M'COURT HOPES TO SCORE CONVICTION

Rancher Charged With Setting Forest Fire May Be First Westerner Found Guilty.

EVIDENCE HARD TO OBTAIN

Toley Spray Accused of Burning Timber to Drive Stockmen From Vicinity of His Umatilla Homestead.

In the numerous trials in the West of men on charges of setting fires in the Government forest reserves, not a single defendant has been convicted, but next week the United Stales District Attorney's office in Portland will prosecute its first sult of this character and hopes to se chief difficulty in securing convic

tions has been the almost impossibility of getting direct testimony against the defendants. In nearly all cases the evidefendants. In heariy all cases the evidence has been wholly circumstantial and the juries have failed to convict. Some months ago the Portland Federal officers captured a man here named Webb who was wanted in California on a charge of burning Government forests. Webb was sent back to California and acquitted. In the case that will be tried next week the defendant is Toley Spray, a home-steader in the Umatilia Forest Reserve, who is accused of setting eight or ten fires that caused five sections of land in the reserve to be burned over in September, 1968. After the fire Spray left the country and went to British Columbia. He returned to his homestead about six weeks ago and was arrested. He is now in jail.

Beaten Team Is Host at

Dinner.

Beaten Team Is Host at

Cricket Club on the Moncavilla grounds on July 5 the former made an easy win over the youngsters. Despite the fact that rain interfered, some first-class cricket was shown on both sides.

A number of the veterans succeeded in inflating their batting averages to a good figure. J. J. Mallet, C. Greaves and E. Fenwick, of the old guard, batted strong. Mallet and Greaves succeeded in adding the provided of the country and went to British Columbia.

ing their stock in the reserve. District Attorney McCourt expects to produce witnesses who saw the man ride up to one of the places where a fire soon started and to ride away again after the flames gained headway.

gained headway.

Some days ago Spray sent a letter to the District Attorney expressing a desire to end the case without further expense to the Government. Spray is somewhat illiterate and asked the District Attorney to send him "a tierney." An attorney was sent and Spray has now engaged two as his counsel, and it is expected will contest the prosecution of the case.

The maximum penalty that may be im-

The maximum penalty that may be imposed on conviction on this charge is two years' imprisonment or \$5000 fine.

The Spray case will be followed by a similar one in which Charles Page is defendant. Page, who has a mining claim in the forest reserve, asserts that the charge has been trumped up against him by persons who want his claim.

ANDERSON CASE BEFORE JURY

Lawyers Clash in Suit for \$20,000 Damages.

The fact that J. H. Smith, one of the counsel for Miss Annie Anderson, in her suit for \$20,000 damages against the City

This criticism brought out a heated reply from Henry E. McGinn, who is asso-j. Clated with Mr. Smith, and who closed the argument in the case. Mr. McGinn asserted that the Smith brothers were ampliyed as afterneys by Miss Andersee. employed as attorneys by Miss Anderson long before Mr. Smith ever thought of becoming Mayor of Astoria, and that the issue was tried out in the campaign and Mr. Smith was chosen Mayor and Mr. Smith was chosen Mayor re-gardless of his previous connection with

the case.

Attorney McGinn, in his argument, charged that the City of Astoria and the Astoria & Columbia River Railroad had conspired to Gefeat Miss Anderson of damages justly due her. He asserted that the attempt by the city to piace the locality of the accident between the rails of the railroad, and not at the point where Miss Anderson says it occurred, was for the purpose of shifting the responsibility upon the railway company and that the testimony of the railway employes summoned as witnesses indicated that if Miss Anderson had sued the railroad instead of the city, the company would have aftempted to shift the pany would have aftempted to shift the responsibility for the defective planking upon the city.

upon the city

The seriousness of Miss Anderson's injury was not actively disputed in the trial just closed, although an attempt was made to show that it was more serious fhan it would have been had she had proper surgical treatment and hospital care. Miss Anderson is 61 years old, and, having suffered a very severo fracture, age, it is said, has made permanent recovery impossible. Miss Anderson now uses a crutch. derson now uses a crutch.

The case went to the jury shortly before 4 P. M. yesterday, and if the jury agrees upon a verdict before morning it will be submitted in sealed form.

THINKS ONE WIFE IS PLENTY

Applicant for Citizenship Positive on This Point.

"Do you believe in polygamy?" asked Deputy District Attorney Evans, of a candidate for final citizenship papers be-fore Judge Bean, yesterday. don't know what you mean," was

the reply. "Well, do you believe it is right for a man to have more than one wife at the

same time?"

"No, no, no," responded the applicant "One is enough at one time. Wait fill she die, den get anoder."

The applicant was admitted. Four were granted citizenship papers by Judge Bean, who held a special session of court in the grand Jury-room yesterday. They were: Albert Skogan, a native of Norway; Augustino Calderone, a native of Italy; IOscar Johnson, a native of Sweden, and John Reinman, a native of Finland.

LOGGER IS SUED BY MILL

Firm Seeks to Recover \$8957 From

C. H. Callender. Suit to recover \$807.84, instituted by the Old Oregon Mills against C. H. Callender, a logger, was commenced in the Federal

Court yesterday afternoon.

According to the complaint, Callender entered into a contract to deliver 7,000,000 feet of logs to the plaintiff's mill near Astoria, at the price of \$13.50 a thousand feet, board measure. The contract was entered into November 25, 1906, and it is alleged that 32 a thousand in advance was paid by the mill company to Callender. It is further alleged that since June 15, 1907, Callender has refused to deliver Court yesterday afternoon

any more logs, although his contract still calls for 4,418,816 feet. It is for the \$2 a thousand advanced on the undelivered logs that the mill company is suing. Callender, by way of defense, alleges that he ceased to deliver logs at the request made by the mill company, because quest made by the mill company, because the price of logs had declined. It is also alleged that the issues involved have already been adjudicated in the Circuit Court for Classop County, where Callender obtained a judgment against the mill company in a controversy growing out of the same contract.

The jury was secured and the opening statements by counsel made before adjournment was taken yesterday.

Examiner Named in Land Case.

F. Roy Davis, of Burns, has been appointed special examiner for the Government to take testimony in a suit instituted to set aside a Government patent to a desert land claim granted to Mrs. Rose C. Sitz, now Mrs. Kern, of Mrs. Rose C. Sitz, now Mrs. Kern, of Burns. Deputy District Attorney Evans and a Government special agent will go to Burns Saturday and begin taking testimony July 12. It is the Government's contention that the land filed on as a desert land claim, being on the shores of Malheur Lake, is capable of producing crops without irrigation, and, therefore, could not be taken up under the desert land act.

DEFEAT NOVICES IN GOOD CRICKET MATCH.

Hitting Is Strong and Fielding Good.

weeks ago and was arrested. He is now in jail.

In this case the Government expects to produce direct testimony placing responsibility for the fires upon Spray. The theory of the prosecution is that Spray desired to drive out of the country the sheep and cattlemen who were pasturing their stock in the reserve. District

Following is the score:

FIRST INNINGS.
C. Greaves, bowled Balley
J. J. Churchley, run out
W. G. Smith, C. and B. A. Mills. G. Shipley, C. McKenzie, B. Matthews.
J. Mailett, not out A. M. Crocker, B. Balley
P. Henderson, B. Coppinger. J. Jones, absent
Extras
Total

SECOND INNINGS. Bowled Coppinger

Navies. FIRST INNINGS. The fact that J. H. Smith, one of the counsel for Miss Annie Anderson, in her suit for \$20,000 damages against the City of Astoria, is a brother of Mayor Smith of that city, was criticised by Attorney G. C. Fulton, representing Astoria, in his argument in the case before a jury in the Federal Court yesterday.

This criticism brought out a heated reply from Henry E. McGinn, who is associated with Mr. Smith, and who closed SECOND INNINGS.

Total Innings Clos

E. Fenwick. 3 w'kets for 30—3 w'kets for

J. Mallett. 4 24—3 c
C. Greaves. 1 0—0
Henderson 1

LONG AUTO TRIP

Colonel Hofer and Ben Brown Come From Burns

Ben Brown, the biggest merchant in Southeastern Oregon, and Colonel Hofer, of Salem. arrived in Portiand Thursday, having made a record trip from Burns, the county seat of Harney County, where they attended the Oregon-Idaho Development Congress. The trip was made in just 26 hours. opment Congre just 26 hours.

Burns, lying 160 miles from me O. R. & N. Railroad, was until a few months ago connected with the steam road by a stage line. Two automobile lines have stage line. Two automobile lines have recently been established, each maintaining two cars. The trip of 160 miles by automobile was made by Colonel Hofer's party in 14 hours. In Malheur County, through which the road passes in reaching Ontarlo, on the O. R. & N., there are three mountain chains to be crossed. Through Harney County, however, the roads are in good shape.

roads are in good shape.

Ben Brown has been in Burns 20 years and is well-known throughout the state. He has become rich in the merchandise business in Harney County. "Burns," said Mr. Hofer, is the biggest inland city in the United States, and it is marvelous what an amount of money there is in circulation there, Since Taft's

administration things have been booming administration things have been booming right along.
"The Oregon-Idaho Development Congress, which I attended there, is a thing to be remembered. A more enthusiastic gathering I have never attended. People came hundreds of miles in wagons and automobiles. Five business men came from Boise, Idaho, 200 miles distant, in an other to attend the congress." auto to attend the congress."

97 YEARS DON'T DIM ARDOR

County Pioneer Starts for A .- Y .- P Exposition.

ALBANY, Or., July 7.—(Special.)—In spite of the fact that he is almost 97 years old, Captain James Biakely, of Brownsville, left here today to visit the A.-Y.-P. Exposition. He is in good health and expects fo walk about the Exposition grounds with ease. He was accompanied by his son. Henry, Elabels

by his son, Henry Blakely, of Browns-ville. ville.

Captain Blakely is the oldest resident of Linn County. He is also one of the earliest ploneers of this county, is a veteran of the early Indian wars and the founder of the City of Brownsville.

A mixture of powdered sulphur and oil will facilitate the cooling of hot bearings.

Tanner Creek Decided On by Master Fish Warden as Location for New Station.

START OPERATIONS BY FALL

McAllister Files June Report, and Makes Recommendations as to Closed Season - Month's Catch Very Light.

Tanner Creek, near Bonneville, has been selected as the site for the central hatchery, for which the last Legislature made an appropriation of \$20,000. Plans have been approved and bids asked for con-structing at that point a building 55x230 feet, suitable for hatchery work. The new central station will be completed in time to receive the eyed eggs from the substations this Fall.

"Assisted by Henry O'Mellow

"Assisted by Henry O'Malley, of the United States Bureau of Fisheries," said Master Fish Warden McAllister, in reporting his selection of the Bonneville site to the Board of Fish Commissioners, "I have investigated every available stream on the Columbia River, for the purpose of establishing the central hatchery provided for by the last Legislature. Each stream was given due consideration, and Tanner Creek, at Bonneville, selected, due to its superior water quality and Tanner Creek, at Bonneville, selected, due to its superior water, quality and quantity,"

In his report to the members of the Board, Mr. McAllister refers to the fact that, due in a large measure to high water, the salmon catch on the Columbia River during June was light. It is the opinion of the Fish Warden, however, that the high water was not without its opinion of the Fish Warden, however, that the high water was not without its advantages, since it enabled an unusually large number of salmon to ascend the river and its tributaries and to reach the different hatcheries.

different hatcheries.

After making a personal visit to several of the large hatcheries during the month and receiving reports from the others, Mr. McAllister reports there is every assurance that a large take of eggs will be secured at each of the substations. Mr. McAllister makes the recommendation to the Board that the law be so changed as to make the closed season on the Williamette River uniform with that relating to the Columbia. Discussing this subto the Columbia. Discussing this sub-ject, Mr. McAllister in his report says: ject, Mr. McAllister in his report says:

The season on the Williamette closed on June 15, after one of the most successful years in the history of the Industry. This was made possible by the closing of the Columbia until May I while the Williamette opened on April 15. The Board will recall the efforts made by me, with their help, to close this stream to conform with the close season existing on the Columbia, and how through a technical error, same was made impossible. I would respectfully urge that steps be taken in time, by you gentlemen, looking toward the closing of this river next year, so that the salmon protected in the Columbia will be allowed to reach the hatcheries, as intended.

Receipts for the month aggregated Receipts for the month aggregated \$2161.57, while the disbursements reached a total of \$3026.97.

MEDICAL BOARD ELECTS

Large Class Taking Tests.

At a business session yesterday of the members of the State Board of Medical Examiners the following officers were elected for the ensuing year: President. Dr. E. B. McDaniel; treasurer, Dr. A. P. Watson; secretary, Dr. R. C. Coffey. The largest class in the history of medical practice in Oregon is appearing this week before the State Board of Examiners. The examiners report that a good grade of papers is being turned in, and that a large percentage of the class probably will earn the right to practice medicine in this state. However, the names of the successful applicants will not be known for about a month, on account of the time that will be required to pass the time that will be required to pass upon the large number of papers. Altogether, 112 applicants are taking the examinations Dr. R. C. Coffey today will conduct the concluding examinations in anatomy, pathology and nervous diseases.

MADE CIRCUS COMES NEXT WEEK

Splendid Entertainment by Combined Wallace-Hagenbeck Shows.

The circus of the twentieth century must be positively the best entertainment that money can command. It must be an entertainment so diversified that it can be entered by all be enjoyed by all—the man, the woman and the child. It must contain a vein of humor to make you laugh; a vein of excitement to cause the blood to flow a little faster; a sensation of danger to

CUT IT OUT-

The Fried Meat and Coffee Diet

If you don't feet right in hot weather, try a simple breakfast of

GRAPE-NUTS AND CREAM

Some fruit. Two slices crisp toast. A soft boiled egg. Cup of well-made Postum.

There's cool comfort, strength and health in the

"There's a Reason"

POSTUM CEREAL COMPANY, LTD.,

be interesting from start to finish. In a word, it must be a clean, wholesome show that compels the attention and adshow that compels the attention and admiration and at the same time excites the emotion of every individual spectator. What, then, should be said of a circus that is all this and still combines a world-famed trained animal show, a European novelty exhibition and Oriental exposition features, such as the Hagenbeck-Wallace Shows possess, which exhibit here July 12 and 12? There remains but one title, "a moving city of enchantment." to July 12 and 127 There remains but one title, "a moving city of enchantment," to describe and define these great shows, which are so multi-featured that there must be some one thing to please the most exacting or cynical, and many features and exhibits that are bound to be generally pleasing and satisfying.

As free prelude to these marvelous, sigantic shows which exemplify the colossal genius of American financial and executive ability in itinerant amusement enterprise, a crowning glory of pageantry.

terprise, a crowning glory of pageantry splendors will be seen in the mile-long

gala and pompous procession of the pa-rade on the morning of the gladsome hoi-

DELEGATION TO LOS ANGELES STOPS OFF FOR DAY.

Committee of Portland Lodge Sees Visitors Do Not Lack Entertainment During Stay.

Seventh and Stark streets was a busy place all day yesterday, for the first migratory herd of the antiered tribe en route to the Elks convention at Los Angeles stopped off at Portland and the lariats of Portland Lodge No. 142 came into action long enough to give the visitors a rousing welcome.

The first bunch of "Hello Bills" to stop off en route was the Spokane lodge, nearly 100 strong, and the Falls City delegation was treated to a partial realization of what is in store at Los Angeles.

tial realization of what is in store at Los Angeles.

Arriving in Portland at 7 A. M., the visiting Elks and their families were taken in charge by a committee of the Portland lodge, consisting of the following: Dr. Harry F. McKay, Harvey O'Bryan, Dr. C. W. Cornellus, Joe Day, George L. Hutchin, Dr. F. A. Marshall and Secretary Clyde Bills. This committee was assisted by the following women, who assumed the task of caring for the visiting ladies: Miss Tillie Cornelius, Mrs. John Lamont and Mrs. George L. Hutchin. The visitors were marshalled together and taken on a trip through Portland on one of the sight-seeing observation cars, after which all adjourned to the Elks hall, where eatables and drinkables were furnished. W. F. Connor, secretary of the Spokane lodge, is in charge of the Spokane party, and he really had his hands full attending to all inquiries and desires of the excursionists. The Spokane delegation to Los Angeles comprise the following: Spokane delegation omprise the following:

Spokane delegation to Los Angeles comprise the following:

Mr. and Mrs. William Clarke, Mr. and Mrs. Cliant, Mr. and Mrs. W. A. Krantz. Mr. and Mrs. C. F. Eaton, Jake Hill, W. L. McCullom, Miss Metcalfe, Miss Jones, Miss Snow, Mrs. J. H. Brown, Harry Burdlek, Mr. and Mrs. L. H. Brown, Harry Burdlek, Mr. and Mrs. Charles Heinhrick, J. H. Traves, R. W. Charles Heinhrick, J. H. Heiberg, H. H. Bruns, Mrs. Rigg, Mr. and Mrs. L. G. Heiberg, H. H. Bruns, Mrs. Rigg, Mr. and Mrs. A. Fairly, George Lovejoy, F. H. Shaw, Miss Fressy, Miss Shackleton, Guy Helphrey, Mrs. Allee Swindler, Miss Grace Cochran, Miss Myrile Cochran, P. F. Smith, Oscar Duell, W. C. Hanson, Mr. and Mrs. Harry McKinley, Miss Lucille Boggs, Mr. and Mrs. W. C. Andison, Mr. and Mrs. Henry Heitfeld, Mr. and Mrs. Mark Maloney, Mr. and Mrs. A. F. Richardson, J. Peltrich, J. B. Lindsey, R. A. Freese, T. J. Ryan, Dave O'Neill, Tom Roberts, W. Keller, W. F. Wood, A. J. O'Conner, R. W. Monahan, A. J. Lynch, William Joyce, W. R. Brown, J. J. Snyder, J. H. Crow, Archie McLoed, M. M. Lewer, George Wilson, T. J. Petticord, C. C. Knutson, William Huntley G. Leindecker, Jacob Goetz, Harry F. Goetz, J. J. Black, Mr. and Mrs. D. F. Smith and J. J. White.

Patrick Griffin, a prominent member of the Walla Walla lodge, came down yesterday in order to join his brother, Henry D. Griffin, and he will leave tonight with the Portland lodge. The delegation from the Walla Walla lodge is due to reach Portland tonight and will go south in a special car attached

will go south in a special car attached to the regular train.

Delegate Harry McKinley, of Lewiston, Idaho, is in Portland and expects to leave for Los Angeles today. He says that there will be a number of Idaho Elks in Portland this morning, when the Eastern Oregon special arrives en route to the convention city. The same committee which welcomed The same committee which welco the visiting Elks yesterday will re-ceive all incoming delegations, and to-morrow night, being the regular meet-ing night, the visitors will attend the

udweiser's a friend of mine LOVERS OF OUTDOOR SPORTS

refresh themselves with the world's best brew of northern barley and fragrant Saazer hops. An enthusiastic toast to the athletic victor stirs the heart most when downed in a bumper of healthful

Budweiser

The King of All Bottled Beers The Most Wholesome of All Beverages.

Every drop bubbles with the power of the soil and sun. It is the cream of the best cereal the earth produces. It has brought health and vital energy to thousands and it will do the same for you.

CAUTION: To guard against deception and substitution, see that the corks are branded "Budweiser" and that the "Crown Caps" bear the A and Eagle trade-mark.

Bottled Only at the Anheuser-Busch Brewery St. Louis, U. S. A. CORKED OR WITH CROWN CAPS



Blumauer & Hoch Distributers PORTLAND, OREGON

and Cincinnati lodges, each 100 strong, will spend the day in Portland, leaving for Los Angeles tomorrow night. The special with the Portland lodge aboard will leave tonight at 11:30 o'clock. Nearly 200 members will comprise this party.

The special with the Portland lodge aboard will leave tonight at 11:30 o'clock. Nearly 200 members will comprise this party.

The special with the Portland lodge aboard will leave tonight at 11:30 o'clock. Nearly 200 members will comprise this party.

The special with the Portland lodge aboard will leave tonight at 11:30 o'clock. Nearly 200 members will comprise this party.

BAKER CITY SPECIAL LEAVES

Elks Depart for Los Angeles Amid Enthusiastic Farewells.

BAKER CITY, Or., July 7 .- (Special.)-BAKER CITY, Or., July 7.—(Special.)—
Amid flying colors and with patriotic Cal, is visiting in Portland. City Elks to Los Angeles departed this evening at 7:30 o'clock. A large number evening at 7:30 o'clock. A large number of citizens gathered at the station to wish a safe and happy journey.

Three Pullmans and one baggage-car comprised the train. Other coaches will be added at La Grande, Pendleton and

Salem Elks to Join Party. SALEM, Or., July 7 .- (Special.)-Five or

Frank E. Alley, of Roseburg, is a

uest at the Oregon. Judge J. C. Moreland, of Salem, is staying at the Cornellus for a few days. Mr. and Mrs. A. M. Crawford, of Sa-em, are staying at the Oregon. Francis M. Shick, agent for the Atchi-

S. Cooper, a banker from Independence, Or., has registered at the Oregon. He is accompanied by his wife. Miss Pearl Dean, of Portland, who has just undergone an operation for appendi-citis in Mercy Hospital at Roseburg, Or.

Dr. C. H. Raffety, Mrs. Raffety and Miss Ethel Allen left yesterday on their trip through Europe. They go by way of Niagara Falls to New York, and will remain in the latter place about four days before sailing for Liverpool. They will be in England about three ression.

Six members of Salem lodge No. 336, B. They will be in England about three Tomorrow morning the Cleveland P. O. E., will board the Portland special weeks and will then go to Paris, Berlin.

associated with the Fortiand Hotel at clerk, has joined the staff of Phil Metschan, Jr., at the Imperial. The Imperial staff is being increased in preparation for the addition of the new hotel to the present building.
Mr. and Mrs. B. F. Halberg, of Los Angeles, Cal., are in Portland visiting Mr. and Mrs. J. F. Peebler. Mrs. Halberg is a cousin of Mrs. Peebler, and daughter of the late J. E. Houston. They are returning from Louisville, Ky., where Mr. Halberg attended the Imperial Council of the Mystic Shrine. Mr. Halberg and wife are both ac-complished musicians, he being a leader in the Shriners' band from California.

CHICAGO, July 7 .- (Special.)-Northwest people at hotels From Portland-Sol C. Stiller, Ike Upright, at the Great Northern; J. O. Wright, at the Morrison From Medford-B. H. Harris, at the

in the Shriners' band from California. They will visit other relatives before

returning to Los Angeles.

Watch the Grocer's Basket

VOUR grocer is not going to offer you a "substitute" for Shredded Wheat Biscuit. He knows there is no substitute for it. He knows that Shredded Wheat is in a class by itself-unique and incomparable—that no other cereal can take its place-but mistakes happen in the best regulated groceries. See that the grocer's basket always contains

Shredded Wheat Biscuit

Give your grocer a standing order for so many packages a week-that means health and happiness for children as well as grown-ups-it means well-nourished bodies, strength and health for the day's work.

> Shredded Wheat is made of the choicest selected white wheat, cleaned, steam-cooked and baked. Try it for breakfast to-morrow with milk or cream. The Biscuit is [also delicious for any meal in combination with fresh or preserved fruits.

THE ONLY "BREAKFAST CEREAL" MADE IN BISCUIT FORM