NOVEMBER ONE OF WETTEST MONTHS

Rainfall to Date Amounts to 12.44 Inches, Exceeded Only Three Times.

HARD WIND DOES DAMAGE

Barn Wrecked, Wagon Overturned on Bridge, Shed Blown Onto Vehicle, Many Wires Go Down. Willamette Steadily Falling.

Rainfall for the present month amounts so far to 12.44 inches, making it one of the wettest months on record. Only three times since the establishment of the Weather Bureau has the rainfall for November exceeded that of this month. These were in 1875, 1877 and 1896.

As was predicted Sunday, the storm blew in from the coast yesterday morning and wind and rain held high carnival over the Northwest. Wire service was destroyed and for a time no reports were received. At North Head the wind attained a velocity of 84 miles an hour, while at Portland the maximum was 40 miles. The storm appears to have moved inland and clearing conditions are expected today. The winds will shift to the westward and will moderate greatly.

Advices received at the Merchants' Exchange last night state that the steamships Alliance and Asuncion were still anchored at Fort Stevens, awaiting a smoother bar, but confirming the report that the steamship Kansas City had proceeded to sea Sunday. The steam schooner Cascade crossed in at 4 o'clock yesterday afternoon and at that time it was reported the wind had moderated to 20 miles an hour. The crew of the wrecked steamship Argo is still on board the lightship. The steamship Rose City, from San Francisco, crossed in at 3 o'clock.

Willamette Still Falling.

During the 24 hours ending at 5 o'clock yesterday afternoon the precipitation in Portland was .79 of an inch. The greater portion of the rain fell between 11 A. M. and 5 P. M. For three hours there was a steady downpour. The river conditions were not changed however, and the Willamette continues to fall steadily at all points. Preceding the rain was a period of heavy gales. Several roofs were lifted and wagons were overturned. Headgear of all sizes, shapes and descriptions went on a wild rampage along the streets.

High winds partially wrecked the stable and feed barn of the Acme Milling Company, at Lewis street and Railroad avenue, Lower Albina, early yesterday morning, seriously injuring Lewis Gard, stableman, 21 years old, and causing damages estimated at $300. The stable, which is an old frame building one story high, containing 12 stalls, was in a more or less dilapidated condition before the wind storm. A gale of wind lifted the roof from its stanchions and a part fell through, burying Gard underneath. J. Noble, of 1352 Greeley street, another employe of the milling company, was struck by flying timbers, but was not seriously hurt.

Man Buried in Ruins.

The partial wreck of the building brought Patrolmen Gill and Gould, who had been close by in the vicinity before the accident occurred. Assisted by Noble, they extricated Gard from underneath a heavy rafter and called an ambulance. The injured man was removed to his room in the Brendle building, at Russell and Delay streets, where he was attended by a physician. He will recover. None of the horses in the stable was hurt.

Later in the forenoon a large galvanized iron chimney on the roof of the Taylor-Street Methodist Church, corner of Third and Taylor streets, was blown from its fastenings and hung over the edge of the roof by one slender wire, endangering the lives of passers-by. Firemen were summoned, and, by the use of a long extension ladder, the dangerous obstacle was removed. About noon a galvanized iron cornice was blown from the front of the saloon at 282 Alder street.

An express wagon with a covered top was overturned on the Morrison-street bridge and delayed traffic a few minutes. The driver and his team escaped without injury.

R. C. Young, employed as a city salesman by the Union Meat Company, was seriously injured and the wagon in which he was riding entirely demolished about 9:30 yesterday morning at the corner of East Tenth and Division streets. As the wagon turned on Division street a strong gust of wind caught a shed at the rear of the Boehl & Webster building, overturning it and pinning the vehicle, occupant and horse beneath the debris.

Electric Wires Blown Down.

A number of electric wires were blown down at Russell and Flint streets, and an electric light pole at East Twentieth and East Powell streets was blown over, striking against the Powell drugstore as it fell. No damage resulted.

Reports of many telephone and light poles being blown down were received, and the Portland Railway, Light & Power Company had a large force of men at work repairing the damage. Streetcar traffic was delayed only a trifle. The gale delayed traffic between Portland and Vancouver somewhat, as the ferry had a hard time in making trips to the Oregon shore in the teeth of the storm. Landings were made with great difficulty.

Oregon City Fears Trouble.

Although the Willamette River is steadily falling at Portland, at Oregon City more trouble is feared through the high water in the Clackamas, which empties into the Willamette below Oregon City. Reports from Cazadero are to the effect that the smaller stream is still rising. If much volume comes down, the water in the Willamette will back up to where it has been before. The water in the lower river was at a standstill all day yesterday, but the upper river fell slightly. The locks were opened long enough to pass the steamer N. R. Lang and were then closed again.

During the month the precipitation at Oregon City has been 17.50 inches, 3.03 inches greater than the corresponding time last year.

Reports reach Salem to the effect that the farmers are the heaviest losers in the high water of last week. Thousands of dollars worth of property were swept away, including hundreds of cords of wood and hundreds of cattle. Crops stored in warehouses along low lands were also damaged. In the Fairfield and Mission Bottom districts reports of heaviest losses are heard.

Lake Labish Trestle Critical.

At Lake Labish the critical condition of the Southern Pacific trestle remains the same. On each side of the right of way the ground has bulged up to a height of five or six feet because of the sand and gravel that has been dumped in. A heavy piledriver is on the way that will sink piles to a depth of 60 feet, where it is hoped hardpan will be struck. The track for a distance of 200 feet is resting on timbers, and as the roadbed settles, additional timbers are placed.

At Dayton heavy rains have put many telephones out of commission and business is badly interrupted.

High water in the Sandy River has carried out the Howard bridge on the Marmot road, north of Welch's Hotel. Salmon River has been 8 feet above high water mark at Welch's, and flooding the campground has moved some of the Summer homes from their foundations. All that prevented these buildings from being swept away was the trees. Much lumber belonging to Henry Lang, stacked on the campground to be used in the erection of Summer cottages, was washed away. The bridge across the Salmon River at Welch's, at last reports was safe, being six feet above the water.

OLD CASE CLEARED AWAY

Government Wins Suit Brought by Arthur C. Emmons.

The case of Arthur C. Emmons against the United States yesterday was decided by Judge Wolverton in favor of the Government, after 20 years of slumber among the musty records of the United States Court. Judge Wolverton was the fourth Federal appointee to give the matter attention. Originally filed before Judge Deady, in 1889, the controversy was passed on by Judge Hanford, now in the Washington division of the Federal Courts, and later by the late Judge Bellinger.

In the early eighties, Emmons purchased the right of certain people to complete timber entries in Oregon. The record is so old their given names are no longer used by the court, but they are designated as Graham, Jones and Steinbord. After an investigation the patents to the lands were refused and Emmons sued the Government to recover the amounts advanced in final payments. It is said he proceeded under the old theory that the acceptance of the money by the Government created an obligation to deliver or return the amount paid.

Judge Wolverton, in common with his predecessors, held that the statute providing for a forfeiture of the money as well as a prosecution of the persons who gave perjured testimony as to final proof was still in effect, and sustained the Government's demurrer to the complaint.

In recent years the right to sue the United States has been taken from the citizen and a court of claims substituted. When the decision was announced yesterday, many lawyers in the courtroom were astounded to learn that such a case was still on the docket of Oregon.

INDIAN MUST STAND TRIAL

Umatilla Red, Eloper, Charged With Theft of Horses.

Stealing away with an affinity, as well as a team of horses and a buggy belonging to the woman's husband, is said to have been the immediate cause of the downfall of a red chief known to the Federal authorities as Frank Johnson and residing at Umatilla.

Johnson is charged with stealing the horses. It is recited in the complaint that the defendant eloped from Umatilla with the wife of D. T. Meatt, but upon arriving at Adams the couple found themselves in need of money and sold the team. Johnson will be tried on December 13.

Portland Man Fined for Contempt.

Adolph Sampson was haled before the United States Court yesterday and fined $10 for contempt. It appears that the Department of the Interior issued a summons for Mr. Sampson to appear before Walter E. Tooze at Dallas on June 4 to give evidence in a case. Sampson demanded his fees in advance, but there was no money to meet that contingency and Sampson refused to attend the hearing. The court held the excuse to be insufficient.

CLERK STEALS SILVERWARE

Department Store Employe Attributes Downfall to Fast Living.

Crawford Griffin, arrested by the police Saturday night and held on the charge of being drunk, will be rearrested today in jail upon the charge of larceny in a store. Griffin, according to evidence obtained yesterday afternoon, is guilty of stealing a quantity of valuable wares from the silverware department of Olds, Wortman & King, where he has been employed as a clerk.

Griffin is scarcely more than 21 years old, without family here, and has been in the city but a few months. He has been living in a lodging-house at Third and Yamhill. Two months ago he applied for a position at Olds, Wortman & King and was assigned to the silverware department. Just after he went to work articles began to be missed.

The case was reported to the police and investigation was made by Detective Joe Day, who made the arrest and recovered part of the stolen property. The detective found trace of a large quantity of silverware which had been sold and shipped to Tacoma, which the police are now trying to recover.

Griffin, who confessed to the petty thefts, explained his fall because of his fast companions and drink. The full amount of his thefts will probably reach $250.

SCOTS CELEBRATE TODAY

Feast of Highlands' Patron Saint Andrew to Be Honored.

Scottish residents of Portland and vicinity will meet tonight at the Commercial Club to honor their patron, St. Andrew, whose feast is celebrated today. The following programme has been arranged to be given after the banquet:

Remarks by Alex Garvin, retiring president. Installation of officers. Remarks by K. K. Barker, president-elect. Song, "Macgregors' Gathering," by J. A. Epping. "The Land We Left," by Robert Livingstone. Bagpipe selections, by Piper Major J. H. McDonald. Song, "Scots Wha Hae," by F. T. Crowther. "The Land We Live In," by John A. Paterson. Song, "Mary o' Argyle," by Dr. George Ainslie. "As Ithers See Us," by Wallace McCamant. Song "Gae Bring to Me a Pint o' Wine," by J. A. Epping. "Our Patron Saint," by J. B. Meikle. Song, "My Heart's in the Highlands," by Dr. George Ainslie. "Our City," by Thomas G. Greene. Song, "Jess Macfarlane," by F. T. Crowther. "St. Andrew's Society of Oregon," by A. H. Birrell. "Auld Lang Syne."

Marriage Licenses.

WILSON-JEWELL—James Wilson, 50 city; Eva Jewell, 40, city.

AMME-HATFIELD—Edwin G. Amme, over 21, city; Eva A. Hatfield, over 18, city.

DOYLE-MIDDLETON—Charles E. Doyle, 32, city; Edna Middleton, 24, city.

MARSHALL-BERRY—George Marshall, 20, city; May Berry, 20, city.

NUSBAUM-PIERCE—John M. Nusbaum, 28, city; Myrtle M. Pierce, 24, city.

RUEPPELL-BUXTON—Raymond A. Rueppell, 26, city; Florence Buxton, 20, city.

LINDHOLM-TORMELA — Victor Lindholm, 29, city; Hanna Tormela, 23, city.

WENDORS-DICKOVER—William August Wendors, 42, Underwood, Wash.; Helen Lola Dickover, 28, city.

Wedding and visiting cards. W. G. Smith & Co., Washington bldg., 4th and Wash.

Los Angeles, Nov. 29.—Arrived—Steamer Geo. W. Elder, from Portland; British steamer Claverly, from Antwerp; steam schooner Lucy Neff, from Grays Harbor. Sailed—Steam schooner, Capistrano, for Grays Harbor; steam schooner Grays Harbor, Aberdeen.

SQUATTER MAY WIN

Judge Bean Denies Injunction in Siletz Case.

DEPARTMENT IS UPHELD

Judicial Power of Secretary of Interior Is Sustained by Decision in Federal Court—Plaintiff Will Continue Fight.

Squatters on the Siletz Indian reservation and on lands which have been withdrawn from entry won the first victory in the United States Federal Court yesterday morning, when Judge Bean declined to issue the temporary injunction asked for by Attorney Lafferty in the case of A. B. Lawton and Chester V. Hare, restraining Mrs. William Birkenfield and August Birkenfield from trespassing upon lands which the plaintiffs had entered in the local land office for Lincoln County in 1902, and upon which commutation proofs had been submitted 14 months later.

After final proofs were made, the Government suspended the entries, and later sent a special agent to make an examination. He reported against the filings, asserting the applicants had not lived upon and improved the lands as required by law. Final decision of the controversy has not been made by the Department of the Interior.

Birkenfields Go Onto Lands.

When it became noised abroad that the entries of Lawton and Hare were being contested by the Government, it is alleged the Birkenfields went upon the land as squatters, and have since resided there, hoping they would acquire the preference right of entry in case the original entries were rejected.

Judge Bean held in effect that the injunctive proceeding was an extraordinary remedy, to be applied only when the rights of property were being invaded. In the case at bar, the court could not feel convinced it should intervene, for the reason that a final decision of the claims of Lawton and Hare was a part of the judicial power of the Department of the Interior. No final decision of the case having been rendered, it was not clear to the court that the plaintiffs would be sustained in their original entry. "It is not a matter in which a court of equity should interfere," said the court.

Decision Is Important.

This decision is regarded as of utmost importance, for it places the Federal Court of Oregon on record as supporting the judicial power of the Interior Department in the determination of many of the land-title questions now pending in the state. The case was submitted as a test of the standing of the various claimants, as well as the right of the Interior Department to determine questions as to right of entry.

If the applications of Lawton and Hare are finally turned down by the Secretary of the Interior, then the squatters will have the prior right of entry.

In the past the Government has given the preference right of entry to squatters on land in unsurveyed townships of the public domain, but the question as to a preference being awarded to squatters on lands withdrawn by order of the Secretary and later restored to filing, has never been determined by a court of the Federal Government.

There are from 150 to 200 such squatters in the Siletz reservation whose rights are affected by the controversy. Many of the claims they occupy are extremely valuable, those of Lawton and Hare being appraised at $4500.

Sale of Relinquishment Suggested.

It appears that if the squatters were out of the way then nothing would exist to prevent the holders of the suspended entries from selling relinquishments. The purchasers of these relinquishments would, in effect, go upon vacant land, for the relinquishment would mean an abandonment of the rights claimed by the original entrymen.

"One of the strong points of the bill for an injunction," said J. O'B Scobey, last night, of Moulton & Scobey, who appeared for the Birkenfields, "was that the entries of the plaintiffs were in danger of cancellation by the Secretary of the Interior, and if the defendant squatters were permitted to remain on the lands the latter would have the first right of entry in the event of such cancellation. Thus the former entrymen would be deprived from selling their relinquishments. Judge Bean held that no ground was presented that would warrant the court in thus aiding an entryman who had failed to comply with the law to speculate upon his entry by the sale of his relinquishment."

Plaintiffs to Keep Up Fight.

A. W. Lafferty, counsel for the plaintiffs, was seen last night and expressed the strongest disapproval of the theory of law outlined in the decision. "This case was up on a preliminary motion," said Mr. Lafferty. "It will be heard two weeks hence on its merits, and I shall contend for a permanent injunction against the Birkenfields.

"Hare and Lawton went on the two claims in good faith, resided there 14 months and each of them cleared land, put out orchard and cleared land. With trails and road work their improvements are easily worth $800 each. Those improvements have been appropriated by the squatters.

"My clients were the original entrymen and I contend that they are entitled to possession of the land until such time as the Department of the Interior shall cancel their entries, which has not yet been done, and may never be done. It should be borne in mind that the man on the ground, as a settler, becomes the favored applicant for entry the moment that a cancellation of the Hare and Lawton entries is made, and that person will have the benefit of the improvements made by Hare and Lawton. My clients are trying to preserve their rights, first under their original entries, and second in establishing a preference right to refile in case of cancellation."

$7500 ASKED FOR HIS LIFE

Administratrix Sues Shaver Transportation Co. for Fatality.

Katherine W. Pope, as administratrix of the estate of John Joseph Lee, yesterday began suit in the United States Court for the recovery of $7500 from the Shaver Transportation Company, owners of the steamboat M. F. Henderson, because of the death of Lee. She asserted his death was due to carelessness and disobedience of signals long in use on the Willamette.

Lee was employed February 12, 1908, as foreman of the floating piledriver working at the North Bank bridge and was standing on a ladder which leaned against one of the piles. The Henderson came up the river at full speed, it is said, and when within hearing distance the piledriver engineer signaled the craft to slow up to avoid creating a heavy swell. It is alleged no attention was paid to the warning and the boat failed to abate her speed. When the steamer, avers the complaint, passed the piledriver, the swell hurled the ladder on which Lee stood to the deck and injured him to such an extent that he died the next morning.

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MYTHS ARE DISPOSED OF

COURT DECIDES AGAINST PUTER'S DUMMY ENTRYMEN.

Judge Bean's Ruling Second Big Victory for Government in Recovering Lands Mixed in Deals.

Three myths linked with a flesh-and-blood man were ruled against yesterday in the United States Court in a decision handed down by Judge Bean. The case was that of the Government against G. B. McLeod, James E. Warwick, W. H. Watkins and Samuel L. Carson, all but the first named being fictitious timber land entrymen foisted on McLeod by the Puter crowd.

McLeod has now no recourse at law except to bring suit against the guarantors who executed the "fake" timber land deal, and they, say the Puter-McKinley combination are forgeries.

When Judge Bean decided against McLeod, Warwick, Watkins and Carson, the Government won its second great victory in the campaign for the recovery of lands said to have been acquired from the Department of the Interior by unlawful means.

Judge Bean held that no title to land could pass from the United States when "dummy entrymen" or persons not actually appearing before the Commissioners of the Government, were used in making the final proofs.

In the case at issue, S. A. D. Puter and Horace G. McKinley went to Lane County and consummated a deal with Marie L. Ware, since married to McKinley, whereby filings were made on timber lands in the names of James E. Warwick, W. H. Watkins and Samuel L. Carson.

"The testimony in this case shows that no such persons as Warwick, Watkins and Carson ever existed," said Judge Bean "and that through the influence of Puter and McKinley, Miss Ware was induced to certify to the original entries as well as the final proofs."

McLeod, appeared in the case as an innocent purchaser and was able to show that a correct abstract of title was exhibited to him, showing a continuous chain of title from the original entrymen.

The foregoing decision may be considered as an indication of the final result in the case of the United States against Helen A. McClure, Charles A. McClure and John A. Rupp, trustees for the estate of William C. McClure, and Jethro G. Mitchell, Leroy Brooks, Robert B. Montague and Horace G. McKinley. The suit was brought to cancel certain patents to lands in the Cascade National forest amounting to about 960 acres.

In commenting on the controversy Judge Bean called attention to the fact that the evidence showed that Montague, as deputy clerk of Linn County, assisted in formulating fictitious proofs in the final entries and allowed McKinley to forge names of original enrymen as well as witnesses, and upon which evidence patents were obtained.

In carrying out the conspiracy a number of fictitious deeds were issued by Montague transferring the property from one to another of four fictitious persons, and finally deeding it to the United States under lieu land act of June 4, 1897, which has since been repealed by Congress. Following the last transfer indemnity land was selected in Polk County and sold to the McClures.

An abstract of title was furnished the purchaser which apparently exhibited a complete chain, but by the decision of the court the surrender of the original entries did not date from the filing of the deed to the Government, but from the date of the issuing of patent to the Polk County lands.

Judge Bean held that the filing of a deed to the Government was only one of the steps necessary to secure the acceptance of the base lands by the Department of the Interior. The patents to the lieu lands being withheld for cause, the court overruled the demurrer to the complaint filed by the Government to recover the Cascade forest lands and the case will go to trial.

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There is a book for you to give to any relative or friend—nothing is so much appreciated—nothing gives as great and as lasting pleasure. Here are just a few suggestions selected at random from Portland's largest and best stock.

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Belgravia Art Monographs, a splendid gift 1.50
Masterpieces in Color, best works of best artists ..... .75
Voices of the City, by Marion Cook Stow 1.00
Melba, by Agnes C. Murphy 2.75
In My Lady's Garden, Mrs. Richmond 3.50
Through French Provinces, by Ernest Peixotto 2.50
Christ Legends, by Selma Lagerlof 1.25
City People, by James Montgomery Flagg 5.00
Girls of Today, by Clarence Underwood 3.00

For Men

Recollections of Twenty Years, by F. B. Sanborn $5.00
Hunting Trips in North America, by F. C. Selous 5.00
The Culture of Simplicity, by Malcolm J. McLeod 1.00
The American of the Future, by Brander Matthews 1.25
Marcus Whitman, by Myron Eells 2.50
Ben King's Verse, an appropriate volume 1.00
In Lighter Vein, by John De Morgan ..... .75
Red and Gold Classics, a pretty gift ..... .60
Adrift on An Ice, by Pan Grenfell ..... .75
John Marvel, by Thomas Nelson Page 1.18

Miscellaneous

Little Sister Snow, by the author of "The Lady of the Decoration" $1.00
In the Border Country, by Josephine Bacon 1.00
Jane Austen, complete, two volumes 2.50
Arabian Nights, Maxfield Parrish 2.50
Chronicles of Oldfields, by Thomas N. Allen 1.50
Dr. John McLoughlin, by F. V. Holman 2.50
Washington Irving, 27 volumes $43.00
American Birds, by Finley 1.50
Hanging of the Crane by Longfellow 2.00
From My Youth Up, Margaret Sangster 1.25

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