

DOCKET TO BE FILED

With 11 Other Umatilla Men Must Face Charges.

LAND FRAUDS ARE ALLEGED

Indictment Specifies Improper Acquiring of 30,000 Acres of Unalotted Indian Lands—Demurrer is Overruled.

Colonel J. H. Haley and 11 other prominent Umatilla County citizens will be required to stand trial in the United States Court this fall on indictments charging them improperly with acquiring possession of 30,000 acres of unalotted Indian lands in that county. In the Federal Court yesterday, United States Judge Wolverton overruled the demurrer of the defendants to the indictment which had been attacked because of its alleged insufficiency.

In these cases, the indictments were returned June 8, 1909. The specific charge against the several defendants is that they solicited and procured persons to make fraudulent applications and affidavits for the purchase of the Umatilla lands, and for a consideration, induced the applicants at the time they applied for the lands, or prior thereto, to make contracts whereby they agreed that the lands so purchased should inure to the benefit of the defendants.

In addition to Colonel Haley, the other prominent defendants included in the indictments, and who are interested in the decision of the Haley case, are: William Slusher, Joint Representative from Morrow and Umatilla Counties in the 1907 session of the State Legislature; Alonzo Knotts, John W. Crow, John M. Wynn, William Caldwell, C. W. Mathews, wealthy ranchers and sheepmen, and John West, formerly an official in the First National Bank of Pendleton. The other less prominent defendants are Bailey, Roberts and Samuel Olmstead, woodchoppers, and William Rahe, a horse trainer. These are alleged by the Government to have acted as field hunters for the defendants. Colonel Haley is named for defendant in six of the seven indictments, while Mr. Slusher and Mr. Rahe are confronted with two counts each.

REVENUE TAX MUST BE PAID

Judge Bean Renders Important Decision in Federal Court.

The sale of goods liable to the internal revenue tax in the different states is not exempt from the payment of that tax even if the original owners of the goods do not have an established office in the state in which they undertake to transact business. This was the effect of a decision rendered in the Federal Court yesterday by United States Judge Bean.

The case decided was that of Adolph de Barry against David M. Dunne, Collector of Internal Revenue for the District of Oregon. This was a proceeding to recover from the United States about \$300 internal revenue which the complainant company had paid in this state under a protest. It was represented by the complainant company that it had paid a license tax on New York and simply maintained a warehouse in this city from which its goods were delivered to customers.

Judge Bean decided that the method by which the company transacted business constituted a regular business in this state, and for that reason made the company liable for the payment of tax on its business in this state in addition to a tax it was paying in the state of New York. The suit was decided in favor of the defendants of United States Attorney McCourt.

DOCKET TO BE CLEARED

ACTION TAKEN TO DISPOSE OF FEDERAL CASES.

Much Litigation is Found to be Pending When First Law and Order Day is Observed.

When United States Judge Wolverton yesterday convened the Federal Court he was faced by probably the largest delegation of Portland lawyers that ever appeared in the Federal building at any time. The occasion for this general response on the part of lawyers having business before the United States Court, was the inauguration of a new system by Federal Judge Wolverton and Bean. This system provides that beginning yesterday, every Monday shall be law and motion day, when all cases pending on the docket shall be called and argued. This system provides for the trial of cases not disposed of as they are considered and passed on.

It develops, however, when Clerk Marsh submitted his total calendar that there were about 100 cases pending before the court in which preliminary motions had not been disposed of. Of that number, however, Clerk Marsh explains that at least 90 per cent of the cases had been instituted within the last six months. Clerk Marsh also is authority for the statement that not more than half a dozen cases have been pending before the Federal Tribunal for any greater length of time and he says the reason these cases have not been disposed of has been due entirely to the failure of the interested lawyers to appear in court when such cases properly should have been considered.

Of the 100 cases referred to, it is learned that not less than 45 are suits brought by individuals against the Oregon & California Railroad Company, all relating to the purchase of lands, alleged unlawfully to be withheld by that corporation from purchase and settlement. Every one of these cases, however, is dependent in its final adjustment, on the ruling of the court in the suit of the Government against this corporation for the cancellation of the grant by which the title to approximately 3,000,000 acres in this state were acquired. In this main suit, a demurrer by the railroad company to the Government's bill of complaint has been argued and submitted, and a decision by Judge Wolverton on that feature of the case is pending. The effect of this decision will vitally concern the standing in court of these 45 litigants.

Among the other cases included in the docket are several suits relating to the allotment of Indian lands. There has been no particular disposition to hasten these cases, but the new rules of the court will have the effect of expediting the conclusion of all litigation pending before the United States Court. It is the desire of Judges Wolverton and Bean to clear up the docket just as rapidly as the co-operation of the interested lawyers and the rules of the court will enable.

SPECIAL DRAWING Government Lands Irrigated Under Carey Act

TWIN FALLS COUNTRY, SOUTHERN IDAHO On Main Line of Oregon Short Line R. R. A FAIR, SQUARE PROPOSITION With Approval of State Land Board of Idaho.

Land and Perpetual Water Right, \$35.50 and \$50.50 per acre, payable in ten or twelve annual installments. You can register by mail at the office. Small deposit at the time of registration. You pay for no land until you have seen it and are entirely satisfied. Deposit will be returned if you see the land and do not file.

You know whether you draw land without the expense of a trip. You will be notified if successful in drawing and be given 15 days to personally inspect the land. You do not have to cruise the land before the drawing. You do not buy a "cat in a bag." Project entirely under supervision of the State of Idaho.

CROPS THIS YEAR. Oats, 102 bushels per acre. Barley, 96 bushels per acre. Wheat, 74 bushels per acre. Alfalfa, 7 tons per acre.

You may register any time from October 1st to October 19th. Drawing to be made October 20th, 1909, at 10 o'clock A. M., by the Idaho Irrigation Co., Ltd.

For full information and instructions regarding the drawing, and for booklet, write or call on IDAHO IRRIGATION CO., Ltd., Sales Department SHOSHONE, IDAHO

KRIBS' PLEAS REFUSED

MUST NOW DEFEND TITLE TO LAND CLAIMED. Suit in Which Government Alleges Fraud in Getting Timber Land Will Continue in Courts.

Another echo from the celebrated "11-7" cases involved in the Oregon land-fraud prosecutions was heard in the United States Court yesterday, when United States Judge Wolverton overruled the plea of Kribs in the matter of Frederick A. Kribs in the suit of the United States against Basil W. Wagner et al. to cancel patent to 160 acres of valuable timber land.

It developed in the hearing of argument on this motion, that under the alias of Zenas K. Watson, Wagner obtained title to the 160 acres of land and afterwards transferred it to Kribs. Kribs is a resident of the city of Portland and is claiming title to the land, which was included in a forest reserve, he sold it to A. N. Johnson for \$2,000 an acre, at the same time giving Johnson a power of attorney by which Johnson applied to the Interior Department to exchange the quarter section for lieu land. In his pleading, Kribs set up the fact that by reason of this transaction, Johnson was an indispensable party defendant to the suit.

In overruling Kribs' plea in abatement, Judge Wolverton held that the action of Kribs in giving Johnson a power of attorney did not vest Johnson with any interest in the land. Whatever was done in the matter of relinquishment and application for selection of lieu land, announced the court, was done by Johnson as the agent of Kribs and not as the owner of the land in controversy or of any interest in it.

It is now up to Kribs further to defend in the courts his alleged title to the land which the Government authorities insist was actually acquired through fraud.

CHEAP PAVEMENT DECRIED

Mayor Simon Emphatically Not in Favor of Wooden Improvement.

In vetoing the two ordinances passed by the Council which provide for the improvement of Harold avenue, from the Midway Annex, and Princeton street, from Olin street to McKenna avenue, Mayor Simon yesterday placed his stamp of disapproval on cheap pavement, which he thinks in the end is the most costly.

The two ordinances provide for the same kind of improvements, which include wooden sidewalks and curbs. The city, the Mayor thinks, demands something better.

The wooden improvements, said the Mayor yesterday, "cost about half as much as cement, but will only last a short time. But that is not the only objection to the wood. It is unsanitary and unsightly, and for these reasons should not be installed."

Ten ordinances for street improvement passed by the Council at the last meeting of that body, will be returned to it without the signature of the Mayor. The improvements provided in these ordinances are for grading and macadamizing, kinds of improvement the Mayor does not favor. It is his opinion that hard-surface pavement should be made wherever possible. He did not veto the ordinances, for he thought it possible that in some instances there might be reasons why the more expensive class of pavements could not be made at the present time, and the Council can use its own judgment in each case.

Several ordinances passed by the Council providing for payments from the general fund of warrants held by contractors, were signed by the Mayor yesterday. These represent payments amounting to a total of about \$10,000.

Extension Not Favored Mayor Will Return Ordinance to Lengthen Alder Street.

Mayor Simon will not sign the ordinance passed by the Council providing for the extension of Alder street from Chapman to Nineteenth street, and he will simply return it in its present form to the Council without his veto.

In speaking of the ordinance yesterday, the Mayor refused to give his definite reasons for refusing to sign it, saying simply that it did not entirely satisfy him.

The report of the viewers, on which the provisions of the ordinance was

AMUSEMENTS.

BUNGALOW THEATER TWELFTH & MORRISON. Phases Main 117 and "A" 424. Tonight 8:15. Every Night This Week. Special Price Matinee Saturday. The Famous Dramatic Success "THE CLIMAX."

STAR. Phone: Main 7757; Home, A. 7085. Tonight 8:15. Full week matinee Wednesday and Saturday, the Shuberts offer "GOING SOME."

OPHELIUM THEATER. MAIN 6, A 1650. Matinee 2:30. Sunday and Holidays. The Mesmerist, The Great Escape, The Mesmerist, The Great Escape, The Mesmerist, The Great Escape.

BAKER THEATER. Main 2, A 5360. Tonight and every night this week. Note the prices—Evenings 35, 50c. All Mats 25c. This week only "The Greatest of Living Hippodromes, ALBERTUS, and Armelia, who answers all questions you ask her. Sensational and startling. Mat. Wed. and Sat. Next Week, "The Sunny Side of Broadway."

THE GRAND. THE WEEK OF OCTOBER 4. Mrs. Gardner. William Cahill. Crane & Co. Presenting. McLaughlin & Carson. "Topsy's" Prodigious Parents. Frank Parker & Co. Grand opera. Matinee Every Day, 2:30, 1:30. Any Seat Evening Performances 7:30, 9:15, 10c. 50c.

PANTAGES THEATER. Advanced vaudeville, Stars of All Nations. Week commencing Monday Matinee, Oct. 4. MINEVA, the American Queen of Mystery. CAPTAIN NAT KESLER & Co. Marvelous Sharpshooters. Smith, Evans and Williams, Roberts and Downey, Leo White, Sittin and Sutton, Frank O'Brien, Pantheogues. Popular Prices. Matinee Daily. Curtain, 2:30, 7:30 and 9:15.

LYRIC THEATER. PHONES—Main 4655—A 1029. Prices—30, 50 and 10c. The Ever Popular "The Stock Company in ST. ELMO." Gold Watch and Jewels Friday Night. Matinee Sunday, Tuesday, Thursday and Saturday at 2:15. Every evening at 8:15. Carriage at 10:30. You'll Like the Lyric.

Portland Hunt Club Horse Show. ORIENTAL BUILDING, LEWIS AND CLARK FAIR GROUNDS. October 7, 8, 9. Two Performances Daily. Matinee 2 P. M. and evening at 8. ADMISSION 50c. RESERVED SEATS \$1.00. A Few Boxes Left. Seats Now on Sale at ROWE & MARTIN DRUGSTORE, 323 Washington St.

BASEBALL. Recreation Park. Corner Vaughn and Twenty-fourth Sts. SACRAMENTO VS. PORTLAND. OCT. 5, 6, 7, 8, 9, 10. Games begin week days 3:00 P. M.; Sunday, 2:30 P. M. Admission—Bleachers, 20c; Grandstand, 50c; Boxes, 1.25 extra. Children: Bleachers, 10c; Grandstand, 25c. Ladies' Day Friday. Boys under 12 free to bleachers Wednesday; possible, 11 hours 36 minutes. Batters (reduced to sea level) at 5 P. M., 34.13 inches.

WEATHER CONDITIONS. A small high-pressure area is central over Oregon, and the barometer is relatively low over British Columbia. Light rain has fallen in Nevada, Utah, Eastern Oregon and Southern Idaho. Rain also has fallen at scattered places along the Straits of Fuca and the Strait of Juan de Fuca. It is cooler in the Willamette Valley and warmer in the interior of Northern California. The indications are for fair weather in this district Tuesday, except in extreme Sacramento Valley, where a showery weather will continue for another day.

PACIFIC COAST WEATHER. Observations taken at 5 P. M., Pacific time, October 4.

Table with columns: STATIONS, Wind, Clouds, Precipitation, State of Weather. Includes Baker City, Bismarck, Boise, Burleson, etc.

DAILY METEOROLOGICAL REPORT. PORTLAND, Oct. 4.—Maximum temperature, 62.5 degrees; minimum, 50.3 degrees. River discharge at M. 2.5 feet; change in last 24 hours, 1.4 foot fall. Total rainfall, 5 P. M. to 8 P. M. trace; total rainfall since September 1, 1909, 0.97 inches; normal, 2.26 inches; deficiency, 1.29 inch. Total evaporation, October 3, 10 hours 24 min.

FORECASTS. Portland and vicinity—Fair; westerly wind. Oregon—Fair; westerly winds. Washington—Fair; showers, extreme northwest portion; westerly winds. Idaho—Fair. EDWARD A. BEALS, Dist. Forecaster.

Silence! The instinct of modesty natural to every woman is often a great hindrance to the cure of womanly diseases. Women shrink from the personal questions of the local physician which seem indicative. The thought of examination is abhorrent to them, and so they endure in silence a condition of disease which surely progresses from bad to worse.

It has been Dr. Pierce's privilege to cure a great many women who have found a refuge for modesty in his offer of FREE consultation by letter. All correspondence is held as sacredly confidential. Address Dr. R. V. Pierce, Buffalo, N. Y.

Dr. Pierce's Favorite Prescription restores and regulates the womanly functions, abolishes pain and builds up and puts the finishing touch of health on every weak woman who gives it a fair trial.

It Makes Weak Women Strong, Sick Women Well. You can't afford to accept a secret nostrum as a substitute for this non-alcoholic medicine of known composition.



HOTEL PERKINS. Fifth and Washington Sts. In the heart of the business and shopping district. The most modern and up-to-date hotel in the Northwest. Local and long-distance phones in every room. Rooms with private bath, en suite and single. Large and moderately equipped sample-rooms.

IMPERIAL HOTEL. Headquarters—"There's a Reason" Seventh and Washington Phil. Metschan & Sons, Props. Long Distance Phone in Every Room. Rates \$1.00, \$1.50, \$2.00

THE PORTLAND PORTLAND, OR. EUROPEAN PLAN MODERN RESTAURANT. COST ONE MILLION DOLLARS. HEADQUARTERS FOR TOURISTS AND COMMERCIAL TRAVELERS. Special rates made to families and single gentlemen. A modern Turkish Bath establishment in the hotel. H. C. BOWERS, Manager.

HOTEL OREGON. CORNER SEVENTH AND STARK STREETS. Portland's New and Modern Hotel. Rates \$1 per Day and Up EUROPEAN PLAN WRIGHT - DICKINSON HOTEL CO., Props.

NORTONIA HOTEL. ELEVENTH, OFF WASHINGTON ST. BEAUTIFUL GRILL ROOM. European Plan Rates to Families Our Bus Meets All Trains Sample Saltes with Baths for Commercial Travelers. MODERN COMFORTS MODERATE PRICES

THE CORNELIUS. "The House of Welcome," corner Park and Alder. Portland's newest and most modern hotel. European plan. Single, \$1.50 and up. Double, \$2.00 and up. Our omnibus meets all trains. C. W. CORNELIUS, H. E. FLETCHER, Proprietor, Manager.

HOTEL SEWARD. Corner of Tenth and Alder Streets. (One square west of Arlington Club). "AN HOTEL OF QUIET ELEGANCE" Just opened and surpassed by no hotel in the Northwest. Do not leave Portland before looking over this charming hostelry. European plan. Excellent cafe in connection. Fifty sample rooms. The Hotel Seward "Bus meets all trains." W. M. SEWARD, Proprietor. N. K. CLARKE, Manager.

HOTEL RAMAPO. Corner Fourteenth and Washington New Hotel, Elegantly Furnished. Rates, \$1.00 and Up European Plan. "Bus Meets All Trains." M. E. FOLEY, PROPRIETOR.

HOTEL LENOX. CORNER THIRD AND MAIN STS. European Plan. Newly Furnished Rates \$1, \$1.50, \$2. Private Baths. Phones in every room.

Beautiful Hotel Moore. CLATSOP BEACH SEASIDE, OR. Portland's Nearest Beach Resort—Via A. & C. R. R. Open All Year. Directly overlooking the Pacific Ocean. A delightful Summer and Winter resort. Hot salt baths and surf bathing. Sea foods a specialty. Walks, drives and boating. DAN J. MOORE, Prop.

SAN FRANCISCO & PORTLAND STEAMSHIP COMPANY. San Francisco \$5 AND UP. All Rates Include Meals and Berth. Low Round Trip Rates to Portola Festival. S.S. ROSE CITY (E. W. MASON, Master) Sails 4 P. M. Friday. M. J. ROCHE, CITY TICKET AGENT. J. W. RANSOM, DOCK AGENT.

BORN. CALLAHAN—October 1, to the wife of J. T. Callahan, of Pattee Valley, recently from Bowdler, Alberta, a son, weighing 143 ounces, the parents of whom are the well-to-do couple in the land because it is a happy one. G. L. Large, attending. PITKIN—In this city, Oct. 3, Dorothy Margaret, aged 4 years, 3 months, 3 days, beautiful daughter of Mr. and Mrs. James G. Pitkin. Funeral services at 10 o'clock this morning. G. Pitkin.

FUNERAL NOTICES. PITKIN—The funeral services of Dorothy Margaret Pitkin, beloved daughter of Mr. and Mrs. James G. Pitkin, will be held at the family residence, 1240 East Selma St., at 2 P. M. tomorrow (Wednesday) Oct. 6. Friends invited. LEACH—The funeral services of Maud Leach will be held at Finley's chapel at 10 A. M. today. Friends invited. Interment Greenwood Cemetery. DUNNAN, McEntee & Gilbaugh, Funeral Directors, 7th and Pine. Phone Main 450. Lady Assistant, Office of County Coroner. EDWARD BOEMAN CO., Funeral Directors, 230 3d St. Lady Assistant, Phone M. 507. Services at 9 A. M. Friends and Comrades of the G. A. R. invited. Interment Elver View Cemetery. LEACH—Saturday morning, at her home at Northern Hill, Mrs. Maud L. Leach. She is survived by her husband, Joseph M. Leach, three small daughters, her mother, Mrs. J. C. Cameron, one sister, Mrs. A. Lindner. Funeral services at Finley's chapel at 10 o'clock this morning. G. Pitkin.

AUCTION SALES TODAY. At Baker's Auction House, 153 Park St., furniture, etc. Sale at 10 o'clock. Baker & Son, auctioneers. At auctionroom, 125 2d St., at 10 A. M. R. L. N. Gilman, auctioneer.

MEETING NOTICES. ATTENTION, COMRADES—The funeral of our late comrade, Edmund H. Hill, Co. H, Second Illinois Cavalry, will be from the Cathedral, 15th and Davis sts., Wednesday, Oct. 6, at 9 o'clock A. M. Interment Mt. Calvary Cemetery. H. A. SEVERANCE, Commander. A. C. SLOAN, Adjutant.

A. & A. S. RITE—Oregon Lodge of Perfection, No. 1—Regular meeting in Memorial Hall, Scottish Rite Cathedral, this evening at 8 o'clock, following by meeting to select committee for Winter parties by order VEN MASTER.

OREGON COUNCIL, ROYAL ARCH MASONRY meets at Auditorium, 208 Third street, the first and third Tuesday of each month at 8 P. M. Visitors cordially welcome. O. O. HALL, Secretary. Care Hoenyman Hardware Co.

UNITED ARTISANS—Notice to Fram Assembly: Sister Joseph Leach will be buried today at 10 o'clock from Finley's parlors. Artisans invited. E. M. LANCE, K. R. S.

IVANHOE LODGE, NO. 1, K. O. P.—Regular meeting tonight in their hall, Eleventh and Adams streets. Visitors invited. E. M. LANCE, K. R. S.

CLASSIFIED ADVERTISING RATE. In Effect November 1, 1909. Daily or Sunday. Per Line. One time... 150. Same ad twice consecutive times... 300. Same ad three consecutive times... 450. Same ad six or seven consecutive times... 600. Six words count as one line. No advance payment, and no ad counted for less than two lines. When an advertisement is not run consecutive times the one-time rate applies. The above rates apply to advertisements under "New Today," and all other classifications excepting: Situations Wanted, Male; Situations Wanted, Female; For Rent, Houses, Private Families, Rooms and Board, Private Families, Housekeeping, Boarding Houses. The rate of the above classification is 7 cents a line each insertion. The "New Today" column is figured by measure only—14 lines to the inch.

TO OUT-OF-TOWN PATRONS—The Oregonian will receive, by mail, provided sufficient remittance for a definite number of issues is sent. Acknowledgment of such remittance will be given by mail. On charge of book advertisements the charge will be based on the actual number of lines appearing in the paper, regardless of the number of words in each line. In case box office address is required, use regular form given, and count this as part of the ad. Answers to advertisements will be forwarded to patrons, provided self-addressed stamped envelopes are furnished. A receipt will be given for all advance advertising. The Oregonian will not undertake to refund money unless this receipt is returned.

HOUSEHOLD NEEDS. Coal: CHURCHLEY BROS., wood and coal dealers, office and yard 10th and Marshall. Phones Main 351, A 3581. Florist: Cut Flowers always fresh from our own conservatory, Martin & Forbes Co., 347 Washington St. Both phones. Coal: Richmond and Wallend Australian. Inquiries, 12th and Commercial, opposite City Library. Both phones.

OREGON HUMANE SOCIETY. PRESIDENT, Main 300. SECRETARY, Main 508. HUMANE OFFICER, East 4719. NEW TODAY. MORTGAGE LOANS. Lowest rates and terms to suit; special rates and favorable terms on large loans on business investment, see our Funds Loaned for Private Investors. A. H. BIRRELL CO., 202 McKay Bldg., 2d & Stark.

WANTED. I want from owner, West Side, close in business property up to \$50,000, must be good value and reasonable income. Give particulars, AC, 430 Oregonian.

\$5000. Fine Lot 100 Feet From WASHINGTON ST. Best Buy in Portland Today. For Sale Exclusively by RABB & PATTON, 90 Fifth St.

Business Property. On Williams avenue, near Russell street. Exceptional bargain. \$3600, part cash. Equity Investment Co., 508 Gerlinger Bldg., 2d and Alder. CAPITALISTS, ATTENTION. We have client who will take 10-year lease on \$100,000 property and guarantee 5 per cent net. If you want this first-class investment, see EQUITY INVESTMENT CO., 508 Gerlinger Building.

FOR TRADE—A rich 15-acre orchard in full bearing, desirably located in every respect, near Santa Rosa, Cal. Income \$1800 to \$2000 per year. For good improved or unimproved land near Dallas, Independence, McMillinville, Forest Grove, Hillsboro and Gresham, Or., write or particulars, B. B. Kennedy, Sebastopol, Cal.

A 12-Per Cent Investment. High-class West Side income property; \$5500 required. Safe investment. Security Investment Co., 317 Worcester Bldg. IRVINGTON. For houses and lots in Irvington See A. BACKUS, 510 Bond of Trade Bldg., Main 8960.

100x100--North Portland. \$20,000. Net annual income over \$2000. You cannot beat this for income and safety. See special circular. For good improved or unimproved land near Dallas, Independence, McMillinville, Forest Grove, Hillsboro and Gresham, Or., write or particulars, B. B. Kennedy, Sebastopol, Cal. SILVER HILL WALNUTS. Thomas Withcombs has walnut groves with a speculative value of thousands of dollars per acre, which he sells for a few hundred, and easy payments. See him at 21 Hamilton Building, Portland, Or. FREE to housewives—17x22 Irrigation pocket map of Idaho, also arranged map and official reports on the Government reclamation project. Call on Main & Third, 2 Lumbermen's Bldg. GEORGE BLAKE, PUBLIC ACCOUNTANT, 228 Worcester Bldg. Phone Main 9571, A 4018.