

LAWYERS LAND ON JUSTICES' RULES

Lively Tilts in Evidence at Meeting of Bar Association.

OLSON CENTER OF FRAY

"Chief Justice" Resents Criticism of Regulations Formulated by Him and in Defense Takes Few Hot Shots at Attorneys Present.

Criticism of the methods of the local Justice Court was freely indulged in at a meeting of the Multnomah Bar Association, held at the Courthouse last night. The meeting was called to order by the president, who said that not less than 25 attorneys had spoken to him in criticism of the Justice Court rules, and had asked that the Bar Association do something to remedy the difficulty.

The largest part of last night's criticism was directed against the rule formulated by Justice Olson that the clerk of the court are not to file affidavits if the notary fees are entered at more than 25 cents; the rule that defaults must be taken in open court, and a third rule providing that a default comes to issue automatically in three days, without being especially set down for hearing by the court. Some of the attorneys present criticized the local Justices of the Peace for not extending the courtesy to attorneys which is granted by the five judges of the Circuit Court and the Judges of the Supreme Court, namely, to allow an attorney to take a default at any time when a court is in session, whether the Judge is sitting on the bench at the time or not.

A motion made by Attorney W. M. Cole, to adopt a resolution approving of the rules now in vogue in the Justice Court, was tabled. Then came a motion by Attorney John F. Logan that a committee of five be appointed to confer with Justices Bell and Olson regarding the rules. The members of the committee are Charles J. Schnabel, John F. Logan, Oglesby Young, W. M. Cole and A. A. Seal.

Dunaway Wants Alving.

During the discussion which followed Attorney Cole's motion, Attorney Ralph R. Dunaway said that he was opposed to its adoption because it would have come to pass frequently and asked if something could not be done to correct those Justice Court rules, not to criticize them, but to suggest to the Justices where there should be changes. In general they are all right, only two or three rules being burdensome. By the rule regarding defaults, if an attorney is unavoidably delayed in three minutes after the morning, the Justice refuses to give him a default. There is not a Circuit Judge in the county who would refuse such an order at any time of day. "I would suggest an automatic default," suggested James Gleason. "Then there is this rule that the clerk shall not file an affidavit if the notary's fees are entered at more than 25 cents. That rule was made by the new presiding Justice. There has been a great deal of complaint about it."

Olson Makes His Defense.

Justice Olson said in defense of the rules: "There is nothing so unjust as ignorance. I am conscious of the feeling against me manifested by some members of the legal profession. The president of your association has in a slightly surly way refused to make a case in the Justice Court. He speaks in ignorance. He can come down there at any time of day, from 9 o'clock until noon, and have a default entered."

"Since what has that rule been changed?" queried Moser. "Since July 6," said Olson, "and it's time you found it out. I have been in the Justice Court about three years, and the court has handled about 500 or 600 cases. If there is something to pop to tonight, let it pop. I am ready to face any man in the audience. If I cannot give him a good reason for anything I will do away with that rule."

"There are members of the bar who hang around the courthouses and criticize the Justice Court. Reform your ranks, and you will not need any rules in the Justice Court. The purpose of the law is to expedite work. You read in almost every paper that some man has taken the law into his own hands. We have tried to make the Justice Court a decent place to practice law. Some members have made it a decent place. I will say one thing, we don't try cases in chambers. If the attorneys for both sides of a case can agree upon a default, I will sign the order."

"That rule regarding notary fees came as the result of objections to a cost bill, filed by Attorney Calk. I felt as though this fee business had been overdone. I have a duty to perform to the public as well as to the attorney. It is not right for me to allow an attorney to take all he can get. Those 25 members of the bar stand up and make their complaint. I have tried to give the court my best."

Olson and Dunaway Have Tilt. "I understand that there is something burning underneath the coat of my brother Dunaway. The trouble was (turning to Dunaway) you had a phony case, and you tried to make a case out of it, and I would not convict the man and let you go to the Circuit Court to make a dummy out of me. So you didn't like it. This lawyers can accuse me of being dilatory. I treat everybody alike no matter what their politics, and I will take my chance for re-election with the people."

Attorney Dunaway replied to Justice Olson by saying that he takes his office altogether too seriously. Regarding the "sore spot," he said he had none, but that he tried to test out the new postler's law, by having a man violate it and then having him arrested and called in before Olson for a preliminary hearing. He thought it very funny, he said, that Olson should refuse to issue a pro forma order, and allow him to take the case into the higher court, where it might be passed upon. He thought no other justice would do as Olson did.

Justice Bell spoke briefly, saying he had been accorded every courtesy at the hands of attorneys.

Last night's discussion was opened by Attorney James Cole, who explained the rules and their operation. Attorneys who objected to the present rules were: J. A.

NATIONAL GUARD ELECTS

Names Officers and Selects St. Louis as Next Meeting Place.

LOS ANGELES, Cal., Sept. 28.—The National Guard Association of the United States selected St. Louis as the place of holding its next convention in 1910, and elected the following officers: President, General Thomas J. Stewart, of Pennsylvania; secretary, General Charles L. Martin, of Kansas; treasurer, General J. A. Storch, of Nebraska; United States Senator Charles Dick, of Ohio, the present president, declined a re-election.

General Stewart, the new head of the association, was formerly commander-in-chief of the G. A. R., and Adjutant General of Pennsylvania. Among the vice-presidents elected is General J. B. Lauck, of California.

First Lieutenant Paul W. Beck, Signal Corps, U. S. A., spoke on "Military Communications." Captain James L. Bevens delivered an address on "Military Hygiene and Army Sanitation." Answering the criticism that present day drills and other military training methods are obsolete and useless, Colonel William E. Weaver, of the Army General Staff, declared today that close-order formations were absolutely necessary. He admitted that open-order fighting was the only way of meeting conditions in modern warfare, but asserted that without the discipline of close-order formations, a soldier would be of little use in battle.

UNION MEN OUT OF PARADE

Spokane Labor Council Insulted Because Not Properly Invited.

SPOKANE, Wash., Sept. 28.—(Special.)—"The Central Labor Council refused to authorize a reprisal Max Demuth, reading clerk of the Council today. "Our president, William J. Coates, received an invitation to take part in the parade only at the last moment. He received only an informal invitation while the other participants received formal notices."

"It was the sense of the meeting of the Central Labor Council last night that the reception committee to the President had been appointed by the Spokane Labor Council, and that it was an arbitrary and high-handed manner."

"It was the sense of the Council that it is an insult to Governor Hay that he has been given a rear automobile in the parade, in order to provide room in the first carriage for a member of the Chamber of Commerce."

For these reasons we do not see fit to send a delegation. We believe the labor union, representing as they do the workmen of the city, have had a large share in the building of Spokane. If we have not been deemed of sufficient importance to be represented in the parade on the same basis and on the same kind of an invitation as the remaining representatives, we do not believe that we should be represented at all."

PANAMA MEN TAKE NOTES

Seattle Tells Visitors From South How to Run Big Show.

SEATTLE, Sept. 28.—Colonel D. C. Collier, of San Diego, Cal., recently elected director-general of the Panama-California Exposition, to be held in that city in 1910, and George Burnham, a director of the same corporation, were given an official welcome today at the Alaska-Yukon-Pacific Exposition grounds by President J. E. Chalmers and Director-General L. A. Newell.

The books and accounts of the local fair were thrown open to their inspection and various heads of departments were requested to furnish complete reports of their organization and procedure since the Exposition opened.

Colonel Collier and Director Burnham were the guests of the Exposition officials at a luncheon given at the Exposition Club. The visitors will inaugurate a study of the various systems tomorrow.

RAN PACK-TRAIN TO IDAHO

Man Dies Who Led in Portland's Pioneer Days.

NEW YORK, Sept. 28.—The death in a hospital here is announced of Walton Townsend, who achieved much fortune and a good name in the early days on the Pacific Coast.

Going to San Francisco in 1849, he played a prominent part in the early history of that city. Later he went to Portland, Or., where he organized a system of mail routes, running from there into what is now Idaho, and founded the first bank in that locality.

He became interested in mining, and supplied funds for the development of the famous Copper Queen mine in Arizona. Returning to New York City, he retained his interest in mining projects until age compelled his retirement from active life.

BURRO TURNS MANEATER

Thirsty Donkey Drinks Blood From Wounded Prospector.

SAN BERNARDINO, Cal., Sept. 28.—With a burro tearing at a jagged wound in his leg for blood with which to moisten his parched throat, Jacob George, an old prospector of the Mojave Desert, was found unconscious and near death by a party of miners returning from the "Furnace Regions." George was brought to Lone Willow Springs.

The aged prospector was lost for two days on the edge of Death Valley. In attempting to inflict a flesh wound on his pack animal, to secure blood with which to moisten his swollen tongue and throat, he accidentally shot himself through the leg, falling helpless beneath the burning desert sun, he lay unconscious. The burro, crazed from lack of water, viciously attacked the fallen man, and had torn a big wound in his leg when the rescuers found him.

COAST CITIES' ACCEPT

Chambers of Commerce to Send Representatives to China.

TACOMA, Wash., Sept. 28.—(Special.)—The Associated Chambers of Commerce of the Pacific Coast today dispatched a letter to the Chinese Chambers of Commerce, accepting an invitation to visit China in the month of February next. The letter is confirmatory of a cablegram sent upon the receipt of the invitation last month. The letter is signed by J. D. Lowman, president. The commercial organizations of Portland, Tacoma, Seattle, Spokane, San Francisco, Oakland, San Diego and Los Angeles will send delegates, the purpose of the visit being to promote the mutual good-will and the growth of trade between the two nations.

IMMENSE TRACT BRINGS \$300,000

J. O. Elrod Sells 15,000 Acres in Harney County to North Yakima Syndicate.

HIS PROFIT IS \$100,000

Old John Devine Ranch Will Be Stocked and Conducted by Present Purchasers—Entire Area Is Fenced.

A great tract of Eastern Oregon land, comprising 15,000 acres, has been sold by J. O. Elrod, a local real estate dealer, to Frank H. Clert and his mother, of North Yakima, and associates, at a consideration of \$300,000. The deal represents a profit of over \$100,000 to Mr. Elrod, who purchased the land 18 months ago.

The property is located in Harney County and comprises what is known as the old John Devine ranch, one of the most noted ranches in Oregon. One of the unique features of the place is that it boasts a herd of elk, one of the few herds of this kind in Oregon. The name of the place is now the Alford ranch. It has been rented to the Pacific Livestock Company, but the recent purchasers will stock the property and conduct it themselves.

The land is all fenced and cross-fenced, with about 7500 acres in hay. The remainder is good sagebrush land with a large quantity of available water for irrigation purposes. Good buildings have been erected on the place, and all the improvements are in good shape.

Mr. Elrod says that the purchase represents an advance in the price of the land of something over \$100,000 in 18 months. A year ago last June he purchased it from the Eugene Church Company of Tacoma. The deal has just been consummated whereby the property is transferred to Mr. Clert and associates.

In view of the extensive plans for railroad building in Eastern Oregon, the price paid for this land is considered remarkably low. With a railroad piercing the heart of the Eastern Oregon country, sage-brush lands susceptible of irrigation become exceptionally desirable. This has been exemplified in Eastern Washington and in Northern Oregon, where great tracts of land which were considered of but little value became the greatest wheat-producing lands in the country by the addition of transportation facilities and the placing of water upon the land.

Mr. Elrod says that to the west and east of this land rise lofty, snow-capped mountains which send off their waters to the lands in that section in numerous streams, which can easily be tapped for irrigation purposes. Water has already been turned on half the land, and the plans for irrigating the entire tract have already been worked out and entail comparatively no expense for construction or putting in the necessary water works other than the actual digging of the ditches.

RATES ARE SUSTAINED

JUDGE WOLVERTON UPHOLDS RAILROAD COMMISSION.

O. R. & N. Will Be Forced to Refund 14 Per Cent of Tolls Collected Pending Suit.

Laws establishing the Oregon State Railroad Commission, and the schedule of railroad rates established by that body, were declared valid in a decision handed down yesterday morning by Judge Wolverson, of the Federal Court.

One important result of this decision will be to force the Oregon Railroad & Navigation Company to refund about 14 per cent of the amount of tolls collected while the case decided yesterday by Judge Wolverson has been pending since May 26, 1908, for freight carried between Oregon stations.

Judge Wolverson's decision was in the form of an order dissolving the temporary injunction granted the Oregon Railroad & Navigation Company preventing the commission from enforcing its schedule of rates within the limits of the state. The restraining order was requested on the assertion by the company that the Railroad Commission was organized in violation of the state constitution, and that the rates established by it would influence interstate commerce illegally.

It has been charged by the company that the penalties provided by the State Railroad Commission were exorbitant, but Judge Wolverson did not agree with this statement. He had compared the penalties in question with those of other states, and was unable to find that the Oregon penalties were unjustly different from others.

FROM PRISON TO PRISON

Oregon Convict Will Complete Term in Indiana Cell.

SALEM, Or., Sept. 28.—(Special.)—Governor Benson today honored a requisition from the Governor of Indiana for Joseph Kessler, who was paroled from the Indiana State Prison at Michigan City after serving the minimum period of an indeterminate sentence for larceny.

Kessler is now in the Oregon Penitentiary, serving one year for embezzlement by his father, who was Ward Bell. His term will expire October 1, when he will be taken back to Indiana to serve 11 years of his unexpired sentence.

COURT CONVENES MONDAY

Bar Applicants Will Be Examined at Salem Tuesday.

SALEM, Or., Sept. 28.—(Special.)—The October term of the Supreme Court will open for business on Monday next. On Tuesday there will be an examination of applicants for admission to the bar, of whom there are a number from various parts of the United States.

In the past year 35 new attorneys from other states have been admitted to practice in Oregon. Almost as many students have taken the bar examination and been admitted.

In proportion to the population there is more money in circulation in France than any other country.

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For Wednesday and Thursday only we place on sale a beautiful assortment of high-grade tailored suits, strictly all-wool materials, in all the season's colors. Regular values up to \$40.00; your choice Wednesday and Thursday only at **\$19.65**

All the beautiful jersey princess dresses at a special discount of 25 per cent. A complete line of evening apparel in capes, dresses and costumes.

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SWEPT INTO OCEAN

Eight Sailors of Collier Die on Atlantic Coast.

SEVEN BATTLE FOR LIFE

Series of Great Waves Sends Vessel to Bottom—Weak Swimmers Succumb in Struggle to Reach Small Boat.

PHILADELPHIA, Sept. 28.—Eight men were drowned and seven had a narrow escape from death by the foundering Saturday of the Norwegian steamer *Garen*, six miles from the Winter Quarters lights.

The seven men who were saved arrived here this afternoon. They are Captain Judas Meyer and six men. The men said the *Garen*, which left here Friday with crew of 15 and a cargo of coal for Sagua la Grande, Cuba, encountered rough weather after passing out of the Delaware Capes.

Swamped by Huge Seas. Off the Winter Quarters lights, when only three men were on deck, an unusually heavy sea struck the steamer and she keeled over at a dangerous angle. She was repeatedly struck by high seas and finally went down on her side. Nothing could be done to right the vessel and she settled rapidly.

The only boat was carried away and the men were compelled to jump into the sea. All managed to find timber or other floating objects from the ship, and the stronger swimmers struck out for the drifting boat. The little craft was floating bottom up, but after a trying time it was righted and enough water was got out after a two hours' struggle to put two men in it. They scooped enough water out to permit others to climb in. The weakest swimmers and two that could not swim went down.

Lightship Proves Refuge. A small mast with sail attached was spied floating near. One of the men jumped overboard and towed it to the ship. He is known as Ward Bell. He sighted the Winter Quarters lightship, the crew of which took them on board.

ABDUCTOR OF GIRL WHOSE SIRE HE SLEW NEAR CAPTURE.

WILLIE BOY FLEES TO DESERT WITH CAPTIVE IN EFFORT TO REACH PIUTE BAND.

RIVERSIDE, Cal., Sept. 28.—(Special.)—A man received at 11 P. M. from a member of the posse under Sheriff Wilson at White Water Station states they are close upon the fugitive Piute Indian youth, "Willie Boy," and his girl victim, whose father he killed yesterday, and expect to surround him before morning. The savage has taken to the brush and is aiming to escape through the White Water Pass and eventually escape into the Piute country in Nevada.

The Indian youth, the girl's father, a peaceable old Indian of Palm Springs, was killed by "Willie Boy" because of the refusal of the old man to accept him as his son-in-law. The murderer then fled, taking with him the 15-year-old daughter of the murdered man. The Sheriff, four deputies and a posse of citizens are close on his trail. The crime was cold-blooded.

Boniface and his family of nine were sleeping in a row under a tree. "Willie Boy" crept from behind the tree and shot

JAP STRIKERS GO FREE

Honolulu Jury Fails to Agree in Trial of Disturbers.

HONOLULU, Sept. 28.—The jury in the second trial of the 10 Japanese who were arrested on charges of rioting during the recent strike at the Waiwai plantation disagreed tonight. This amounts to an acquittal under the local law as the men cannot be tried a third time.

The men were among those it was charged, with George E. St. Scoville, the plantation engineer, and Policeman Wells in a hut on the plantation. As this was the most serious disorder during the strike, it was desired to make an example of the men. The jury stood eleven for conviction to one for acquittal.

PRUNES BRING GOOD PRICE

Lane County Growers Realize \$18 to \$40 a Ton for Fruit.

EUGENE, Or., Sept. 28.—(Special.)—Returns from green prunes shipped to Eastern points this season by members of the Lane County Fruit Growers Association show that they sold for from 75 cents to \$1.15 per 20-pound box, which netted the growers from \$15 to \$40 per ton.

PASTOR IS MESSENGER BOY

Seattle Preacher, With Nothing to Do, Takes Up New Occupation.

SEATTLE, Wash., Sept. 28.—(Special.)—Rev. W. A. Bass, No. 91, Western Union Telegraph messenger, on the verge of trial by the Seattle

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