

CONSTITUTIONAL NOT SO BOASTFUL

Schively Opponents Fear State
Has Weakened Case in
Impeachment Trial.

COURT RULES DON'T APPLY

Two-Thirds of Senate Can Impeach
Official if They Regard Him
Unfit Public Servant, Despite
Technical Defense Put Up.

OLYMPIA, Wash., Aug. 22.—(Staff Correspondence.)—As the impeachment trial of J. H. Schively now stands it looks to many observers of the proceedings that the state will fail to impeach on the perjury charge against the Insurance Commissioner.

Such comment is freely made here by persons who have listened to the testimony and is a quiet observation voiced by several conservative Senators, while even one or two of the impeachment managers admit that Schively has made a strong showing. Whether this showing can be demolished on cross-examination or by rebuttal testimony is yet to be known.

Strongest Charge Weakens.

In a way the perjury charge has been considered the strongest of the 26 counts in the original indictment of the House against the Insurance Commissioner. It is not subject to the objection that the mis-statement alleged to have been committed ante-dated the time when Schively became a state officer, nor can the argument be raised against it that it had anything to do with an insurance department policy adopted by Schively's chief.

The interpretation put on the book entries by Schively's counsel, which brought a true balance by crediting Schively with \$300 a month flat salary, and not charging him with Ward notes, and all of which is in line with his testimony before the grand jury, is admitted to be not only plausible but reasonable.

Defendant's Motive Obscure.

So far the impeachment managers have not advanced any theory as to what motive Schively could have had in denying before the grand jury that he agreed to buy Ward out, gave him \$200 in notes and received a salary on a percentage basis, if such things were true. A number of the Senators are inquiring as to motive and it is possible that the impeachment managers will attempt to present a reasonable theory on that point.

The theory suggested for the perjury motive, if it was perjury, is based on the principle of law that when officers of a corporation pay themselves excessive salaries at the expense of just liabilities against the corporation, they commit embezzlement. If Schively knowingly did this rule of criminal law and believed the Pacific Livestock Association, then in an insolvent condition, had been paying him a salary that was excessive, he might, it is argued, have perjured himself in the hope of escaping prosecution for embezzlement. Schively's counsel, apparently is forestalling any such contention as this.

Israel's Clever Work Shown.

The officers of the defunct insurance company, who on the stand testified that Schively was paid on a percentage basis, have under cross-examination of Attorney Israel, declared emphatically that the Pacific Livestock Association was actually insolvent. The officers have explained that the company premiums were paid in notes and the liabilities in cash; that during good times they had no trouble in negotiating the farmers' notes given for premiums, but when the financial stringency came on this source of ready cash was closed to them and they were forced to the wall because unable to meet their obligations, although the assets were sufficient if properly liquidated.

Attorney Israel apparently has been so far-sighted as to prove by the state's own witnesses that Schively need have had no fear of testifying to the truth, if it was the truth, that he received a month in commissions instead of \$300 a month flat salary. Attorney Israel will attempt to show a motive for the insurance officers charging Schively with the Ward notes and fixing the books.

Where Schively Is Weak.

One point, however, that may make against Schively is the assertion which the impeachment managers will attempt to prove is a fact that the company itself could have had no object in paying President Ward \$200 to resign in Schively's favor when by simple vote of the trustees it could have ousted him for nothing.

Schively's last testimony contained another weak point in his admission yesterday that he had seen the notes before he was called before the grand jury and that E. C. MacDonald, of Spokane, had inspected them in his presence. According to the evidence of the grand jury members and Prosecutor Donovan, Schively testified before the grand jury that he did not know of the existence of the notes.

As to other counts on which evidence was submitted, of which all but one relate to conduct when Schively was Deputy Insurance Commissioner, the evidence presented by the state so far has not been denied in its elemental particulars. Schively, it is indicated, hopes to escape conviction on these counts on the defense that he was executing departmental orders initiated by his chief, Secretary of State Nichols, and approved by the Attorney-General.

It is expected, too, that he will question the jurisdiction of the Senate to impeach him for acts committed while a deputy and he may also attempt to invoke the statute of limitations. Through one or the other of these contentions Schively may muster more than one-third of the votes of the Senate in his favor and thus escape impeachment, but what is now sticking in the throat of many of the Senators is the condition, so far not contradicted by testimony, that even if the Attorney-General approved conviction of examination fees in advance and the charging of a flat rate thereafter, that many of the examinations were not made and the Secretary of State and his deputy, Schively, pocketed the money.

Opponents Look Gloomy.

The Senate is not bound by technical rules of criminal procedure, and two-thirds may decide to impeach on the ground that such conduct shows that Schively, even if having committed no illegality, is not fit to remain in office.

On the whole, however, there is not the apparent certainty of conviction that existed at the beginning of the trial, and

FOUR AGED GRANDMOTHERS WHO RESIDE IN EUGENE



Upper Row (Left to Right)—Mrs. Mary J. Gray and Mrs. E. M. Edgings. Lower Row—Mrs. J. Morris Drew and Mrs. Barbara Hollis.

EUGENE, Or., Aug. 22.—(Special.)—Four aged grandmothers, Oregon pioneers, reside within one block of each other in Eugene. They are still active in the ordinary duties of everyday life. All of them are over 76 years of age. Three of them are great-grandmothers.

Mrs. Mary J. Gray was born in Peru, Ind., May 24, 1830. When 20 years of age she married Thomas Gray and went with him and their two little ones to Iowa in 1852. The next spring they started for Oregon, settling in the Mohawk Valley. Eighteen years ago the family moved to Eugene.

Mrs. E. M. Edgings was born in Jacksonville, Ill. From there she went to Minneapolis, and came to Oregon some 26 years ago. The principal part of that time she has lived in Ashland and Portland, but has recently come to live with her daughter, Mrs. Godfrey, on East Eighth street, Eugene.

Mrs. Mary J. Morris Drew was born in Delaware, December 25, 1832. She went with her parents in early childhood to Clinton County, Ohio. She has lived in Eugene for 20 years.

Mrs. Barbara Hollis was born August 11, 1822, in Page County, Virginia, and is a few months the youngest of the four grandmothers. She settled in Missouri and came to Oregon 35 years ago.

Some of those who have been clamoring most loudly for Schively's removal are now pessimistic of the result. While some of the Senators hope to complete the trial by Thursday of this week, the reaching of the end before Saturday will be generally looked upon as speedy work.

DELEGATES VISIT BANDON

Clamabake Furnishes Attraction to
Coo's Bay Visitors.

MARSHFIELD, Or., Aug. 22.—(Special.)—Part of the delegates to the Oregon Idaho Development Congress left for Portland on the Breakwater today, but quite a number remained to take in the Bandon excursion, and will return overland.

A large crowd went this morning to Bandon, where a big clamabake and other entertainment was provided in honor of the Development League visitors.

CRIME BECOMES EPIDEMIC

Eight Homicides in British Columbia in Past Week.

VICTORIA, B. C., Aug. 22.—(Special.)—An epidemic of homicide crimes swept British Columbia last week, no fewer than seven murders in all being reported, the majority, if not all, resulting from drink.

In the case of an Indian woman killed at Salmon Arm, the hideous brutality is charged against a white man and a native held for the crime. At Lower Arrow Lake, yesterday, Chief Devitt arrested Kootenay Frank for the murder of Antoine Baptiste, his partner, a rancher of Cumberland named Hodgson, otherwise known as Anderson, whose body was found at Watts' door. The old man faces a strong circumstantial case, but is saying nothing.

Elma Plans for Labor Day.

ELMA, Wash., Aug. 22.—(Special.)—Organized labor will celebrate Labor day in Elma by a parade and address in the morning. In the afternoon, athletic contests will be held, and sports of all kinds will be the order of the program. Horse racing will be held. Among the attractions will be a gold-medal prize for the mill having the best bunch of manufactured shingles in parade. The Cantons of Patriots Militant, I. O. O. F., of Aberdeen, Hoquiam and Elma, will give a battalion drill. Good music has been secured.

Weiser in for Good Roads.

WEISER, Idaho, Aug. 22.—(Special.)—Petitions have been granted by the Board of County Commissioners for the establishment of good road districts, the first in East Weiser Valley and the second in West Weiser Valley. Monday, August 30, is the date set for holding the election in both proposed districts. At these elections there will also be chosen three commissioners for each district who shall serve as supervisors of such districts.

Tramps Start \$8000 Fire.

WALLA WALLA, Wash., Aug. 22.—Tramps who crawled into a box car at Waterloo, a station near Walla Walla, this morning, started a small fire because of the chertiness, and this fire destroyed the car and in turn ignited the Puget Sound Company's warehouse, which was burned. The loss of grain and warehouse amounts to about \$8000. The sacks of grain being burned. The loss is covered by insurance.

Baker People to Hear Mormons.

BAKER CITY, Or., Aug. 22.—(Special.)—Baker City people are planning to run a special train to La Grande on the evening of August 23 to hear the Mormon choir, which gives a concert in that city.

Bridges to Be Put Up.

INDEPENDENCE, Or., Aug. 22.—(Special.)—The steel of two new county bridges is here ready and the contractors will go to work next week. These are to be placed one on Monmouth street in the city limits and one about three miles below town on the Salem road.

FARMERS' UNION GETS MORE GRAIN

"Old Line" Warehouses Doing
Very Little Business in
Colfax District.

GRAIN'S AVERAGE IS HIGH

Fifty Bushels an Acre Common.
Price Was Threatened Between
Warehouse Companies Because
of Farmers' Action.

SPOKANE, Wash., Aug. 22.—(Special.)—Wheat is arriving in large quantities at the warehouses at Colfax and vicinity, and in the storage of grain the strength of the Farmers' Educational and Co-Operative Union in that part of the country is shown. The Colfax union has three houses—one at Mockanemo, six miles west of Colfax, on the O. R. & N., one at Colfax, on the electric railroad, and one at Riebeck, a new station four miles southeast of Colfax on the Moscow branch of the O. R. & N. J. H. Bloom, an extensive farmer, is the active manager of the warehouses of the Colfax union.

The Colfax house had more than 3000 sacks yesterday morning and grain kept arriving all day. Five teams were waiting to unload. George Ripley is foreman. Mr. Ripley says that the two "old line" houses have received but two or three wagonloads each, while the farmers' house is rushed.

"We are simply swamped at Mockanemo," said Mr. Bloom. "We have a string of teams waiting all the time, and our men are rushing to take in the grain as fast as it is offered, while neither of the 'old line' houses has received much grain."

The grain is averaging from 25 to 30 bushels, and it is thought that Fall wheat will go well over 50 bushels on an average. A price war is threatened at Colfax between the Pacific Coast Elevator Company and the "old line" companies because of the farmers' withdrawal from the storage rate agreement made in Portland in June last year.

IOWA SOCIETY AT PICNIC

Seven Hundred Members of Hood
River Club Enjoy Outing.

HOOD RIVER, Or., Aug. 22.—(Special.)—To participate in their annual picnic, between 600 and 700 members of the Hood River Iowa State Society are rushing to take in the grain as fast as it is offered, while neither of the "old line" houses has received much grain.

The grain is averaging from 25 to 30 bushels, and it is thought that Fall wheat will go well over 50 bushels on an average. A price war is threatened at Colfax between the Pacific Coast Elevator Company and the "old line" companies because of the farmers' withdrawal from the storage rate agreement made in Portland in June last year.

To feed the picnickers a fat steer was killed and barbecued. The members of the society were taken to the Punch Bowl in a special train in charge of Superintendent Charles T. Early, of the Mount Hood Railroad. In the afternoon the train was run to the Devil's Punch Bowl, where the society had a picnic. The train was proceeding at ordinary speed south from Grand Forks and had left Darts, a small mining hamlet, two miles behind, when it struck the bridge, about which bush fires were raging. The engineer could not see the underpinning was ablaze and the train crashed through the blazing bridge and falling into the ravine which it spanned.

The heap of debris immediately caught fire, being completely consumed, while the locomotive was scrapped as unfit for further service. The engineer succeeded in preventing an explosion, and, with the mail clerk, is the most seriously injured.

No passengers are seriously hurt, although all were badly shaken up, cut and bruised. Traffic is interrupted in consequence of the loss of the bridge, transfers being imperative at the scene of the wreck.

This is the second Great Northern train within a month to be through bridge in British Columbia, the "Owl Express" on the Vancouver-Seattle division dropping through the draw in the bridge at New Westminster into the Fraser River a few weeks ago through misreading of the orders by the engineer, who was killed.

TEACHERS' STUDY COURSE

Subjects on Which Examinations
Will Be Held in Oregon.

SALEM, Or., Aug. 22.—(Special.)—The State Superintendent of Public Instruction has issued a circular of information giving the source of examination questions for state and county papers, February 9-12 and August 19-23, 1910. The following subjects are taken from the circular, which has just been issued.

1. Arithmetic—One-fifth from State Course of Study, four-fifths from Smith.
2. Civil Government—Strong, Schaffer.
3. English Literature—February, 1910: (a) One-half from text, Newcomer's English Literature and Newcomer's American Literature; (b) one-half from the following classic: (1) Franklin's Autobiography; (2) Macbeth, Shakespeare; (3) American Poems, edited by Long.
4. Geography—One-fifth from State Course of Study, four-fifths from Ray and Himmann.
5. Grammar—One-fifth from State Course of Study, four-fifths from Buehler.
6. History, U. S.—One-fifth from State Course of Study, four-fifths from Doubt.
7. Orthography—Read's Word Lessons.
8. Physical Geography—Tarr's New Physical Geography.
9. Physiology—Krohn, Hutchinson.
10. Reading—State Course of Study, White's Art of Teaching, Oral Reading.
11. School Laws—School Laws of Oregon, edition of 1909.
12. Theory and Practice—White's Art of Teaching.
13. Writing—Outlook Writing System, Tests and Samples.
14. Algebra—Wells; Algebra for Secondary Schools.
15. Bookkeeping—Office Methods and Practical Bookkeeping, Part I.
16. Composition—Gale and Gale: A First Course in Physics.
17. Physics—Millikan & Gale: A First Course in Physics.
18. Psychology—Burr.
19. Botany—Berges; Elements of Botany.
20. Geometry—Westworth; Plane and Solid Geometry, questions on Plane Geometry.
21. History, General—Myers; General History.

Portland Man in New Firm.

KELESO, Wash., Aug. 22.—(Special.)—J. H. Gallager, of Portland, and Leonard Marshall, of this place, today closed a deal for the purchase of the interests of Albert and Perry Burcham in the contracting firm known as the Burcham & Byrnes Construction Company. This company operates several dredges and pile-drivers and owns considerable water front at Keleso. It had charge of the Government work on this river some time ago.

Ballinger Keeps Off

REFUSES TO RENEW DEBATE
WITH PINCHOT.

Expects to Be in Seattle, but Will
Not Make Addresses Before
Conservation Congress.

SEATTLE, Aug. 22.—The announcement of Secretary of the Interior Ballinger, though he will be in Seattle, probably will not speak at the First National Conservation Congress to be held in the Alaska-Yukon-Pacific Exposition Auditorium next Thursday, Friday and Saturday, has been a disappointment to those who hoped for a renewal of the Pinchot-Ballinger controversy over the Government's public land policy.

Gifford Pinchot will speak on "Principles of Conservation," and ex-Governor George C. Pardee, of California, who is a critic of the Ballinger policy, will address the congress on "Right Use of Natural Resources."

Other notable speakers will be Mrs. J. Ellen Foster, Dr. W. J. McGee, General Marion P. Mann, John Barrett and James A. Emery, of New York, president of the National Manufacturers' Association.

If the smoke from forest fires that obscures the snowy ranges of the Cascades and Olympics from Exposition visitors continues until the convention meets, it will impress the delegates with the waste of timber that is still in progress.

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TO HELP THEMSELVES

MALHEUR PEOPLE HAVE NEW
WATER PROJECT.

Scheme Proposed Whereby Supply
May Be Pumped by Electric
Power From Snake River.

WEISER, Idaho, Aug. 22.—(Special.)—Residents of Malheur County, across Snake River in Oregon, are determined to have water, and the don't propose to wait for years for Uncle Sam to make some move, although all of them are strongly in favor of Government irrigation. But indications are that the water is flowing over those fertile lands before very long, and it will not be Government water either.

A meeting was held at the Jefferson schoolhouse in that locality Wednesday evening to discuss the feasibility of putting in an electric pumping plant to take water from Snake River. A number of Weiser citizens were present at the meeting, many of whom own land in that section, and a number of important propositions were considered. B. A. Atwood, Stewart French and J. W. Soneman were appointed to investigate further plans, cost, etc., and to take up the matter of securing power from the Idaho-Oregon Light & Power Company, and report at another meeting to be held at the same place in a few days.

The promoters of this proposed project, after a careful investigation, assert that by lifting the water to a height of 85 feet an area of 2000 acres can be covered, and by lifting it a few feet more 3000 acres can be covered. A plant operated by electricity is already in successful operation in that locality, which covers 2000 acres.

New Postoffice Plans Ready.

INDEPENDENCE, Or., Aug. 22.—(Special.)—Plans for the new postoffice at Independence have just been made public. The office will be situated where it is now, with addition of a room formerly used as a barber shop by E. T. Hendle. The whole office will be 31 feet square. The furniture, which is regular bank furniture of heavy oak, will be supplied by the Pacific Postoffice Equipment Company, of Indianapolis. The boxes will all be the latest combination lock boxes. While the room is being fixed the office will be moved to the Opera-House building.

Portland Man in New Firm.

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SPOKANE, PORTLAND & SEATTLE RAILWAY "THE NORTH BANK ROAD"

DAILY EXCURSIONS TO CASCADE MOUNTAIN RESORTS AT

Stevenson Hot Springs Hotel, Stevenson, Wash.
Shipherds Mineral Springs Hotel, Ash, Washington.
Collins Hot Springs Hotel, Collins, Washington.
Jewett Farm Resort, White Salmon, Washington.

ROUND TRIP FARES

Week-End.	Thirty-Day.
\$2.15 Stevenson, Wash.	\$2.65
\$2.30 Ash, Wash.	\$2.75
\$2.50 Collins, Wash.	\$2.75
\$3.00 White Salmon, Wash.	\$3.25

THREE TRAINS DAILY

Leave Portland.	Arrive Portland.
8:45 A. M.	8:30 A. M.
4:15 P. M.	12:00 Noon.
5:40 P. M.	8:50 P. M.

TICKET OFFICES

255 Morrison Street, Corner Third.
122 Third Street, Near Washington.
Passenger Station, Eleventh and Hoyt Streets.

BENEFITS FELT ALREADY

NATRON-KLAMATH RAILROAD
HELPS LANE COUNTY.

Tunnel Work in Progress at Hazel
Dell—More Men to Be Put at
Work Next Month.

EUGENE, Or., Aug. 22.—(Special.)—Prosperity which will follow the construction of the railroad from Natron to Klamath Falls, is not to be confined to the locality, and already Lane County feels the benefit of the big undertaking that will not only mean an advantage that cannot be calculated when the road is completed, but which means prosperity now for this section on account of hundreds of thousands of dollars being spent for labor and supplies, and for which arrangements have already been made.

Some of the contractors are now on the ground, and tunnel work has been commenced at Hazel Dell. Beginning in September, probably about the first, the contractors will be ready for 1000 more men and scores of teams, and it is known that this work will continue, there is a good reason to believe that it will last longer than was first supposed on account of the fact that the railroad company will have much more to do than building the road from here to Klamath Falls. The work of establishing terminals and making such improvements as the new line will require at this end, will not only mean additional money spent for labor, but considerable increase in the value of lands on and about the road and particularly in the vicinity of its connection with the main line here.

The towns that will reap the first benefits of the new railroad will be Eugene, Springfield, Natron and Goshen. The

company will have offices and headquarters in both Eugene and Springfield. The mill city will, however, probably receive the most direct advantage from the work, as its location gives it some advantage over other points as a place from which operations can be directed.

SHEEP BRING GOOD PRICE

Eastern Buyers Make Many Deals
at Weiser.

WEISER, Idaho, Aug. 22.—(Special.)—Eastern sheep buyers are numerous in this county making their Fall purchases, and many important deals are reported at top-notch prices. Several sales of lambs are reported closed at \$5.75 a head. Shipments will begin early next month and will continue for about 60 days, and as a result more sheep will be shipped out of this county this Fall than ever before.

The range this season has been all that sheepmen could desire and as a result the sheep are in excellent marketable condition.

Bridge Partly Completed.

BROWNSVILLE, Or., Aug. 22.—(Special.)—One span of the new steel bridge across the Calapooya River, between North and South Brownsville, is now in position, and it is expected that the work of erecting the other span will be completed by the end of next week. Each of the two steel spans is 12½ feet in length. County Commissioner T. J. Butler is here directing the work.

Teachers to Meet at Elma.

ELMA, Or., Aug. 22.—(Special.)—The institute of the teachers of Chemahua County will be held in Elma during the week beginning August 22. Several hundred teachers will be in attendance and noted educators from throughout the state will be here to lend their assistance in making the institute a success.

To Maintain Your Natural Vigor

during the warm Summer months, a gentle tonic is approved by most physicians. Beer is one of the healthiest and most agreeable tonics known, provided it is absolutely pure.



WEINHARD'S BEER

Combines everything that is best in the art of brewing and the name stands for unexcelled QUALITY and PURITY. Summer will be made more enjoyable by the moderate use of this superior beer.

OUR BOTTLED BEERS

COLUMBIA—EXPORT—KAISERBLUME

are brewed under the most sanitary conditions, every bottle being thoroughly sterilized and pasteurized. SEND YOUR ORDERS TODAY. We deliver to all parts of the city on the West Side of the river. On Monday, Wednesday and Friday, north of East Burnside street. On Tuesday, Thursday and Saturday, south of East Burnside; North Albina, Wednesday; Sellwood, Thursday.

PRICE:	
Kaiserblume, large size, per case of one dozen, \$1.90.	Columbia and Export, large size, \$1.75 per case of one dozen.
Small size, per case of two dozen, \$2.10.	Small size, \$1.90 per case of two dozen.

An additional charge of 50c will be made for shipping case, on out-of-town orders, which will be refunded upon its return. Allowance of 40c will be made upon return of case and empty bottles.

HENRY WEINHARD BREWERY
PHONE A 1172, MAIN 72
PORTLAND, OREGON