

SEARCHLIGHT ON UMATILLA FRAUDS

Federal Grand Jury Investigating 25,000-Acre Grab in Eastern Oregon.

PROMINENT MEN INVOLVED

Legislation Shaped to Aid Scheme, and Beneficiary of Sale Said to Have Had Advance Information—Judge's Instructions.

DEVELOPMENTS IN LAND-FRAUD PROSECUTIONS.

Federal grand jury selected to investigate frauds in Umatilla County by which prominent citizens are said unlawfully to have acquired about 25,000 acres of unallotted Indian lands.

United States Attorney McCourt files equity suits to annul patents to 9280 acres of valuable timber land in Linn County, obtained fraudulently by C. A. Smith, millionaire timberman of Minneapolis, Minn.

B. D. Townsend, special assistant to Attorney-General Bonaparte, arrived from Washington this week on the suit to restore to the Government about 10,000,000 acres of land included in the Oregon and California land grant.

Tracy C. Becker, special assistant to Attorney-General Bonaparte, returns from Los Angeles and next Tuesday will resume the prosecution of the pending Oregon land-fraud trials. First case, that against J. H. Booth, ex-Register of the Roseburg Land Office, under indictment charging him with bribery.

A Federal grand jury of 23 members was selected in the United States Court yesterday and immediately began the consideration of evidence connected with land frauds alleged to have been perpetrated in Umatilla County, United States District Attorney McCourt, assisted by his deputy, Walter H. Evans, has charge of the jury and is personally presenting the evidence of the alleged frauds. Subpenas have been issued for 118 witnesses, consisting principally of residents of Umatilla County, and it is expected that fully 10 days will be required properly to present all of the evidence before the members of the jury.

The alleged frauds consist of the unlawful acquisition of about 25,000 acres of unallotted lands that originally comprised a part of the Umatilla Indian reservation. The lands involved are located in townships 23 to 26, inclusive, south, of ranges 1 and 2 east. It is reported the evidence that will be presented to the jury will implicate several prominent citizens of Umatilla County, including J. H. Bailey, W. J. Farnish, William Shuster, T. T. Thompson, E. P. Marshall and Frank Curl. If the legislation by Congress, by which the seizure of these lands was expedited, is allowed to figure in the case, it is rumored that Senator Fulton may be connected with the alleged frauds in that he is reported to have assisted in the enactment of different measures in Congress for the furtherance of the scheme.

Original Terms for Sale of Land.

The pending investigation is the outgrowth of the disposition of about 25,000 acres of unallotted Umatilla Indian lands. In 1885 Congress passed an act providing for the sale at public auction of these lands, with the provision that they should be disposed of in not greater lots than 160 acres to each applicant, consisting equally of timbered and non-timbered land; that the settler was to agree that the title to the land should not inure to any other person than the applicant, that the land should be cultivated and improved, and that the applicant should be allowed to pay for the same by depositing one-third of the purchase price, paying another equal installment in two years, and the remaining one-third within five years.

Under this plan for disposing of the lands, only a small acreage was sold, and in 1902 the law was amended so as to provide for the sale of the remainder of the lands at private sale, this legislation being secured through the efforts of Senator Mitchell and Representative Williamson. But this amendment did not eliminate the regulations requiring residence and cultivation of the land, neither did it increase the amount any one purchaser could acquire, nor did it change the terms of sale.

Congress Eliminates Restrictions.

In March, 1906, however, a further amendment was passed eliminating from the law all requirements as to residence on the land and its cultivation, and providing that patents issue when it had been shown that the land was more valuable for grazing than for timber or agricultural purposes. This amendment was followed in June, 1906, by still another modification of the law by which all restrictions relating to the disposition of the land were removed and providing that patents should issue when it appeared to the satisfaction of the Secretary of the Interior that the lands were valuable chiefly for grazing. It is in connection with the last two amendments that Senator Fulton is said to be connected with the case, he having brought about their favorable consideration in Congress, after having visited the lands in question. At the time of this visit, however, it is said that Senator Fulton was deceived by the designing land-grabbers in that he was shown only such portions of the area as really were better suited for grazing than for timber and agricultural purposes. It was on this representation that he afterwards supported the amendments.

Advance Information to Raley.

It is also understood that the Government officials are in possession of a telegram that was sent by Binger Hermann from Washington, to J. H. Raley at Pendleton, in 1906, appraising Raley of the time when the unsold portions of the Indian lands would be thrown open to settlement without reservation as to acreage, residence or settlement. With this advance information it is alleged Raley was enabled to make prior filings at the

KOCHER-CHRISTENSON WEDDING CELEBRATED AT BELL CENTER, WASH.



Alfred Kocher. Amelia Christenson.

Saturday evening, May 23, at Bell Center, near Washougal, Wash., Alfred Kocher and Miss Amelia Christenson were married by Rev. Mr. Snyder at the home of the groom's father, Nicholas Kocher, a well-known pioneer farmer of that locality. The bride is the oldest daughter of Mr. and Mrs. Nels Christenson, of Stafford, Or. About 50 guests were present, many of whom were from Portland, and the festivities were the most elaborate ever given in that section. The guests were numerous and very beautiful. The guests were: Nicholas Kocher, G. N. Kocher, Mr. and Mrs. Nels Christenson, Louisa Christenson, Irene Kocher, Fred Kocher, Mr. and Mrs. C. M. Zadow, Mr. and Mrs. Harry E. Strauss, Mr. and Mrs. E. S. Ferguson, Mr. and Mrs. W. Lindsay Hay, Bertha L. Castello, Mrs. L. G. Glosier, Frank Glosier, Frank S. Rogers, Lena Pohl, Gussie Pohl, Albert Pohl, Mr. and Mrs. Fred B. Stewart, Mr. and Mrs. George Broslin, Frank L. Jones, Phil Busick, Mr. and Mrs. Fitzgerald, Nellie Fitzgerald, L. C. Grogan, John Wexley, Minnie Gross, Guy Gross, Mrs. Jenny, Thomas Jenny, L. W. Nagle, W. E. Nagle, S. M. Aldrich, Mrs. Aldrich, Mrs. Strasburg, N. W. Strong, James D. Strong and many others.

La Grande Land Office on the great bulk of the land to the exclusion of bona fide settlers.

After the grand jury had been drawn and sworn yesterday, Foreman Pugh taking an individual oath as foreman, Judge Wolverton delivered exhaustive instructions to that body as to its duties. He admonished the jurors, that their deliberations should take place with the greatest secrecy and that they should at no time discuss publicly any phase of any case they might be investigating. The instructions were substantially the same as those delivered to the other grand juries that have investigated the land-frauds of the state, consisting of a detailed interpretation of the United States laws.

McCourt Selects Grand Jury.

The examination of the jurors touching on their qualifications to sit as members of the grand jury was conducted with expedition by District Attorney McCourt. Only a few questions were asked of each. Each juror was questioned first as to his citizenship and residence, if he was a taxpayer and whether he had served either as a grand or petit juror in the Federal Court during the last two years. An amusing incident took place when Judge Wolverton was receiving excuses from the different gentlemen who sought for various reasons to avoid jury service. Among the large number was John E. Coffey, of Portland.

"I have two or three reasons for asking to be excused," said Mr. Coffey, addressing the Court. "In the first place, it is impossible for me to be away from my business. Secondly, I am connected with a fraternal society which would interfere with my service as a juror, and—

"You are a candidate for a political office, are you not?" interrupted Judge Wolverton.

"Yes, your honor, I am a candidate for State Senator," admitted the prospective juror.

"Well, that is enough in itself to excuse you. You are excused," solemnly replied Judge Wolverton, while the spectators smiled audibly.

"There really was nothing in the Court's remarks to warrant laughter, since candidates for political office are exempt from jury service in the United States Court. The grand jury is composed of the following:

J. W. Pugh (foreman), Sheehy, Linn County; C. H. Southern, Bond, Wasco County; John J. Rowley, Dayton, Yamhill County; Ira B. Sturgis, Baker City, Baker County; Jesse Seaver, Junction City, Lane County; H. G. Nicholas, Medford, Jackson County; Guy Kelser, Portland.

J. W. Lytle, Island City, Union County; S. M. Kelly, Roseburg, Douglas County; M. O. Zeigler, Queens, Lane County; W. H. Grabenhorst, Salem, Marion County; H. S. Furman, Eugene, Lane County; N. Eastbrook, Portland.

William M. Daniels, Portland; W. A. Aicore, Linton, Multnomah County; Frank Campo, Harlow, Clackamas County; G. W. Egan, Dulcan, Douglas County; William P. Gilkey, Dayton, Yamhill County; William Cornelius, Walton, Lane County; B. C. Holt, Harrisburg, Linn County; John M. Britton, Clatsop County; L. Q. Bower, Silverton, Marion County; Nathan Harwood, Eugene, Lane County.

SUIT AGAINST TIMBER RING

Government Seeks to Cancel Patents to Land Obtained by Fraud.

United States Attorney McCourt, for the Government, yesterday filed equity suits in the Federal Court against C. A. Smith, millionaire timberman of Minneapolis, Minn.; Frederick A. Krbe, Smith's financial agent in this city, and others, to cancel the patents to about 9280 acres of valuable timber lands in this state that are alleged to have been acquired illegally by Smith and his confederates. The lands involved in the suits are located largely in Linn County, and are said to be worth over \$1,000,000. The statute of limitations for a criminal prosecution of these land looters, which is three years, having run against the defendants, they cannot be prosecuted individually on a charge of conspiracy to defraud the Government of its lands. But the Federal statutes allow the Government six years in which to bring suit to cancel patents to all lands unlawfully and fraudulently obtained. Patents to these lands were issued during the year 1902, beginning June 4 and continuing until late in the year, so that the suits filed yesterday have been brought just in time if the Government is to have these lands restored.

Mr. Smith, Frederick A. Krbe and Charles J. Swenson are the three principal defendants named in the suits that have been filed. It is alleged that they were the men who profited from the illegal transactions, having originally acquired title to the lands from perjured settlers they induced to file on the different tracts. O. J. Mealey, Will Mealey, John A. Thompson and S. A. D. Pute, are among the other defendants named. It is alleged that these men were in the employ of Smith as solicitors and induced men and women for a monetary consideration to file on claims with the understanding and agreement that as soon as they received their patents the lands were to be deeded to Smith, who

SUIT TO BE FILED WITHIN FEW DAYS

Tracy C. Becker Arrives to Begin Prosecution of the Oregon & California.

LAND-FRAUD CASES JUNE 2

Arranging Evidence for Trial of J. H. Booth—Honey to Come Later in Summer to Prosecute Hermann and Williamson.

The bill of complaint in the suit of the Government against the Oregon & California (Southern Pacific) Company to restore to the public domain nearly 3,000,000 acres of valuable land now held by that corporation, will be filed in the United States Court in this city in a few days. Tracy C. Becker, special assistant to the United States Attorney-General, yesterday said that B. D. Townsend, ex-California Attorney General for South Dakota, who will be associated with Mr. Becker in the prosecution of this important suit, would reach Portland some time in the week from Washington. Immediately following Mr. Townsend's arrival, bills in equity, which have already been prepared, will be filed and suits instituted to restore to the Government these lands, that they may be open to proper settlement and improvement by settlers, as was originally contemplated in the grant to the railroad corporation.

Arranging the Evidence.

Mr. Becker has begun to arrange the great volume of evidence in the untried land-fraud cases, which he says will be taken up Tuesday, June 2, to start the trials have been deferred. The first case to be tried will be that in which J. H. Booth, ex-Register of the Roseburg Land Office, is charged with bribery in connection with the unlawful acquisition of public lands in the southern part of the state. Mr. Becker yesterday said he conferred with Francis J. Heney in San Francisco last Saturday, and that it is the intention of the graft prosecutor to come to Portland later in the summer to conduct the trials of J. N. Williamson and Binger Hermann, for their alleged complicity in the extensive land steals in this state.

Immediately following the trial of John H. Hall in February, Mr. Becker went to Los Angeles as the special representative of the Attorney-General to appear at the trial of J. N. Williamson and Binger Hermann, for their alleged complicity in the extensive land steals in this state. The argument of an application for the removal to Oregon for trial of the officers of the Pacific Furniture & Lumber Company, on an indictment charging them with unlawfully acquiring about 18,000 acres of valuable timber land near Port Orford, in Coos County. Dismissing the case, the Attorney-General placed Mr. Becker returned yesterday, he said:

"The Government sought to cause the removal of this state for trial of David M. Goodwin, president of the company; Lee R. Myers, sales agent for the company; William E. Gould, attorney for the company; Warren Gillen and Robert W. Kenney, president and cashier, respectively, of the bank with which the defendant company transacted its business. These men were charged with having conspired with R. D. Jones, general manager, and W. H. Smith, secretary of the company, and others, to defraud the United States out of title to several thousand acres of land in Coos County. The application was tried on a hearing before William M. Van Dyke, United States Commissioner, who on May 1 rendered a decision holding that there was sufficient evidence to hold for trial the defendants Myers and Goodwin, but that there was not sufficient evidence against Gillen and Kenney, on the grounds that they had shown by evidence produced that they were not implicated in the fraud committed by the other defendants.

Goodwin Still in Hospital.

"Myers furnished bail, awaiting further proceedings, while Goodwin is still confined in a hospital with heart trouble. After having taken the testimony of Goodwin's physician, further proceedings in this case were suspended until he recovers sufficiently to be informed of the fact that he has been held for trial and to permit him to consult with his counsel and determine whether or not he will return to Oregon without further contesting.

Habitual Constipation

May be permanently overcome by proper personal efforts with the assistance of the one truly beneficial laxative remedy, Syrup of Figs and Elixir of Senna which enables one to form regular habits daily so that assistance to nature may be gradually dispensed with when no longer needed as the best of remedies, when required, are to assist nature and not to supplant the natural functions, which must depend ultimately upon proper nourishment, proper efforts, and right living generally. To get its beneficial effects, always buy the genuine Syrup of Figs and Elixir of Senna manufactured by the CALIFORNIA FIG SYRUP CO. ONLY SOLD BY ALL LEADING DRUGGISTS one size only, regular price 50¢ per Bottle

EXPRESS RATES TOO HIGH

Continued from First Page.

up to Biggs. The rate to Arlington is \$2, while for the same distance in Texas it is 50 cents and in Missouri \$1.05. In Oregon, Wells-Fargo carries merchandise the same distance for \$1.10, or about half the rate charged by the Pacific Express Company.

EXPENSES IN OREGON HEAVY

Portland Manager of Express Companies Makes Comparison. When shown the above dispatch last night, Harvey Beckwith, general manager in Portland for both the Wells Fargo and Pacific Express Companies, made the following statement: "I do not care to discuss this matter thoroughly at the present time, but it seems to me that the population of Missouri, Oregon and Texas should be compared. For instance, in Missouri one of our express messengers will take out on a single trip probably several times as much merchandise as all one of our men here in Oregon, and yet our expenses for the Oregon journey are just as much as are the expenses in Missouri. I think that some allowances should be made for increases in sparsely-settled sections of the country in our line of business, just as they are made in other lines. When we are notified by the Railroad Commission we will take the matter up with it."

Mad Cashier of Weston Bank.

WESTON, Or., May 25.—(Special.)—Ira M. Kemp was elected yesterday as cashier of the Farmers Bank of Weston, succeeding B. B. Hall, resigned. Kemp is a banking man of experience, having formerly been connected for many years with the First National of Athens. Mr. Hall will locate at Spokane.

Say Concern is Bankrupt.

Macdonald Potts, John H. Davies and P. E. Sullivan yesterday petitioned Federal Judge Wolverton to adjudge the Blue Diamond Pressed Boxes Company of Sellwood, a bankrupt. The petitioners hold claims aggregating \$500 of the total alleged indebtedness of the company amounting to \$1000.

SALE OF CARPET REMNANTS ENDING TODAY. Pieces in lengths of from 6 yards to 25 yards—short ends gathered from our stock of floor coverings—these in every instance being in desirable patterns and colorings—many of which are in the season's most popular effects. The above and intermediate quantities are suitable for small rugs and for hall and stair coverings. The following prices do not include sewing, laying and lining: 6-yd. piece Tapestry Brussels, regular price \$1.35 yard, for \$0.50. 6-yd. piece Sanford's Tapestry, regular price \$1.35 yard, for \$0.50. 9 1/4-yd. piece Roxbury Tapestry, regular price \$1.40 yard, for \$0.50. 13-yd. piece Tapestry Brussels, regular price \$1.20 yard, for \$0.90. 15-yd. piece Tapestry Brussels, regular price \$1.20 yard, for \$1.00. 23 1/4-yd. piece Tapestry Brussels, regular price 90c yard, for \$1.10. 18-yd. piece Body Brussels, regular price \$1.90 yard, for \$1.20. 10-yd. piece Bundhar Wilton, regular price \$2.50 yard, for \$1.00. 13-yd. piece Body Brussels, regular price \$1.90 yard, for \$1.25. 15-yd. piece Body Brussels, regular price \$1.90 yard, for \$1.75. 13-yd. piece Bundhar Wilton, regular price \$2.50 yard, for \$1.75. 16-yd. piece Velvet Border, regular price \$2.00 yard, for \$1.50. 25-yd. piece Velvet Border, regular price \$1.70 yard, for \$1.50. 18-yd. piece Body Brussels, regular price \$1.90 yard, for \$2.15. GREAT SALE OF CROCKERY ODDS AND ENDS IN THE BASEMENT. TULL & GIBBS COMPLETE HOUSE-FURNISHERS. FOLDING GOOARTS AND CARRIAGES FORTY STYLES TO SELECT FROM.

SIXTEEN SECURE DIPLOMAS

From Pendleton High Graduate.

PENDELTON, Or., May 25.—(Special.)—Nine boys and seven girls will be graduated from the Pendleton High School Thursday evening. This is commencement week, the joint baccalaureate sermon of the Academy and High School having been preached yesterday by President Krooze of Whitworth College, Tacoma.

CHERRY PICKERS NEEDED

Grand Ronde Valley Fruitmen Fear They Can't Get Enough Help.

LA GRANDE, Or., May 25.—(Special.)—That there will be a demand for cherry-pickers that cannot be met is the alarm felt in the fruit-growing center of this

LAW GOES UNCHALLENGED

Supreme Court Refuses to Pass on Merits of Direct Primary.

OLYMPIA, Wash., May 25.—(Special.)—The Supreme Court today refused to pass upon the merits of the case involving the constitutionality of the direct primary law. This was the action brought by Gordon Mackay, of this city, against City Clerk J. R. Beever, of Olympia, brought as a taxpayer to enjoin the city from holding a municipal election under the primary law, it being contended that to contract like this in that election alone because the law is unconstitutional.

THE LABEL

A BLEND OF STRAIGHT RYE WHISKIES—FOUND ON THE BOTTLE OF HUNTER BALTIMORE RYE

IS IN CONFORMITY WITH THE PURE FOOD LAW, AND MEANS THAT IT IS COMPRISED OF ABSOLUTELY PURE RYE WHISKIES BLENDED FOR THE PURPOSE OF MAKING IT A MORE MELLOW AND PALATABLE DRINK THAN ANY STRAIGHT WHISKEY, WHETHER BOTTLED IN BOND OR OUT OF BOND.

LA GRANDE, Or., May 25.—(Special.)—The total registration in Union this year is just an even 100 more than in 1907. This year the totals stand 3464, while in the last state election they were 3364.

SMOKE-CHEW. PEERLESS MILWAUKEE. THE OLD RELIABLE. PEERLESS. THE WINNING POSTAL. Enlarged 110 times, now on exhibition in Washington-Street Window. Eilers Piano House. JELL-O. PREPARED INSTANTLY. Simply add boiling water, cool and serve. 10c per package at all grocers. 7 flavors. Refuse all substitutes.