REFUSE SETTLERS WATER FOR WORK

Newell-Garfield Co-operative Plan Nipped in Bud by Ballinger.

LAW IS NECESSARY

Congress Must Act Before Homeseekers May Continue to Draw Certificates for Labor on Reclamation.

OREGONIAN NEWS BUREAU, Washington, Oct. 5.-If the Newell-Garfield co-operative plan of building Government reclamation projects is to be resumed, and settlers on unfinished projects are again to be given opportunity to work out partial payments on their water rights, Congress must amend the Na-tional reclamation act. Secretary Hall-inger has done away with the co-opera-tive plan of construction, for he is twice sustained by the Attorney-General in his contention that this method of construccontention that this method of construc-tion is contrary to both the apirit and the intent of the law.

The Secretary does not condemn what equities may lie behind the co-operative plan, he is willing to concede that it was adopted with a view to furnishing em-ployment to settlers who went early upon arious projects in order to get good lands, and who found themselves without means of sustaining themselves during the first years of their residence; he is also willing to concede that there may be justice in extending a helping hand to such settlers who are acting in good faith, and struggling to gain title to irrigated farms. But he is brought face to face with the law, and as Secretary of the Interior he must enforce the law as he

Congress to Blame.

If there are shortcomings in the law, the blame rests upon Congress, and the oversights can be remedied. But with him, the law is the law, and must be en-

Soon after Mr. Ballinger became Secretary of the Interior, he criticised the co-operative plan of building Government projects. He was unable to find warrant of law for the practice, and announced that the custom would be discontinued. and that no further certificates would be issued to settlers by the Reclamation Service. At the time of making that anuncement, he was backed by an opin ion from Attorney-General Wickersbam, holding that the practice was not con-templated or authorized by the statutes. That particular opinion of the Attorney-General, however, was rendered in the case of the Grand Valley project, colorado, where the Water Users' Association not only proposed to carry on work under the Newell-Garfield co-operative plan, but also proposed to raise money to de-fray a part of the cost of constructing

Backed by Wickersham.

that the decision of the Attorney-General did not upset the co-operative plan generally, but merely held illegal the proposal of the Grand Valley Association to raise funds to be used by the Government in addition to money to be taken from the reclamation fund. It was contended that under the Attorney-General's ruling, it would still be lawful to permit ruling, it would still be construction of the use of the horse and wagon up to the present time.

Singer had actually bought the horse hought. from the reclamation rund.

tended that under the Attorney-General's tended that under the Attorney-General's ruling, it would still be lawful to permit settlers to assist in the construction of Government projects, and to be paid in certificates which afterwards would be accepted by the Government in payment for water rights. So, to set at rest the entire question, Secretary Bailinger entire question, Secretary Bailinger testified that again in January, 1906, the horse was bought by the company from the companies of this circumstance. the Newell-Garfield plan, and the North Platte project was chosen. Secretary Hallinger then transmitted the papers to Attorney-General Wickersham and to show the books with the record of this strange transaction, the judgment was strange transaction. The judgment was strange transaction and the control of the control of the new strange transaction. The judgment was strange transaction to show the books with the record of this strange transaction. The judgment was strange transaction to provide the papers to acted as Singer's attorney in the case. to him some specific project on which Clement for \$250. Upon the refusal to co-operative work was being done under show the books with the record of this Attorney-General Wickersham and re-quested a second opinion. That opinion is even more positive than the first in sustaining Secretary Ballinger. The text of that opinion follows:

"The Honorable, the Secretary of the Interior—Sir: I am in receipt of your letter of the 21st ultimo, transmitting to me a statement of facts covering the co-operative plan of the Reclamation Service, with special reference to the so-called North Platte project in Ne-brasks, which, it is suggested, so dif-fers from the Grand Valley Water Users' Association plan, which was referred to in my opinion rendered to you under date of May 26, 1909, as to call for a different conclusion. The acting director of the Reclamation Service. Morris Bien, in his communication to you dated July 31, 1909, referring to the Grand Valley contract,

No Security Offered.

One of the principal objections found by the Attorney-General to this con-tract was the fact that the money furnished by the Grand Valley Water Users' Association provided another fund for the reclamation work; that the money subscribed is not in, nor does it go into the reclamation fund and that there is no security that it will be in that fund or that the work agreed upon will be done. This feature is entirely absent from the ordinary co-operative contract, because the associations advance no money whatever to the Government in such

"This paragraph evidences a misappre-hansion of the objection to the proposed contract which was before me. That objection was not that the moneys sub-scribed by the waterusers' association was not in the reclamation fund, but that the reclamation fund by the statute was greated from the proceeds of the sale of Government lands, there was no provision for augmenting it by private enterprise, and that the power of the Secretary of the Interior to let contracts for reclamation projects was, under the law, specifically restricted to the extent of contracting for expenditures not ex-ceeding the amount of moneys available in the reclamation fund as constituted

But the plan now submitted for consideration is described in the letter of the acting director as follows:

"The co-operative plan consists in the United States making a contract with the Water-Users Association by which the association agrees to perform certain work within certain maximum prices, the work to become the property of the United States upon acceptance. Payment is made by the association in certificates of work performed, which are to be accepted by the United States in reduction of charges against particular tracts, as an equitable apportionment thereof."
"The question which, therefore, at once arises is by what authority any one assumes to make this particular form of

Section 3732 of the revised statutes enacts as follows:
"'No contract or purchase on behalf of the United States shall be made, un-

tract in the name of the United

less the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy departments, for ciothing, subsistence, forage, fuel, quarters or transportation, which, however, shall not exceed the necessities of the current year."

"This act has been several times construed in the opinions of the Attorneys-General."

After citing several interpretations, the less the same is authorized by law or i

After citing several interpretations, the

Attorney-General continues:

Depends Upon Funds.

"As was pointed out in the previous opinion, the Secretary of the Interior by opinion, the Secretary of the Interior by the act of 1962 is given express authority to let contracts for the construction of reclamation works only 'provided the necessary funds are available in the rec-lamation fund.' If they are, then the authority of the Secretary to enter into a contract involving expenditures not exceeding the funds so available, under the terms of the act, is express. If the necessary funds are not available in the reclamation funds, no such authority

"I can see no difference whatever be tween the principles governing the con-tract in the North Plaite project and those which were applicable to the Grand Valley contract, except perhaps that in the North Platte project, the matter is worked out more in deall. In the North worked out more in deal. In the North Platte project as in the Grand Valley, co-operation between the United States and the private association of water users was brought about by contract, under which the Waterusers' Association under-took to do a portion of the work of comtook to do a portion of the work of com-pleting a reclamation project, receiving certificates to the value of the work so done by them, which certificates are to be accepted in payment by the Govern-ment on account of the actual periodical payments required by the act to be made by those who enter upon the lands so reclaimed.

Certificates for Work.

"These certificates are described by the director of the reclamation service to represent the value of work done or materials furnished in connection with the construction of the distribution system, and in surrendering, the certificates each person, in accordance with the regulations and article 6 of the contract, transfers any right or interest he may have in the work performed and in return therefor received a reduction of the water right charges which are due from him to the United States on account of a certain definite tract of land. This reduction becomes a set-off against the These certificates are described by the duction becomes a set-off against the amount which he owes the United States on account of this charge on the land.

"I find no authority whatever under any statute for any officer to permit such a reduction as a set-off against an amount due to the United States on account of the charges referred to. While it may well be that the reasons for emberkles upon with a co-perative scheme. herking upon such a co-operative scheme, which are set forth by the director in his communication, would appeal to the legislative branch of the Government, they cannot, in my opinion, operate to extend the statutory authority of the head of the department to make contracts for the department to make contracts for which 'the necessary funds' are not available in the 'reclamation fund' as con-

stituted by the act of Congress.
"Respectfully yours.
(Signed) "GEORGE W. WICKERSHAM. "Attorney-General."

HORSE IS MUCH OWNED

Although Said to Be Twice Bought, Declared Property of Another.

Because the Poarson & Page Company alleged it bought a horse on two different occasions but refused to show its books telling of the transaction, Judge Gatens held as a point of law in Circuit Court yesterday that the Pearson & Page Com-pany really did not own the horse, but pesterday that the Pearson & Page Com-pany really did not own the horse, but that it was the rightful property of Joe F. Singer, a South Portland politician, who showed he had bought the horse in July, 1908. As a result, Singer was award-ed \$500 damages, \$125 being for the horse, the form of the property was now which went

6000 Want Indian Lands.

PIERRE, S. D., Oct. 5.-The actual reg. istration for the first day in the land opening of the Cheyenne River and Standing Rock Indian Reservations at this place was 850 names. The registration for the same period reported from the other districts was: Lebeau, 280; Mobridge, 270; 262; Bismarck, 677; Aberdeen, 3654. Total, 6013.

Great Woolen Goods Sale

Blankets

Made of Oregon wool in an Oregon mill, therefore sure to be of good quality. Being on sale in a woolen mill store, you're sure of getting them

at a very low price. \$ 4.00 gray Blankets are ... \$3.00 \$ 4.50 gray Blankets are ... \$3.50 \$ 5.50 gray Blankets are ... \$4.00 \$ 6.50 gray Blankets are....\$5.00 \$ 8.00 gray Blankets are ... \$6.00 \$10.00 gray Blankets are ... \$8.00

White Blankets Wool

If you want what is "Intrinsically Best" in white Blankets, these will meet with your unstinted approval in every way. Made of pure lambswool -thick and fluffy-daintily bordered in pink or blue.

\$ 7.00 white wool Blankets. \$5.50 \$ 8.00 white wool Blankets .. \$6.50 \$10.00 white wool Blankets. \$8.50

\$4.50 to \$6.00 Indian Robes

Exact copies of designs made by the Navajo Indians. Especially suited for cozy corners, couch covers and lap robes. Splendid value at the price.

Sweater Coats

Every one of them of the real 'Brownsville' quality-and all on sale at real "Brownsville" priceswhich means that you get the best there is at the lowest price quoted.

\$1.50 wool Sweater Coats ... \$1.25 \$1.75 wool Sweater Coats \$1.50 \$2.50 wool Sweater Coats ... \$2.00 \$3.00 wool Sweater Coats ... \$2.50 \$4.00 wool Sweater Coats....\$3.00 This year's Great Woolen Goods Sale is exactly like its predecessors in years gone by in one particular at least-it opened with a rush. In other, and vital to you, particulars this year's sale is far ahead. We show larger stocks, wider varieties and quote lower prices than ever before simply because we know that to stand still is to go back, and that we will not permit ourselves to do. YOU-the ULTIMATE CONSUMER-is the one who benefits thereby.

Men's \$20 and \$25 Suits, Overcoats, Raincoats

Don't think that because we've had fine weather right along that it isn't going to change very soon. Therefore, you'd better make your preparations NOW for the colder weather that is sure to come.

Boys' All-Wool Oregon Buckskin Wear Guaranteed Knicker Suits

It's a very trite expression to use when we say that these suits fill a long felt want-but that is exactly what they do.

Women's Natural Wool Underwear, \$1.50 Reg.

Blue Flannel Shirts

For years and years these Shirts have been acknowledged to be the best that could be produced—and the standard has never been allowed to drop. It is not alone the flannel, but the way they are made that makes them stand in a class of their own.

\$2.00 Brownsville Flannel Shirts \$1.50 \$2.50 Brownsville Flannel Shirts \$2.00 \$3.00 Brownsville Flannel Shirts \$2.50 \$3.50 Brownsville Flannel Shirts \$2.50

Flannel Night Shirts

The one particular feature—aside from the low prices—that is worth while noting about these garments is that they are cut extra long and wide. \$1.25 Flannel Night Shirts. \$1.00 \$1.50 Flannel Night Shirts. \$1.25 \$1.200 Flannel Night Shirts. \$1.25 \$1.500 Flannel Night Shirts. \$1.50 \$1.25 Flannel Night Shirts. \$1.00 \$1.50 Flannel Night Shirts. \$1.25 \$2.00 Flannel Night Shirts. \$1.50 MEDICATED FLANNEL UNDERWEAR This underway. This underwear is made of all pure wool Brownsville medicated fiannels, and is recommended by us as a cure for rheumatism. It comes in red and

brown colors.

81.50 Flaunel Underwear......\$1.25

\$2.90 Flaunel Underwear......\$1.50 "Mill Seconds" Blankets Half Price

Nothing the matter with these Blan-kets that would impair their wearing quality. All that stamps them "sec-onds" is the fact that some of them are off color, others have a thread dropped in wearing or a small bear when finishing.

Men's \$1.25 \$1.50, \$1.75 \$2.00 Wool Underwear

We are dropping from our regular line of Underwear five or six styles of men's garments. Some of them the mills have stopped making, and the balance we have replaced with other lines. In order to close out the stock on hand, we have piled them on a separate table, and our customers can help themselves to Underwear worth up to \$2 per garment for 95¢.

Underwear Wool

Thousands of "men who know" have been buying their Underwear here for years. Why? Because they know that they are certain of receiving sterling quality at the lowest possible

Men's \$1.00 wool Underwear ... 75¢ Men's \$1.25 wool Underwear. \$1.00 Men's \$1.50 wool Underwear.\$1.25 Men's \$2.00 wool Underwear \$1.50 Men's \$2.50 wool Underwear . \$2.00

and Heavy Socks

No matter if you want Socks made of fine cashmere yarn, or heavy ones like mother used to make-this is the store for you. Prices are on a downhill slant like this:

20c cashmere Socks, 2 pairs....25¢ 25c cashmere Socks, 3 pairs ... 50c 35e cashmere Socks.......25¢ 75c cashmere Socks......50¢ 25c heavy knit Socks......20¢ 35c heavy knit Socks 25¢ 50c heavy knit Socks 35¢

75c heavy knit Socks............50¢ Third

Third

Stark

Secretary Speeds Through City En Route to California.

KLAMATH IS OVERLOOKED

San Francisco's Hetch-Hetchy His Main Goal-Nevada, Arizona, New Mexico and Yosemite to Be Visited.

> Secretary of the Interior Ballinger sped through Portland last night on his way from Seattle to California, for an inspection of reciamation projects and personal investigation of San Francisco's company him to the Yosemite Hetch-Hetchy project, that these enter-

prises may be embodied in his annual report. Mr. Ballinger did not leave the train, his lightning visit being made known by a reception given him at the depot by United States Attorney McCourt, A. Christensen, chief of field division, and Special Inspector Dixon.

Klamath, Oregon's reclamation project, will not be visited by Secretary Ballinger in his present tour, as had been intended. His annual report compels his return to Washington by November 1, and Klamath's needs will not be investigated until later. The Secretary, In his recent visit to Portland, promised a personal inspection of Klamath in time for his annual report, which, he announced, would be complete in early Occompany.

Will proceed to San Francisco, where several days will be passed by him in examining Hetch-Hetchy. The project was amining Hetch-Hetchy. The project was a cost of \$5000. Thi for his annual report, which, he announced, would be complete in early October. President Taft's visit West and Secretary Ballinger's call to Washington Cabinet. on the Pinchot controversy demoralized his inspection schedule, and, as a result,

investigation of Klamath was foregone for the projects in California and elsewhere, regarded as more important by the Department of the Interior.

While San Francisco's Hetch-Hetchy project is the main goal of Secretary Ballinger, beliefed four several other relinger's belated tour, several other re-clamation enterprises will be scrutinized. His first stop will be at Orland, Cal. When this project is inspected he will proceed to Reno, Nev., for a visit to the Truckee-Carson and Lake Tahoe projects. Here he will be met by a corps of Reclamation Service engineers, who will ac-From the Yosemite Secretary Ballinger

CORVALLIS MERCHANTS RE-FUSE TO HAVE TELÉPHONES.

Business Men Take Stock in Independent Concern, and Seek to Oust All Opposition.

CORVALLIS, Or., Oct. 5.—(Special.)— At a meeting of the Retail Merchants' Association tonight the business men took action against the extension of the Pacific Bell Telephone Company in this city and declared in favor of limiting the services to the Independent Telephone Company. After a thorough discussion of the fight now on, the merchants' association ap-pointed Messra. Johnson, Davis and Strange to circulate the following peti-

"We, the undersigned business men and residents of Corvaills and Benton County. hereby agree not to subscribe for or in stall any telephone in our places of business except that of the Corvallis Independent Telephone Company, our reason being that the Independent service has proven satisfactory, and the installation of another telephone will unnecessarily increase the expense of the merchant. For this reason we earnestly request all residents to install only the telephone of the Corvallis Independent Company."

The petition was circulated this morning and signed by every business man ap-proached, the first signature being that of Mayor Virgii E. Watters. This activity comes as a result of an attempt of the Bell people to secure a strong foothold here by placing 300 free phones in the homes and business houses of Cor-vallis. As the situation stands today, the Bell company has 50 phones in the city and a heavy toll business. The Independ-ent Company has 1009 phones in Corval-lis and 2100 in the county. Pracically every business man in Corvallis owns one share of stock in the latter company. The Bell people claim that the action of the Merchants' Association tonight is in the nature of a boycott, and they pro pose to investigate the legal phase of the

GREAT INCREASE SHOWN

Upper Washington Property Brings Over \$1000 Front Foot.

More than \$1000 a front foot was paid yesterday for upper Washington-stree yesterday for upper Washington-street property, a price showing the great increase in values in that vicinity. The property is a 52-foot lot located on the south side of Washington street, between Sixteenth and Seventeenth streets, and extending through to Alder street. The consideration named is \$54,500.

This property was purchased by an Esseten Oregon sheepman, who is said to Bastern Oregon sheepman, who is said to own \$250,000 worth of Portland real estate, all of which he has purchased during the last three years. The sale was made through the office of El J. Daly. It was

terday through Dr. Daly's office and the prices paid for the two properties are relatively not far different

Salem Now Has Glove Factory.

SALEM. Or., Oct. 5 .- (Special.) -- Gleason & Son, of Seneca, Kan., have moved their glove factory to Salem and the business is now in operation in a con medious new frame structure near the Southern Pacific depot. At the present time the concern starts with a payroll of only 15 or 20 people, but expects to crease this number in a short time.

Vomen

This Fact - that in addressing Mrs. Pinkham you are confiding your private ills to a woman -a woman whose experience with women's diseases covers twenty-five years.

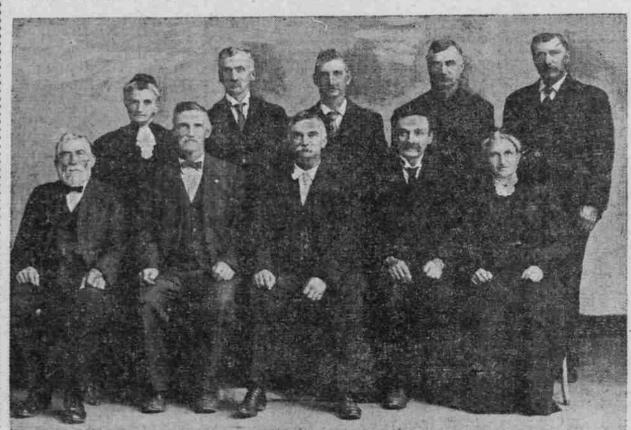
The present Mrs. Pinkham, daughter-in-law of Lydia E. Pinkham, was for years under her direction, and has ever since her decease continued to advise women.

Many women suffer in silence and drift along from bad to worse, knowing well that they ought to have immediate assistance, but a natural modesty causes them to shrink from exposing themselves to the questions and probable examinations of even their family physician. Such questioning and examination is unnecessary. Without cost you can consult a woman whose knowledge from actual experience is great.

MRS. PINKHAM'S STANDING INVITATION:

Women suffering from any form of female weakness are invited to promptly communicate with Mrs. Pinkham at Lynn, Mass. All letters are received, opened, read and answered by women. A woman can freely talk of her private illness to a woman; thus has been established this confidence between Mrs. Pinkham and the women of America which has never been broken. Never has she published a testimonial or used a letter without the written consent of the writer, and never has the company allowed these confidential letters to get out of their possession, as the hundreds of thousands of them in their files will attest.

Out of the vast volume of experience which Mrs. Pinkham has to draw from, it is more than possible that she has gained the very knowledge needed in your case. She asks nothing in return except your good will, and her advice has helped thousands. Surely any woman, rich or poor, should be glad to take advantage of this generous offer of assistance. Address Mrs. Pinkham, care of Lydia E. Pinkham Medicine Co., Lynn, Mass.



CHILDREN OF JOSHUA AND CATHERINE PATTERSON HOLD REUNION AT ASHLAND. ASHLAND, Or., Oct. 5 .- (Special.) -- There was a notable family reunion in Ashland last week, when the living children of Joshua, Senior, and Catherine Patterson, late pioneer residents of this vicinity, comprising eight sons and two daughters, gathered together for a renewal of family ties. The occasion was celebrated with appropriate accompan-

iments in the way of social diversion, feasting, etc., for a period of several days.

The Patterson family crossed the plains by ox toam to Oregon from Iowa, and arrived at Ashland in 1862, settling a year or two afterward upon a farm on the east side of Bear Creek, four miles north of Ashland, which place remained in the family until a year ago, when one of the sons, Joshua, who had purchased it and planted a portion of it to orchard a number of years ago, sold it for some \$60,000 to an orchard syndicate, who now value it at perhaps twice that

Fourteen children were born to Joshua, Sr., and Catherine Patterson, three dying in infancy. Of the ten now living, the eldest is approaching the 70th miliepost in life's journey, and the youngest is 43.

The names and residences of the ten children, all of whom were present at the reunion, are: Upper row, reading from left to right-Mrs. James Thornton, Ashland. Or.; Joseph L. Patterson, Portland, Or.; Lair Patterson, Salinas, Cal.; Joshua Patterson, Talent, Or.; (County Commissioner of Jackson County); Frank Patterson, Lockwood, Cal. Lower row, from left to right-John Patterson, the eldest of the children, now residing at Winchester, Cal.; William Patterson of Ashland, for many years superintendent of the city water works here; Sylvaster Patterson, of Ashland, ex-Sher-liff of this county; Fred Patterson, of Aptos, Cal.; Mrs. George Morris, of Stockton, Cal.