past summer.

The responsibility for this delay rests on the shoulders of the Secretary of the Interior. It is not altogether proper to hold him entirely responsible, yet the projects which have been submitted lack only his signature to make them operative. The trouble which led to the hold-up did not start with the Secretary; it started with men who are his advisers on matters of this nature. These men have assumed authority which did not belong to them; they have made grievous blunders in allotting money out of the reclamation fund; they have discriminated in favor of some states and against others, and they have persuaded the Secretary to sign orders and instructions which they prepared, without due knowledge of the facts and conditions.

In other words, Mr. Hitchcock has placed confidence in men whom he should not trust, and these men have led him into doing things which will not stand close scrutiny.

### Bad Advisers Block Progress.

The National reclamation law created the Reclamation Service to plan and construct National irrigation projects, but it gave the Secretary of the Interior authority to say what projects shall be built, and the further power of allotting the money. If the Secretary and the Reclamation Service had worked together in harmony, without outside interference, progress would have been satisfactory to all parties concerned. But the manner in which this reclamation work is controlled savors of red tape and bureaucracy to a marked degree; the Secretary, instead of dealing directly with the Reclamation Service, has several go-betweens, subordinates in his own office; these men are all hostile towards and jealous of the Reclamation Service, and, enjoying the confidence of the Secretary, they have aroused in his mind a suspicion that the Reclamation Service is incompetent, if not crooked. The result is that, instead of working in harmony, the Secretary and Reclamation Service are working at cross purposes; what the one recommends, the other disapproves. The

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**Platt's Campaign Funds.**  
Aside from the disclosures made by Nichols on the witness stand, the feature of the day was the appearance of United States Senator Thomas C. Platt, who did not hesitate to tell of the contributions of insurance companies to state campaigns. The Equitable, the Mutual and the New York Life were the only insurance companies that made such contributions. The Equitable contributed regularly \$10,000 to state campaigns; the Mutual Life the same sum frequently, and the New York Life a sum not as large, and occasionally. These moneys were always delivered in cash to Mr. Platt's office by messenger and he turned them over to the state committee. The Senator said he was expected to influence the Legislature when any legislation appeared that was hostile to the insurance companies. Mr. Platt said he believed he had asked President R. A. McCurdy of the Mutual Life for a contribution when the needs were very great. He had, however, never been asked to use his influence on any measure before the Legislature, nor had he ever done so. He knew nothing about contributions to the National campaign.

Gage E. Tarbell, the second vice-president of the Equitable, was also a witness again today. His testimony Friday was interrupted by the adjournment, and today he continued his explanation of the agency system of which he had charge, and the manner of arriving at the commissions.

One part of his testimony caused much amusement to the committee as well as to the spectators when he described a fight with the New York Life over the taking of agents. In this statement Mr. Tarbell told how he had won over a general agent and 200 subagents of the New York Life in this city without the cost to the Equitable of so much as 1¢. The only inducement offered was that the agents could make more on a commission basis than on the salary of the New York Life. Mr. Tarbell detailed this deal with the agents, the various steps, and said that he closed the deal on a Sunday. He thought it was a good job, and it was done on a good day.

**Paid Manning to Keep Quiet.**  
Mr. Nichols said that Manning, who had been an actuary, was employed by certain people to bring charges against the Equitable, that the reserve was not so large as it ought to be. Manning was paid \$400. Mr. Nichols said, so that he would be favorable to his company.

Witness later said that this was not to keep Manning from being employed against the company. He thought the payments had been made for over a period of 15 years. Sometimes the payments reached \$600. Other payments were made to a man named Kerr, a correspondent of a New York paper, now dead.

The vouchers signed by Mr. Nichols were produced. A payment of \$6000, June 1, 1888, witness could not remember, but he said he thought it was to enable him to pay somebody else.

Vouchers dated October, 1888, for \$2714, and July 1, 1890, for \$6000, witness was also unable to explain.

Manning, according to Mr. Hughes, claimed that he had information of the investigation of 1877, which, if published, would seriously effect the Equitable Society. Mr. Hughes asked Mr. Nichols if that was not the reason this money was paid to Manning; witness said he had no recollection of this point.

Witness said "Manning wanted to fol-

## PLATT PINNED DOWN TO FACTS

### Aged Senator Has Fried Fat Out.

## GOT INSURANCE DONATIONS

### Admits Companies Expected Him to Defend Them.

## "MIGHT HAVE INFLUENCE"

### Manning Bought Off From Attacks on Companies—Tarbell Tells Secrets of Commissions, Rebates, Twisting.

NEW YORK, Nov. 21.—The identity of Senator Dppew's "cantankerous friend from up the river" was disclosed in the session of the state legislative investigation committee today by the testimony of John A. Nichols, a lawyer under retainer by the Equitable Life Assurance Society. Mr. Nichols had written Senator Depew a letter referring to an individual in the above terms, and this letter was read at the session of the committee Friday when Mr. Depew was on the stand. The Senator was unable to recall who was meant by the "cantankerous friend," but today Mr. Nichols disclosed a series of payments to W. S. Manning, a former actuary, who had been connected with the investigation of insurance companies in 1877.

Mr. Hughes inquired as to a report that Manning had been in possession of information that was suppressed during this investigation and that would have been detrimental to the Equitable. Mr. Nichols could not recall the suppression of information, but he detailed the payment of sums of money over a considerable period to Manning as an inducement to give up his business as actuary, in which capacity he believed Manning was a menace to the Equitable Company.

### Platt's Campaign Funds.

Aside from the disclosures made by Nichols on the witness stand, the feature of the day was the appearance of United States Senator Thomas C. Platt, who did not hesitate to tell of the contributions of insurance companies to state campaigns. The Equitable, the Mutual and the New York Life were the only insurance companies that made such contributions. The Equitable contributed regularly \$10,000 to state campaigns; the Mutual Life the same sum frequently, and the New York Life a sum not as large, and occasionally. These moneys were always delivered in cash to Mr. Platt's office by messenger and he turned them over to the state committee. The Senator said he was expected to influence the Legislature when any legislation appeared that was hostile to the insurance companies. Mr. Platt said he believed he had asked President R. A. McCurdy of the Mutual Life for a contribution when the needs were very great. He had, however, never been asked to use his influence on any measure before the Legislature, nor had he ever done so. He knew nothing about contributions to the National campaign.

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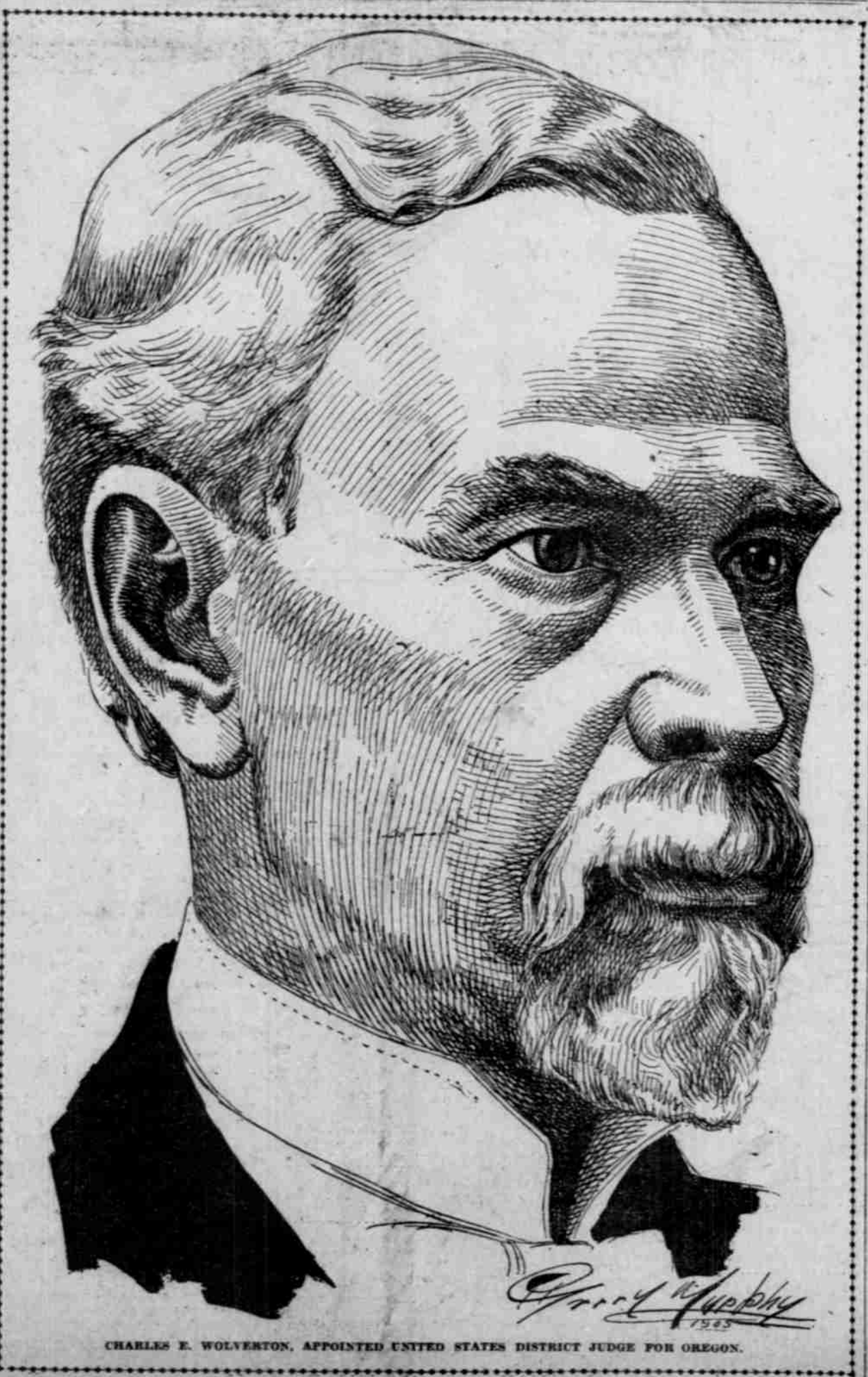
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CHARLES E. WOLVERTON, APPOINTED UNITED STATES DISTRICT JUDGE FOR OREGON.