

SCHEVELY TRIAL
DRAGS ON SLOWLY

Defendant's Tactics Lead to
Belief He Hopes to Get
Case Into Courts.

SESSION ENDS SATURDAY

Much Unfinished Business Before
House — Governor's Promised
Message Not Yet Presented.
Time for Work Short.

BY R. G. CALLVERT
OLYMPIA, Wash., Aug. 15.—(Staff Correspondence.)—In the first impeachment trial ever held in this state not a great deal of headway has been made. Through his attorney, indicated what may be either a desire to proceed with care and caution, or a well-laid plan to delay action as long as possible. Some of the members citing to the latter theory because Schively is quoted to have said, when the impeachment articles were filed, that he would make it a long and expensive trial. Then, again, some members and the view extends to the House Board of Impeachment Managers, believe that Schively hopes to gain some advantage by prolonging the trial until after the expiration of 90 days from the time of convening the Legislature in special session. Sixty days is the maximum time limit fixed on sessions of the Legislature, and the Attorney-General has ruled that every day of the interim between special sessions must be counted as a Legislative day. Under this ruling the Legislative session will expire next Saturday at 11 o'clock midnight unless sooner adjourned sine die.

Hopes to Get Into Court.

Senate members contend that, although the Legislative session must end, the Senate may continue to sit as an impeachment court. It is expected by the impeachment managers that Schively's counsel intends to attack this view, and it is suggested that if the Senate continues to sit, and finally impeaches the Insurance Commissioner, he may try to get the case into the Supreme Court on the ground that the body that impeached him had no jurisdiction.

In impeachment trials the verdict of the Senate is supreme. There is no appeal permitted to the courts, yet it is argued that the courts would interfere to save a man's office for him if a body improperly organized, or which had lost its jurisdiction by constitutional limitation, had attempted to oust him.

So far the trial of Schively has resulted in the settlement of but three points at issue and all these are matters preliminary to the actual trial of the respondent.

The Senate has refused to unseat its members accused by Schively of being prejudiced against him; has declined to strike out the article charging perjury before the Spokane grand jury, and has stricken out Article 1 because the facts stated therein were not sufficient to constitute a cause of action.

Weeks of Trial Predicted.

Demurrers are still to be argued on the remaining 24 counts in the indictment. The same objections raised by Schively's counsel will apply to nearly all of these counts, and the articles will be grouped for the convenience of argument. There remains unargued the question as to the authority of the Senate to impeach a state officer for misconduct committed while a deputy; the contention that the statute of limitations bars many of the charges, and, probably, the objection that even if the charges are true in many instances they do not constitute a violation of the statutes of this state.

The impeachment managers are drawing 12 amended articles to take the place of a like number which fall within the objection sustained to Article 1, and it is possible that the fertile mind of Schively's counsel will discover objections to these new articles which will be the cause for further extended arguments. The length of the Senate impeachment court is a subject for widely differing conjectures. While the impeachment managers are now predicting a closing of the case within ten or 12 days, Schively's attorney refers to the length of the trial as a matter not of days, but of weeks.

Much Work Before House.

But whatever the length of the impeachment trial it is now generally conceded that the House must cease to do business by Saturday night at midnight, and that if there is any legislative business to be transacted by either house it must be accomplished this week.

The only pressing demand for the House to remain in session this week is the possibility that it may be needed to draft amended articles of impeachment as the result of the Senate sustaining the objections of the defendant's counsel to a number of the counts in the indictment. The House cannot delegate this authority to the impeachment managers, but must perform this duty itself if amended articles are to be presented.

Nevertheless, a good batch of work has been laid on for the House for this week. Governor Hay has not yet presented his promised message recommending certain legislation. In addition there is the ratification or rejection of the general income tax amendment to the Federal Constitution, the need for some provision for holding a special election to fill the Congressional vacancy in the Southern District, the matter of continuing or dismissing the Supreme Court Investigating Committee; the report of the House members of the General Investigating Committee on the conditions at the Soldiers' Home at Oring and the advisability of transferring that institution to Fort Orchard and moving the school for defective youth from Medical Lake to Oring, and numerous bills which individual members are demanding be adopted.

Among the bills pending in the House are the general game bill which passed the Senate in July; the Campbell bill restoring the nomination of Supreme Judges to the direct primary which has a favorable committee report, and a bill amending the drainage district law; a bill prohibiting the sale of liquors on the grounds of fairs receiving aid from the state.

Little Will Be Accomplished.

The work accomplished by the House last week consisted almost solely of granting the members mileage and passing the Duwamish waterways bill and a Senate bill amending the material men's lien law.

For the Senate there is promised this week the introduction of a bill submitting to the voters a constitutional

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CHECKING IS BEGUN

Officers Satisfied With McDonnell's Books So Far.

SECOND INQUIRY LATER ON

Present Investigation Is of Regimental Money and State's Accounts Will Be Taken Up by Inspector-General.

(Continued From First Page.)

We took up tonight month first. We are simply checking up the bills as we find them."

Captain Bowman intimated that the examination of accounts could not be pronounced complete until the Captains of several companies had been heard from, a delay of the receipt of their warrants from the Secretary of State being a setback to Colonel McDonnell's report. That tardy money amounted to about \$360 was the estimate made by Captain Bowman.

Two Funds to Check.

Colonel McDonnell's accounts are the object of a two-fold investigation, the checking begun last night delving into

his manner of handling the regimental fund, the keeping of which falls to a Colonel as a private trust. For the proper distribution of this fund the regimental chief is responsible only to his brother officers. The second investigation involves a state fund which is a public trust. The accounts surrounding this fund will be investigated by Inspector-General Jackson, who, after General Finzer, is the only other National Guard officer superior in rank to Colonel McDonnell. This investigation was ordered by General Finzer yesterday prior to his departure for the National rifle competition, and will be entered into by General Finzer for Colonel McDonnell to turn over whatever Government funds accounts say should be in his keeping.

Yesterday the Regimental Board insisted there was nothing out of the ordinary in General Finzer's edict that Colonel McDonnell's accounts be subjected to investigation. Colonel McDonnell, too, declared the order of his superior was merely a routine course.

Finzer's Letter Not Received.

"If Colonel McDonnell," said Inspector General Jackson yesterday, "had made it plain to General Finzer that there would be no shortage, the order would have been withdrawn."

Up to yesterday afternoon Inspector-General Jackson had not received General Finzer's order to inspect Colonel McDonnell's accounts, but he was aware such instructions had been issued.

"In my investigation of Colonel McDonnell's accounts," said Colonel Jackson, "I will take up the accounts from his last quarter of 1908, when a small balance was on hand. The regimental fund accrues from a tax on officers for entertainment and similar expense. I understand the meeting of the officers yesterday concerned this fund."

Board Is Sole Custodian.

"The regimental fund is controlled by the Regimental Board. All that concerns

me is the state fund. If a shortage is found in that fund Colonel McDonnell must give security or face court-martial. If a shortage is found in the regimental fund, the custodian may be court-martialed for conduct to the prejudice of good order and discipline."

Already predictions are rife as to the probable successor of Colonel McDonnell. Lieutenant-Colonel John M. Poorman, of Woodburn, will be made temporary commander of the Third Regiment, pending the election of a successor, which, it is believed, will not be held until three months after Colonel McDonnell's resignation. That Major Frank S. Baker will be voted into the colonelcy seems to be the general opinion in militia circles.

General Finzer is not due to return from Camp Perry, Ohio, where the national marksmanship contest will be held, until next month, and it is probable no official announcement as to Colonel McDonnell's status and the result of the investigations, under way and ordered, will be made until he is back at his desk at headquarters.

Ow Yang King Is Now Consul.

VANCOUVER, B. C., Aug. 15.—(Special.)—Among the arrivals on the Empress of India tonight was Ow Yang King, who is to be Chinese Consul of this port. King was formerly at San Francisco and will relieve Hsu Ping Chen here. King was sent here some time ago by the Chinese Government to settle the dangerous rioting out of the anti-Japanese riots. Local Chinese have prepared a big reception for their new Consul.

Travel to Fair on Wager.

VANCOUVER, Wash., Aug. 15.—(Special.)—Carl and Herman Livingstone, two young men who are making a trip from Tulsa, Okla., to the Seattle fair on a wager, passed through Vancouver on their way north. They left Tulsa, Okla., three months ago with \$5 each, and they posted \$500 each that they would see the fair, make and save each \$500 in the meantime and be back in Tulsa November, 25.

PASTOR IS DUSTED

Moscow Baptists Get Rid of Rev. John M. Hupp.

CHURCH RENT ASUNDER

Deacon and Prominent Members Withdraw—Hupp Is Asked to Resign, and Upon His Refusal Is Voted Out by Trustees.

MOSCOW, Idaho, Aug. 15.—(Special.)—Rev. John M. Hupp, of the Baptist Church of this city, famed locally in the anti-saloon fight when Moscow went dry, and who was ex-Mayor R. S. Matthews' representative in the employment of detectives at the expense of the city, and who was made a party to the injunction case brought by a committee of the Citizens' League, restraining the city from paying certain warrants illegally issued, has been engaged in battle royal with his congregation, which reached a climax in his removal and resignation after several sensational hearings.

That the Baptist Church of Moscow is disrupted over these events is to state the case mildly. Deacon L. B. Collins has resigned, as did O. A. Benedict, superintendent of the Baptist Sunday School, and many of the more prominent

members are taking out letters to join other churches.

Determined efforts were made to keep the matter from getting into the newspapers. Not until Rev. Mr. Hupp had been asked to resign by the board of trustees, and upon refusal was voted out by his congregation, did the trouble reach the public. Some of Rev. Mr. Hupp's enemies accuse him of having had trouble in Kansas. Rev. Mr. Hupp said:

"I have no fears of those who attempt to assail my reputation as a minister or a man. My life is an open book and I invite inspection of the records."

While Rev. Mr. Hupp has made some enemies, probably no preacher ever stationed in this city, in the short space of two and one-half years, has been in the limelight so often and to such a degree. He first revolutionized the local Ministerial Association and was one of the moving spirits in making Moscow dry by organizing a secret committee of 12, who, announced that money had been subscribed to employ detectives and prosecute those selling intoxicating liquors illegally. He was a delegate to the Republican County Convention last summer.

His sudden notoriety reached its climax last winter, when it was discovered by the pleadings filed in the injunction case against the city and himself that he was in an alleged secret deal with the Mayor and the members of the City Council to have the city pay the detectives instead of the secret committee that had advertised rewards for this purpose.

Miss Sorahji is said to be the only woman lawyer in India. She is said to make a comfortable income by practicing her profession and to encourage other women to follow her example.

DIABETES

Three years ago we received a number of letters signed "Mrs. A. A. Cloud, New York City." They were invariably written on the letter heads of one of the large New York Trust companies. They gave the details of a stubborn case of Diabetes. It was very obstinate, and letter after letter was received asking further advice.

We now have the interesting sequel dated "Jacksonville, Florida," where this lady has evidently spent the winter. She writes as follows:

"I know that you will remember me, as I was one of your patients and was cured by your Diabetic Compound. I want to help cure some others who are suffering with this trouble. Please send literature on Diabetes to Mrs. W. D. Barnett, etc. (address below). I sent to Bartow, Florida, for circulars, but your agents were out of them. I live in New York City and will return shortly. I am well and have gained back all of the flesh that I lost. I shall surely continue to recommend your treatment to sufferers, having been one myself."

"Thankfully,"
"MRS. A. A. CLOUD."

The books admit that codine, arsenauo, etc., are merely palliative and not curative, and therefore declare Diabetes to be incurable.

On the contrary, under the new eminent treatment worked out by the late John J. Fulton, it is a solemn fact that nearly nine-tenths of these cases can recover where the patients are not too young, and recoveries like the above are announced almost daily.

Thoughtful people with open minds, desiring to know more about this treatment, can have full literature mailed free by addressing the John J. Fulton Company, 212 First street, San Francisco, Cal.

We want to hear from and advise with all patients not noting improvement by the third week.

In all letters Diabetes should state age.

Fulton's Diabetic Compound can be had at druggists

THREE CENTRAL FIGURES IN THIRD REGIMENT DIFFICULTY.



Inspector-General James Jackson, Who Will Inquire Into Colonel McDonnell's Accounts.



Colonel Charles E. McDonnell, Who Retires From Command of Regiment.



Adjutant-General W. E. Finzer, Who Ordered Inquiry About to Be Undertaken.