

Judge Wolverton Passes on Bill of Exceptions in Land-Grant Case.

SOME SUSTAINED, SOME NOT

More Time Granted by Court, Over Objection of Counsel, for Filing of Demurrer to Complaint-To Be Taken Up in February.

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Beverals months are Snyder filed suit in Severals months are Snyder filed suit in the Pederal Court demanding that the Oregon & California Railroad Company be forced to sell to him 100 acres of land included in its grant for \$1.50 an acre. Since then nearly 100 similar suits have been instituted. In addition to these, probably 700 other individuals have filed bills of intervention. They also probably will be made parties to the main suit and the rights of all parties to the controversy will be determined at the same time. Over the objection of B. D. Townsend, special counsel representing the Govern-

Over the objection of B. D. Townsend, special counsel representing the Govern-ment in the land grant sult, Judge Wol-verton yesterday granized the Union Trust Company and S. T. Gage, trustee for the stockholders, 29 days additional time to file a demurrer to the Government's com-plaint after the railroad company has filed its objection. Mr. Townsend insisted that head parties to the sult should be plant and the objection. Mr. Townsend insisted that both parties to the sult should be ready to answer to the complaint at the same time, but John M. Gearin, who appeared for the Trust Company, urged that the additional time was needed for his clients to make a proper appearance. It is expected that the general de-murrers of the defendant railroad and the trust company will be submitted and ar-gued some time in February. Those de-murrers will involve all of the principal legal points in the case and on the de-cision of the court will hinge largely the future of the case.

SHOWS HOW REALTY ADVANCES

Suit to Get Possession of Realty Brings Out Big Increase.

Brings Out Big Increase. An evidence of the extent to which realty values have advanced in Portland was furnished in the Federal Court yes-ierday in connection with the suit of Lncy Scott Bower against Hartman Stein. This litigation involved lots 2 and 3, block 25%, Couch's Addition. In 18% this prop-erty was mortgaged for 55%. According to the papers in the case it is now worth 59.60%, and its increased value was sug-gested by the court as the basic reason for an attempt to recover possession of the property, which has since been fore-closed.

In her complaint the plaintiff sought to have cancelled and set aside the decree of foreclosure and sale thereunder, alleging that fraud had been practiced in die posing of the lots at Sheriff's sale. I sustaining the defendant's demurrer t

pointed administrator in Probate Court of the estate of Angelo Oral, who also was an alsen, and within the jurisdiction of the court at the time of his death. Candiani instituted suit to recover for personal injuries which resulted in the death of Orai. To this proceeding the defense demurred, alleging a lack of jurisdiction of the plaintiff in the United States Court.

Files Amended Bills.

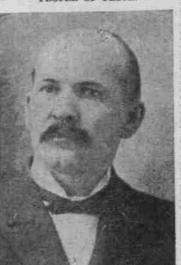
Files Amended Bills. United States Attorney McCourt yester-day filed in the Federal Court amended bills of complaint in the suit the Govern-ment has instituted against C. A. Smith and others to recover several thousand acres of valuable timber lands in the Williametre Valley alleged to have been acquired fraudulently by the Minnestoa millionaire and his associates. The amended bill differs from the original complaint in but one important respect. In addition to enumerating the different causes of action, the Government alleges that subsequent to the commencement of the pending case, the defendants executed deeds of transfer and caused them to be recorded, deeding some of the lands in controversy to third parties. Dividends of \$27,430,000 De-JUICY MELON IS SLICED

Sues for Back Salary.

Judge Wolverton in the United States. Court yesterday fixed February 9 as the date for the trial of the suit of C. J. Braschke against the Pacific Coast Lum-ber & Furniture Manufacturing Company.

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BUILDS GYMNASIUM FOR YOUNG PEOPLE OF FLOCK.



Rev. Harold Oberg, Aggressive Pastor of Montavilla Methodist

Lumber has been delivered for the gymnasium to be erected in connecn with the Montavilla Methodist. Church, on Hibbard street and the Base Line road. Work has been started on the foundation. The cost is estimated at \$2000. The object of the gymnasium is to provide a place for the young people of the church. Rov. Harold Oberg is the pastor, where he has been in charge for the past three years. He is an aggres-sive pastor and believes in the adoption of modern methods, and has fallen in line with other churches in providing specially for the young people in the scection of this gymnasium. The Montavilla Methodist Church has enjoyed a large growth since Hev. Mr. Oberg has been the pastor.

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vears.



other matters of interest to the Board of Equalization. Last year the O. R. & N. Company was assessed in the sum of \$16,180,003 on money, notes and accounts. A pro-test was offered by the company and the matter is now in the course of illigation. This year Assessor Sigier assessed the company on the same kind of property in the sum of \$14,400,000. It was shown during the hearing yesterday that February 18 of this year, at a meeting of the board of di-rectors of the O. R. & N. dividends of 2 and 75 per cent, or a total dividends of 77 per cont, was declared on the preferred stock of the company. The preferred stock of the company on which, by the action of the board of directors February 18, total dividends of \$3,77,000 were declared. At the same time dividends were also declared on the common stock of the company. On the common stock, which amounts to \$24,000,000, dividends of 4 and 75 per cent, or a total of 79 per cent, were declared. The dividends of this stock accordingly amounted to \$18,360,000. The total dividends on the entire capitalization of the company, \$35, 000,000, amounted to \$27,430,000. That

000,000

capitalization of the company, \$35,-000,000, amounted to \$27,430,000. That amount was declared to \$2.7.33,000. That amount was declared to be due and payable February 20. At the hearing it was also shown that the regular date of assessment by the County Assessor is March 1. It was contended by the O. R. & N.

OUT ITS SURPLUS

clared and Debt of Union

Pacific Canceled.

Facts Come Out at Hearing of Board

of Equalization When Railroad

Men Protest Against Assess-

ment of \$14,400,000.

It was contended by the O. R. & N. attorneys that the stock in the O. R. & N. is owned largely by the Union Pa-cific Rallway Company. They argued that last year the Union Pacific Com-pany owed the O. R. & N. Company practically all the surplus on which the assessment of \$16,188,000 had been mude. This amount it is contended in Braschke in his complaint alleges that he was employed by the defendant company as its manager on a salary of \$500 a month; that he served in its employ until his wages amounted to \$5100, no part of which, he asserts, has been paid. He de-mands judgment for the \$6100, together with interest at 6 per cent for several years TANGLE OVER FRANCHISES

practically all the surplus on which the assessment of \$16,186,000 had been made. This smount, it is contended, is 75 per cent of what, according to the annual report to the Interstate Com-mission, was due from solvent com-panies and individuals. Not only is it contended that nearly all the stock of the O. R. & N. is owned by the Union Pacific, but that the Union Pacific borrowed of the O. R. & N. Company between \$25,000,000 and \$20,000,000. When the O. R. & N. de-clared the dividend of \$27,000,000 it was virtually a matter of bookkeeping, in-asmuch as the Union Pacific owns practically all the stock on which the dividends were declared and reserved practically the while of the \$27,000,000. practically the whole of the \$27,000,000. The Union Pacific then repaid to the O.



THE MORNING OREGONIAN, TUESDAY, NOVEMBER 17, 1908.

The back is the mainspring of woman's organism. It quickly calls attention to trouble by aching. It tells, with other symptoms, such as nervousness, headache, pains in the loins, weight in the lower part of the body, that a woman's feminine organism needs immediate attention. In such cases the one sure remedy which speedily removes the cause, and restores the feminine organism to a healthy, normal condition is

LYDIA E. PINKHAM'S VEGETABLE COMPOUND

Through its attorneys. Arthur C. Spencer and James G. Wilson, together with J. W. Morrow, tax and right-of-way agent, the Oregon Railroad & Navigation Company yestorday sub-mitted to the County Board of Equal-sation its peiltion for a reduction of the assessment of \$14,400,000 against its money, notes and accounts. Touty Judge Wobster, County Clerk Fields, and County Assessor Styler comprise the Board of Equalization, and heard the objections. Many in-teresting features were developed dur-ing the hearing, one of the most prom-hent of which was the fact that the bits year on its capital stock of \$25,-00,000. Mrs. Will Young, of 6 Columbia Ave., Rockland, Me., says: "I was troubled for a long time with dreadful backaches and a pain in my side, and was miserable in every way. I doctored until I was discouraged and 000,000. Chief Clerk Staver, of the anditing department of the O. R. & N., was the principal witness. In the absence of his chief he was called to the stand to explain the methods of bookkeeping of the big railroad company and many other matters of interest to the Board of Equalization. thought I would never get well. I read what Lydia E. Pinkham's Vegetable Compound had done for others and decided to try it; after taking three bottles I can truly say that I never felt so well in my life."

Mrs. Augustus Lyon, of East Earl, Pa., writes to Mrs. Pinkham: "I had very severe backaches, and pressing-down pains. I could not sleep, and had no appetite. Lydia E. Pink-ham's Vegetable Compound cured me and made me feel like a new woman." FACTS FOR SICK WOMEN.

For thirty years Lydia E. Pink-ham's Vegetable Compound, made from roots and herbs, has been the standard remedy for female ills, and has positively cured thousands of women who have been troubled with displacements, inflammation, ulceration, fibroid tumors, irregularities, periodic pains, backache, that bear-ing-down feeling, flatulency, indigestion, dizziners conservous prostration.

handsome cuts and the covers are of spe-cial design in color. The text is descrip-tive of the resources of Umatilla County and the attractions it has for the new set-tler. Thousands of copies of the new set-book will be distributed throughout the East.

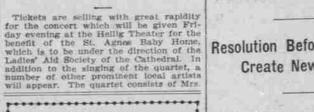
TICKETS SELLING RAPIDLY

Mrs. W. A. T. Bushong, Who Will Sing at Benefit For St. Agnes

Wounds Hotel Proprietor.

Baby Home.

Benefit at Heilig Theater Friday Night for St. Agnes Baby Home.



What Swift's Means to Portland

As With Chicago

Developed in a few years from a good-sized city to the second city in importance in America, principally through building of railroads and the establishment of the packing-houses of the Swifts, Armours, Morrises and other Titans of commerce.

As With Kansas City

Which was more than quadrupled in size and its commercial activity increased a thousandfold by the coming of these gigantic interests within its borders.

As With St. Joseph, Fort Worth

And other towns which have been benefited by the advent of these gigantic interests and have gradually become numbered among the most important commercial centers of America.

So With Portland

The commercial supremacy of Portland is assured in the Northwest. Realty values have already shown a decided increase in properties adjacent to the sites, for these interests will eventually triple and quadruple in value.

And so With FAIRPORT

This addition is the choicest of any that has been offered. It lies directly adjoining Kenton, the site purchased by the Swifts for the establishment of a great commercial center.

FAIRPORT -- LOTS \$250

Has graded streets, Bull Run water and an unexcelled view. It is convenient to public schools and churches, and is 25 minutes' ride from the heart. of Portland. Every one in Portland should have some money invested here.

MIKKELSEN & TUCKER, GENERAL AGENTS. **301-302 CORBETT BUILDING**

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INVOLVES LARGE PROJECT Would Introduce New Patent Ma-

the same reference was made of the Kei-laher petition. In explanation of his introduction of the petition for Belgian blocks, Mr. Kellaher said that projects for paving with the blocks are open to competition, but the brick is not, as only the one kind of ma-terial can be used in the brick improve-ment. Mr. Kellaher is making a general fight against all "patent" pavements, he states, and is working to secure open competition for all contractors, instead of specifying such materials as can be fur-nished only by one or two firms. The district named in the Annand resolution is the territory bounded by Thurman street, from Nineteenth street to Front street; thence on Front to Twelfth; thence to Fifteenth, to Northrup, from Northrup to Nineteenth and from Nine-teenth to Thurman. There is included in this district a few blocks which are al ready improved, and these are excepted from the provisions of the resolution,

FOR A PURE

TONICAL STIMULANT, FOR CHEER OR COMFORT, STRENGTH AND HEALTH, FOR RECUPERATION AND RESTORATION

LIMPED

BALTIMORE

We make the best suit in the city to order for \$15; let us prove it. Unique Tailoring Company, 305 Stark, between Fifth and Sixth.

sustaining the defendant's demurrer to plaintiff's complaint, the court held that the procedure attending the foreclosure and sale of the property had been entirely regular and that the original owner of the property was to be blamed for her delinquency in not seeking to meet the interest charges or to liquidate the mori-gage and recover possession of the prop-erty prior to its sale after the mori-gage and recover possession of the prop-erty prior to its sale after the mori-gage. At the trial of the suit it had been shown that the complainant had been served with legal molics that the moritages was to be foreclosed and the property sold, but at that time she took me advantage of her rights under the law. ms advantage of her rights under the law.

WANTS TO SELL NEAR-BEER

Eugene Dealer Carries His Case Into Federal Court.

Alleging that the ordinance recently exacted by the City Council of Eugene prohibiting the sale of near-bear is un-constitutional, attorneys for Charles F. Kuthe, of that city, yesterday applied to Judge Wolverton in the United States Court for a writ of habeas corpus. The application was argued, submitted and taken under advisement by the court. Kuthe was arrested charged with sell-ing non-intoxicating mail liquoirs in viola-tion of the Eugene City ordinance. Being convicted, 'he was fined \$25. Refusing to pay the fine he was committed to Jall for it days. Counsel for the imprisoned man contended that the objectionable ordi-nance was not only unreasonable but that.

nance was not only unreasonable but that. pance was not only unreasonable but that the Eugene City charter does not autho-riss the city to make it unlawful to pre-scribe a penalty for selling non-intoxicat-ing liquors. It was argued further that the Legislature does not have the right to confer such togislative powers on a City Council while, it was averred, that pro-vision of the Eugene City charter relating to the sale of such beverages had been annulled by the operation of the local option law. option law.

Says He Will Not Live With Wife.

Says He Will Not Live With Wife. Frank H. Dighton, arrested yesterday by Sheriff Stevens for non-support, said the stevens for stevens for stevens the stevens for the stevens for stevens the stevens for stevens for stevens the stevens for stevens for stevens the stevens for stevens for the stevens the stevens for stevens for the stevens for the stevens for the stevens for stevens for the stevens for stevens for the stevens for stevens for stevens the stevens for stevens for the stevens for stevens for stevens the stevens for stevens for the stevens for stevens for stevens the stevens for stevens for the stevens for stevens for stevens the stevens for stevens for the stevens for stevens for the stevens for stevens for stevens the s

Alien May Bring Suit.

By overruling a demurrer to the com-plaint in the suit of C. P. Candiani against C. C. Wilson, Judge Wolverton in the United States Court yestsriday held that an alian is entitled to bring in the Pederal Court an action for personal in-juries resulting in death. In the case at bar, Candiani, an alien, had been ap-

Councilman Vaughn Sticks for Franchise to Packing Plant Separate

COUNCIL MAKES SLOW PROG-

RESS DISCUSSING GRANTS.

From Others Asked.

The City Council, at his adjourned session yesterday afternoon, made slow progress in the consideration of the numerous applications for franchises for extensions and additions to the lines of the tensions and additions to the lines of the Portland Railway. Light & Power Com-pany. Two hours' line was consumed poing over a portion of one section of a copyed then adjourned to meet for fur-the Nork on this matter at 2 P. M. Thursday. Councilman Baker occupied the chair during most of the sension. With but a brief exception, the subject was discussed in committee of the whole. The string most of the sension with but a brief exception, the subject was discussed in committee of the whole. The string most of the sension with but a brief exception the subject was discussed in committee of the whole. The string most of the sension with but a brief exception the subject was discussed in committee of the whole. The string most of the strent company officials is that the Council should con-sider the entire batch of about 40 appli-tations one at a time, but that each declared that, unless the company will grave to consider the acceptance of a franchise to the Swift packing plant on the others. He will not vote for any of the grants sought, Many complaints sections of the dity over proposed change in lines and abandonment of other portions of tracks. A delegation from the Holladay Im-provement Association was present to mentee the streats, as they declared that many had bought, homes in the district with the understanding that the streat-car lines were to be permanent. W. G. Merberson Company, protested against the rompany. He declared that it will work Portland Railway, Light & Power Com-

the line on plated by the proposed in the anticert, contemplated by the company. He declared that it will work a positive hardable upon the many firms located in the North Portland district if

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The Union Pacific then repaid to the O. R. & N. the amount of its dividends in its loan. Consequently, according to the contentions of the O. R. & N. at-iorneys, the one wiped out the other. The hearing consumed the entire af-ternoon. The company's pelition was taken under advisement by the Board of Equalization.

SELL BONDS FOR PARKS

HALF OF MILLION ISSUE TO BE SOLD THIS YEAR.

Council Recognizes All Speed Must Be Used to Make Money Avail-

able for Purpose.

Following the recommendation of the Park Board, the City Council, at an ad-Park Board, the City Council, at an ad-journed seasion yesterday afternoon, passed an ordinance authorizing City Auditor Barbur to advertise for sale \$500,000 worth of the bonds voted by the people for the purchase of property to be used for parks, boulevards and public playgrounds throughout the city. This makes it certain that the first half of the money to be used for this purpose will be available for use this year. The remainder of the bonds will be sold in remainder of the bonds will be sold in 1990. This means that Portland will have. In a reasonably brief pariod of time, a magnificent system of driveways, parks

and "breathing apots." It required prompt action to get the first half of the \$1,000,000 bond issue of the market, as but about six week mot action to get the the of it of 1906, of the present year remain, and it is necessary. If \$500,000 worth of the bonds are to be sold in 1906, to take advantage of the adjourne session of the Council yesterday after noon. As it is, the entire project with worth noon. As it is, the entire project will have to go through without a hitch or it will be impossible to secure the money for use this year. The act amending the charter provides that but half of the bonds can be sold in any one year. At a joint meeting of the Council committee on parks and public property and the Park Board last Thursday after-neon an ordinance was prepared and

noon, an ordinance was prepared and was introduced before the Council yes-

was introduced before the Council yes-terday afternoon providing for the sale of these bonds. Upon recommendation by the Park Board, the Council also passed an ordi-nance authorizing the Park Board to purchase a small plot of land in Sell-wood for a playground for children.

Umatilla County Booklet Out.

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"Umatilia County, Oregon," is the laisnt community book issued by the Sunset Homeseekers Bureau in connection with the local promotion organizations. The publication is of a very high order, being uniform with the books already issued throughout Oregon on the same lines. Its 64 pages are profusely illustrated with

terial-Second Resolution Offered, Calling for Use of Belgian Blocks.

A large improvement district, with vit-rified brick specified as the material to be used, will be created in North Port-land, if the City Council acts favorably upon a resolution introduced at the ad-journed session of the Council yesterday afternoon by Councilman Annand, by re-quest. It is impossible to estimate the cost of the work until City Engineer Tay-lor can make up his figures, but it is cer-tain to be one of the most expensive pav-ing projects ever contemplated in Port-land. If the resolution passes, it will in-troduce into this city the products of the penny Ciay Company, this being a Seat-u.

the firm. Simultaneously Councilman Kellaber in-troduced a resolution before the Council petitioning for Belgian blocks, to be laid on a concrete foundation, in the same territory. Mr. Kellaher endeavored to se-cure the passage of a motion granting his petition, but as Mr. Annand's resolution had been referred to the street committee. May Dearborn Schwab, Mrs. Ethel Lytle Boothe, Miss Petronella G. Connolly and Mrs. W. A. T. Bushong, Mrs. Arvilla McGuire Stolts will be the accompanist, in lieu of Mrs. W. E. Thomas, who is now in the East. Stuart McGuire, the popular baritone; Miss Della Bradley, the reader, and Miss Cornella Barker, the violnist, have each arranged a number of interesting solutions for the coming

UPWARD START

After Changing From Coffee to Postum.

nteresting selections for the coming

QUARREL LEADS TO DEATH San Francisco Lawyer Fatally

After Changing From Coffee to Postam. Many a talented person is kept back because of the interference of coffee with the nourishment of the body. This especially so with those whose nerves are very sensitive, as is often the case with talented persons. There is a simple, easy way to get rid of coffee evils and a Tenn. lady's experi-ence along these lines is worth consid-ering. She says: "Aimost from the beginning of the use of coffee it hurt my stomach. By the time I was fifteen I was almost a nervous wreck, nerves all unstrung, no strongth to endure the most trivial thing, either work or fun. "There was scarcely anything I could eat that would agree with me. The little I did eat seemed to give me more trouble than it was worth. I finally quit coffee and drank hot water, but there was so little food I could digast I was tilterally starving; was so weak I could not sit up long at a time. "It was then a friend brought me a hot cup of Postum. I drank part of it and after an hour I feit as though I had had something to eat-feit strength-end. That was about five years ago SAN FRANCISCO, Cal., Nov. 16.-Hugh O'Neill, an attorney, with offices in the Pacific building, shot and seriously wounded Michael Fachtor, a retired hotel-man, on the street in front of the Wai-dorf saloon, on Market street, about 1:30 o'clock. The two men had quarreled over a business transaction. Fachtor was im-mediately taken to the Central Emer-gency Hospital. O'Neill is in a cell in the city prison.

gency Hospital. O'Neill is in a cell in the city prison. Fachtor declared that O Neill had de-frauded him in a real estate deal and made a demand upon him for money which he alleges was due him, when he met the attorney in the entrance of a building at 650 Market street. A quarrel ensued, and Fachter, it is said, made a move as if about to strike O'Neill. The latter drew his revolver and fired two shots. One struck Fach-tor in the jaw, the other penetrated the right: shoulder and came out of and after an hour I feit as though I had had something to est-feit strength-ened. That was about five years ago and, after continuing Postum in place of coffee and gradually getting strong-er, today I can eat and digest anything I want, walk as much as I want. My nerves are steady. "I believe the first thing that did me any good and gave me an unward start.

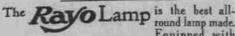
any good and gave me an upward start, was Postum, and I use it altogether now instead of coffee." "There's a

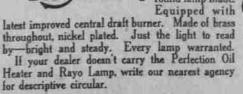


Oil Heater (Equipped with Smokeless Device)

Just what you need to help out in a cold snap or between seasons. No smoke-no smell-no bother

-it's the smokeless device that does it. As easy to operate and clean as a lamp. Brass font holds 4 quarts gives intense heat for 9 hours. Finished in nickel and japan every heater warranted.





STANDARD OIL COMPANY (Incorporated

