

TIME LIMIT GONE; NO BRIEFS FILED

Intervenor in Southern Pacific Land-Grant Suit to Suffer as Result.

FURTHER DELAY UNLIKELY

Judge Wolverton Has Ruled That Railroad Counsel Must File an Answer—Brief Prepared by the Government's Attorney.

Intervenor in the case of the United States against the Oregon & California Railroad Company yesterday allowed their time for filing briefs to expire without presenting the document to the court. Neither was a copy served on Judge W. D. Fenton, representing the defendant company and its successor, the Southern Pacific Company, nor upon B. D. Townsend, special prosecuting attorney for the government.

Judge Charles E. Wolverton, presiding at the trial of the controversy which involves title to all unceded subsidy lands, not of the city, and it is believed to be impossible for the attorneys representing the Easterners who have endeavored to secure a foothold in case the court should order the lands sold to secure an extension of time. The court is remembered to have exhibited a degree of impatience at the long delays which have heretofore been had in the hearing. In June Judge Wolverton refused to allow Attorney Fenton longer than September 3 for filing a reply to the brief presented by the representative of the Attorney-General and the prospective brief of the intervenors.

Delays Are Frequent.

The intervenors were represented and heard on oral argument of the litigation had in March, 1909. It is thought probable that they will now be compelled to rest their case on that presentation of the law, although the question as to extending the time rests in the discretion of the court.

Should an extension be granted, a like delay would be asked for by the Southern Pacific Company. Seventeen months have already elapsed since the lawyers first gathered to argue the law pertaining to the demurrer upon which the case rests, and the decision of which practically ends the litigation, so far as the lower courts are concerned. Two years and five months have passed since the case was first started.

At the time the oral argument was presented, there were only a few intervenors, but at the time Judge Wolverton ruled that no more should be allowed to encumber the record there were several thousands of such applicants.

The litigation is considered to be by far the most important ever begun on behalf of the state of Oregon. There remain of the United States grant lands 2,300,000 acres, valued at \$20,000,000. They were granted as a subsidy for the building of the railroad, as the Southern Pacific Company contends, while the government is endeavoring to have the grant set aside because of the failure of the holding company to comply with the conditions prescribed in the act of Congress.

Conditions Not Fulfilled.

The conditions were that the company should sell to actual settlers only in quantities not exceeding 100 acres, and for a sum not larger than \$150 an acre. The company has refused to sell in one case, and sold in greater quantities than the maximum in the other.

The intervenors were led to believe that by making a tender of \$600, the price of a quarter section at \$2.30 an acre, which the company would refuse, they would have a right to the land if the government should win its case. For that privilege the intervenors paid the land promoters from \$100 to \$150 each, and were assured of legal representation.

The fact that many of the quarter sections of land were filed upon from five to 10 times by the land locators, and Assistant District Attorney Walter G. Evans to attempt to secure the indictment of the land sharks before the United States grand jury. After failing in this, Mr. Evans went before the court and protested against more claimants being allowed to intervene. Judge Wolverton put on the lid, and intimated that he would again extend the time for preparation of the briefs.

Gill's Creditors Get Order.

J. S. GILL, the well-known Portland lumber and timber operator, did not appear in the United States court yesterday morning to answer the contempt proceedings charged against him. Mr. Gill has been operating in Washington County, and a number of his creditors petitioned to have him declared a voluntary bankrupt. They asserted that some of his lumber had been sold to the Frank Lumber Company, of which Gill was manager. Judge R. S. Beach then issued an injunction restraining the Frank Company from disposing of any of the material, and Barge E. Leonard, attorney for creditors, began the contempt proceedings upon the allegation that two cars of lumber had been sold in Portland. Attorney Leonard yesterday asked to have the case continued on the ground that a compromise settlement is in progress.

FAKER SENT TO ROCKPILE

Jewelry Salesman to Learn Value of Precious Stones.

Sixty days on the rockpile was the sentence awarded by Judge Bennett yesterday to "John Smith," charged with being a copper for a North End auction-house where jewelry that is said to be "junk" is sold to the highest bidder. Not less than 50 complaints have been made to the police of misrepresentation by the salesman at the place mentioned.

Smith was caught a few days ago by Patrolmen Humphries and Horton, who went to the store in working clothes and were sized up as eligible bidders. Smith urged Humphries to buy, promising to take his bargain off of his hands. He was then arrested on a charge of vagrancy. In passing sentence, Judge Bennett said that the fact that Smith worked in the auction-house was enough to convict him. Notice of appeal was given.

300 ACRES IS THE AVERAGE

Government Issues Figures on Size of Western Wheat Farms.

WASHINGTON, Aug. 15.—Although the wheat fields of the Far West are gener-

ally supposed to be of extended acreage, the Bureau of Statistics of the Department of Agriculture has issued a bulletin showing that in the states where these fields are largest their size averages a little more than 300 acres.

California alone is an exception to this rule, as in that state the average acreage reaches 150 acres. In North Dakota the average is 115 acres, in Washington 110 acres, and Oregon 100 acres. Although there are some enormous fields of wheat in these states, the many smaller ones reduce the average size to that of an ordinary farm.

New England has the smallest wheat fields, the average of such fields in Vermont being only three acres.

The values of both wheat and corn land are greatest in Illinois, where the average value is \$24 an acre for wheat and \$100 for corn land. The Central West shows prices ranging below those of Illinois. Land values in the Southern states are averaging \$22 for wheat and \$27 for corn land.

TIME IS NOT YET RIPE

JUDGE LORING DISCUSSES CONSERVATION POLICY.

Adoption Cannot Be Accomplished All at Once, Says Massachusetts Supreme Court Judge.

There is no "conservation policy," declared Judge W. C. Loring, associate justice of the supreme court of Massachusetts, at the Portland Hotel last night. "It is certainly necessary to conserve our natural resources, as they are becoming used up, but no definite policy has been adopted. President Roosevelt saw that 'something' should be done to conserve the natural resources and he merely suggested an idea of conservation. The adoption of a policy of conservation will take time. It cannot be done all at once. President Roosevelt started other things, and President Taft is carrying them out. The necessity of conservation should be considered in its broad sense. I think the conservation of the natural resources is the best policy to adopt. It remains to be seen.

"I believe the East views conservation in this light. I think the West misunderstands the East as much as the East misunderstands the West. If the Western Governors who are to hold a conference on conservation were to invite the Eastern Governors, there is no doubt in my mind but they would gladly attend and discuss the matter. I think the Western Governors are changing a slow. The feeling of the East has been overrated in the West. Like all other problems, conservation of the natural resources will be solved, and the best interests of all concerned.

Judge Loring lives at Beverly and is a neighbor of President Taft.

Although Judge Loring at Beverly and knows the President, I have not seen him this summer," said the Massachusetts jurist. "President Taft likes quiet and to let alone. He wants rest as much as all of us, and the people of Beverly do not annoy him.

"The Judges in Massachusetts, even the Police Judge, are appointed for life, and they take no part in politics. They are not even supposed to know anything about politics.

"Is there any particular reason for the change in politics in Massachusetts?" was asked.

"There has been no change in politics," replied the Judge. "Occasionally a Democratic Governor is elected, but I have never known the Legislature to be Democratic. You know the people grow tired of one man or one administration in continuous control of affairs and want a change. They elect a Democratic Governor. It is of no particular party significance."

Judge Loring is accompanied by Mrs. Loring and her maid. They left Beverly July 5, and have been spending the summer in the Rocky Mountains.

CITY PLANT AUTHORIZED

SALEM DECIDES TO BUY WATER COMPANY'S SYSTEM.

Misunderstanding as to Qualifications of Voters at Election Is Cause of Great Excitement.

SALEM, Or., Aug. 15.—(Special.)—Demonstrating that city voters to secure a pure mountain water system, the first step toward that end was effected today when the charter amendment authorizing the Council to purchase the Salem Water Company's plant and to expend \$75,000 in extending the mains of the city, carried by a majority of 15 votes.

The election was exciting throughout the day. A general misunderstanding as to registration and qualification of electors caused charges of fraud and illegality to be based back and forth, starting early in the day in some of the wards, and as the voting progressed the excitement began to run high.

It is the general opinion that whatever irregularities may have existed in allowing balloting, these cannot be proven to be sufficiently material to set aside the election, and it is believed the Council will immediately take action to float the bonds and take over the plant. The plan is to hold an election as soon as possible and determine whether a filtration plant, under municipal supervision, will be established or whether water will be piped into the city from the Little River, Forest of the Sunliton or from the Breitenbach.

ENGINE HELPS IN SUICIDE

Andrew Hall Steps Before Moving Train at The Dalles.

THE DALLES, Or., Aug. 15.—(Special.)—The list of this city's casualties was augmented last evening when Andrew Hall deliberately ended his life by throwing himself in front of a freight train. Hall had been running a shoeshining stand on First street. A short time ago he was discharged from the hospital at the insane hospital at Salem.

He was standing with some companions on the corner of First and Court streets yesterday afternoon and was instantly killed when he stepped in front of the engine as the train passed. The man was 55 years old.

6000 Regulars in Fall Maneuvers.

JUNCTION CITY, Kan., Aug. 15.—The opening tactics in the Fall maneuvers at Fort Riley, in which 6000 troops of the Regular Army and the organized militia will take part, began today. The Kansas troops took the field first. Two Kansas regiments arrived today and the Nebraska troops are due to arrive next Wednesday and the Missouri and Oklahoma soldiers in September. Brigadier-General K. V. Ward has command of the maneuver camp.

GAULIES DISCOVERED THE USE OF THE PENDULUM

Also he published a work dealing with the use of the pendulum in clocks.

\$100,000 IS COST

Observers Estimate Election Expense Under Huntley Act.

PRINTING FUND MUST PAY

Attorney-General Gives Opinion That Money Collected for Space in Books Under Corrupt Practices Act is Public Fund.

SALEM, Or., Aug. 15.—(Special.)—The opinion is generally expressed here that the money under the corrupt practices, or Huntley act, will result in an expenditure of at least \$100,000 by the state. At this rate it all means a great deficiency in the public printing fund for the next Legislature to grapple with.

Attorney-General Crawford furnished the Secretary of State office with a verbal opinion today to the effect that money for pamphlets under this act must come from the public printing fund and that money paid into the Secretary of State office for space in the pamphlets must be placed in the general fund. At the present time, the public printing fund has \$31,000, and it is expected to pay for the corrupt practices act pamphlets and the printing for the departments for six months.

General Election First Under Act.

This is the first time a general election in Oregon has been held under the provisions of the Huntley act and the Secretary of State's office has discovered it will be a stupendous task to handle the pamphlets.

There is a possibility of 142 distinct and separate pamphlets to be printed under this act. It also provides for every voter in the state to receive seven distinct pamphlets beside the initiative and referendum booklet.

Under the act, each electoral district and division where state officers are elected, is to be provided with a separate pamphlet referring to the respective candidates in that district or division. In addition, there shall be a pamphlet for each political party. Consequently, under the provisions of the act, there shall be the pamphlet for state officers, for 28 different representative districts, 24 Senatorial districts, 12 judicial districts, two water divisions and two Congressional districts. But one District Attorney is running this year.

Total of Districts Is 71.

This gives a total of 71 districts, which multiplied by two, each political party having separate pamphlets, gives a grand total of 142 pamphlets which are possible for the primary election.

With this astounding array of literature confronting him, the Secretary of State is further required to see that Democrats get their literature and Republicans that of their party. The general pamphlet for state officers to every voter in Oregon, then he must segregate pamphlets for the various districts and have them ready for the Republicans and Democrats their literature respectively for each of the various districts.

Voters Get Many Pamphlets.

For instance, in Multnomah County, each voter may receive a general pamphlet referring to the candidates for the county, a pamphlet representing candidates for joint senator from Multnomah and Clackamas Counties, also a pamphlet for the candidates who were known as Multnomah County alone; still another pamphlet for the Representatives and still another for the joint candidates from Clatsop and Multnomah Counties. On top of these would come a pamphlet for candidates from the Second Congressional District, after which he would have a pamphlet for each of the candidates for the general state election. These numerous editions will be received by the elector shortly after he has had an opportunity of absorbing the facts and figures set out in the initiative and referendum pamphlet.

Another Complication Seen.

Still another complication is seen in listing these books under the corrupt practices act in the fact that candidates from any particular district or division may also have a book of their own to be distributed to the voters at the general state election. If he chooses, the qualifications for office he sets forth, along with his picture. If this is done the Secretary of State must take care that none of these general pamphlets are circulated outside of the particular district to which the addendum refers. The State Printer, under the law, is required to bind for the price of the entire book, when such additional binding is made.

REED FILES DECLARATION

Insurgent Candidate One of Many to Make Formal Statement.

SALEM, Or., Aug. 15.—(Special.)—Announcing himself as an "insurgent candidate" C. J. Reed, of Portland, has filed his declaration of intention to become a candidate for congress from the Second district. He states he is a Republican, but is opposed to Cannonism and standstillism.

The declaration of J. F. Watt, Republican, as joint Representative from Hood River and Wasco Counties was received, as was the declaration of A. G. Beals, Republican, who desires to be Representative from Tillamook and Yamhill Counties. Petitions were received from James T. Chincock, candidate for Water Division Superintendent; Frank M. Calkins, candidate for Circuit Judge from the First Judicial district; and Perry E. Kelly, candidate for Judge from the Third Judicial District. Chincock is a resident of Portland; Calkins of Ashland, and Kelly of Albany.

CHEVALIS TO SEE HOT FIGHT

Several Contestants Out for Senatorial Prize.

MONTESSANO, Wash., Aug. 15.—(Special.)—What promises to be one of the warmest legislative campaigns in Chehalis County in many years will develop immediately, as the number of candidates filing for various offices are 55.

The main fight will be for the Senatorial prize, the contestants being H. B. Hewitt, of Hoquiam, for two terms,

Representative from the 30th district; J. A. Hood, of Aberdeen, and O. N. Nelson, of Montesano. F. J. Monratt, present Mayor of Hoquiam; F. H. Lamb and H. A. Livermore have filed for Representative on the Republican ticket and Fred Strain on the Democratic, as Representatives from this district, and Phil S. Locke, incumbent; C. C. Quackenbush, Norman S. Richards, of Oakville, and E. Minary, of Klama, are to contest for the nomination from the 29th district.

M'CREIDIE PROMISED SUPPORT

Washington Representative Will Make Trip Into Lewis County.

VANCOUVER, Wash., Aug. 15.—(Special.)—W. W. McCredie, Representative from the Second Congressional District, has returned from a trip to the Sound cities, where he says he found strong support for him.

In company with George McCoy, of Vancouver, Mr. McCredie will leave tomorrow morning for Lewis County, where he will spend the remainder of the week returning to his home here about Friday or Saturday. Mr. McCoy was elected Representative from Lewis County four successive terms. He is now candidate from this county on the Republican ticket.

"DRYS" TO MEET AT YAKIMA

Washington Prohibitionists to Put Out Ticket.

OLYMPIA, WASH., Aug. 15.—(Special.)—James McDowell, of Olympia, state chairman, has issued a call for a state Prohibition convention, to be held at North Yakima, September 13, the day of the primary elections. It is announced the party will nominate for the Supreme Court and Congressmen, but neither nominate nor endorse for United States Senator.

The statement is further made that the Prohibitionists will demand in their platform the repeal of the local option law.

A. A. PHILLIPS IS DEAD

EARLY SETTLER AT OLYMPIA DIES, AGED 71 YEARS.

Old Pioneer Had Been Prominent in Political Circles of Washington for Forty Years.

OLYMPIA, Wash., Aug. 15.—(Special.)—Albert Augustus Phillips, prominent in Olympia and in political circles for 40 years, died at his home in this city this morning, aged 71 years, after an illness of several weeks. He is survived by his wife, a daughter, Mrs. O. M. Mitchell, of Montclair, N. Y., and son, Charles Phillips, of this city.

Mr. Phillips was born in Ohio, taught school there and when 21 went to Idaho, where he worked for a time in the coal mines, but in 1849 he located on Whidby Island, and in 1859 moved to Olympia.

During territorial days he was County Auditor by election 14 years. With John P. Hoyt he organized the first National Bank here and when it was forced to suspend in 1857, at the petition of stockholders and depositors, Controller Eckles appointed him receiver, and Mr. Phillips settled up the affairs with practically no loss to depositors.

He had been trustee of the State Insane Asylum at Fort Steilacoom and regent of the State University. He served one term as Mayor of Olympia and two terms as County Treasurer, and was appointed deputy State Bank Examiner by Governor Mead, serving until the change in State administration.

The funeral will take place here Wednesday, probably under the auspices of the Oddfellows, of which order he was a pioneer member in Washington.

CUCUMBER RECORD BROKEN

Amateur Gardener of Lents Contributes Pickle 13 3-4 Inches Long.

W. H. Crawford, amateur gardener at Lents, yesterday laid claim to the cucumber record of the season. His contribution to the pickle barrel measured 13 3/4 inches in length, 3 1/2 inches in circumference and weighed exactly two pounds. It was of the Japanese Climber variety.

Mr. Crawford has devoted his spare time for a number of years to the cultivation of his home garden. He has been especially successful in the growth of tomatoes.

TIMBER TAXATION PROBED

Millionaire Hoquiam Banker Witnesses Before Grand Jury.

MONTESSANO, Wash., Aug. 15.—(Special.)—W. L. Adams, millionaire banker of Hoquiam, was yesterday called before Chehalis County; C. W. Hodgdon, ex-Judge



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