INDIAN LAND CASE **BECOMES INVOLVED**

Judge Bean Thinks Congressional Act Shuts Off Federal Court Authority.

BADLY TANGLED TITLES

Bill Gives Interior Department Full Authority-Decrees Asked by

> United States Attorney Held Up Pending Decision.

Inadvertantly, perhaps, but nevertheles sectually, an act passed by the Conress of the United States on June 25 o his year, appears to have deprived the inited States courts of jurisdiction of I Indian affairs with the possible exption of criminal prosecutions.

Pollowing the discovery of the fact that seh legislation had been enacted by engress, speculation became rife at the ederal building as to whether the law ad been passed in the interest of the Odshomans, who have since been charged with an undue interest in Indian lands. aters will be sent to Washington and members of the Congressional comee now at work in the Southern state. nd an investigation will be begun

Judge Bean Raises Issue.

The issue was raised by Judge Robert Bean yesterday morning when asked United States Attorney McCourt for rees in a number of land cases nding before the court. The suits inpending before the court. The suits in-volve titles to lands upon allotments, dis-tribution among heirs and other legal phases which involve the peculiar mar-riage relations prevailing among the In-dian tribes. The court informed the at-torneys interested in the cases that he had discovered the act among the pamph-let laws sent out by the Department of Justice, and considered that a very grave question of jurisdiction of the United Biates courts had been raised. Judge Bean considered the matter of sufficient importance to request briefs from various importance to request briefs from various

Importance to request briefs from various Pawyers practicing at the bar before assuming a definite position.

The act of Congress will be of far greater importance in other Western states than in Oregon, the total number of land controversies now pending in this state for disposal being less than M. In Oklahoma. Colorado, Arizona. New Mexico and Montana there are large quantities of lands still held in trust by the Government, and to which the members of the tribos have not been able to bers of the tribes have not been able to

Interior Department in Charge.

The act of June I confers on the Sec retary of the Interior the right to deter-mine to what Indian the land, or any por-tion of a tract, shall be awarded, to search out and determine what heirs shall be recognized in any given estate, to whom patent shall issue, and confers the authority to partition any allotment among such heirs and in such manner as that officer shall elect. The bill also con-fers the right to approve or disapprove the sale of allotments by the Indian

Should Judge Bean decline to continue to assume jurisdiction of the Indian land cases, he will be the first judge of the United States courts to pass upon the re-cent Congressional legislation.

Special Agents Required.

It is eald that the Secretary of the Interior would be compelled to rely upon his force of special agents in the field service for the information upon which his decisions would be based. The procedure would exactly follow that now in use for investigating homestead and timber

The bill would not have attracted at-Ing the sale of Indian lands. It was the Ing the saie of indian lands. It was the seffort put forth to secure the sanction of a \$20,000,000 sale of Indian lands, upon which a 10 per cent commission was to have been paid, and the alleged attempt to bribe Sensior Gore to withdraw his opposition to the bill, that lead up to the

present investigation.

Even should the bill be construed to except the five civilized tribes of the Middle West, the Secretary of the Interior would have power over the balance of the Indian lands of the country.

Bankruptcy Fraud Charged.

Alleging that Emanuel Meyer and his wife. Esther Meyer, concealed valuable farm lands in the vicinity of Montavilla, when they were declared bankrupts in June last, Clara Kaufman, a creditor, yesterday filed a petition in the United States court asking that the case be reopened. It is charged that the Meyer people were indebted to a large number of creditors, and that the referree in bankruptcy was unable to find any assets for partition among them. Clara Kaufman was out of the United States at the time, but upon her return started an investigation. She avers that one week ago she discovered that the Meyer people owned a one-Alleging that Emanuel Meyer and his that the Meyer people owned a one-ninth interest in 80 acres of suburban property. Judge R. S. Bean has is-sued an order commanding Mr. and Mrs. Meyer to appear in court August 19.

M'COURT WILLING TO SUE

District Attorney Discusses Bridge-Draw Controversy.

"I am perfectly willing to institute eivil suits in their regular order, if Major McIndoe so desires," said John McCourt, United States District Attorney, last night, discussing the Major's comments that he had not heard from Mr. McCourt

on the drawbridge controversy.

"The point Major MeIndee desires to be determined by a suit," aid Mr. Mc-Court, "is whether the County Court acted within its powers in making the regulations under the War Department's or-

ders.
"I am sure the County Court officials do not wish to contend the War Department does not control the bridges, but it does contend that its action in making the morning and evening closing hours is permitted by the War Department's orders, inasmuch as they regulate traffic. By the time this suit is settled, the boatmen will have adjusted their schedules to fit in with the draw periods and the whole controversy will be over.

'The worst that can be charged against the drawtenders will be lack of judgment. I believe. It is ridiculous to believe that the War Department means the draws to open for every little sand scow."

IMMIGRATION OFFICERS UNEARTH PLOT TO SMUGGLE CHINESE, SCORE BEING FOUND ABOARD THE KUMERIC



Smuggling Plot Disturbed by Immigration Officers.

26 STOWED IN FOREPEAK

Customary Hiding Place Is in Chain-

ers yesterday morning, as immigration ers yesterday morning, as immigration inspectors entered the forepeak of the British tramp Kumeric, lying at the Portland mill, they were not sufficiently agile to elude the offcers and their capture resulted in the exposure of the most gigantic scheme to smuggle Celestials into Portland since Immigration Inspector Barbour established beadquarters here seven years ago.

headquarters here seven years ago. Since July 20 the horde of half-starved stowaways have occupied the chain locker of the big steamer, their quarters being so cramped that in or-der to protect themselves from injury when the anchor chains were let go or imuled in they were compelled to as-cend to the forepeak. Also once each day they were ordered into that com-partment for their evening mesal.

Chinese Stowed With Cargo.

Those details were learned from Quong Gow, one of the party, who informed Immigration Inspector Barbour, through an interpreter, that he and his companions were not told that they had 27 fellow passengers, two of whom were captured at Victoria and the other 25 at Seattle, because the latter were quartered in the hold, aft of the en-gine room, where space had been given them between bales of hamp that con-tituted part of the cargo brought to Puget Sound from Manila.

Puget Sound from Manila.

When captured yesterday, the 26 Chinese had not had water for 24 hours and were without food nearly as long. Officers of the steamer denied having had knowledge of the presence of stowaways aboard, or of those who had been arrested in the north. To Jung Ho, "No. 1 man," or boatswain, of the tramp, credit was given for the plot and the stowaways said they had not seen white members of the

Work to Pay for Passage.

tioned that none of the crew could have shore leave here without bonds being given, as required by law, but despite those injunctions, six of the crew visited Chinatown Tuesday and to that fact is traced the expose of the traffic. Chief Watchman Alisky, of the Immigration Branch, secured information in Chinatown which, coupled with suspicions entertained by Mr. Barbour, because officers of the ship and representatives of her charterers had called on him and endeavored to secure permission for shore leave for the Chinese doctor and interpreter, caused a double watch to be ordered aboard.

Boatswain Stands Guard.

When Alisky and Watchmen Steph-

cache being found.

As early as 3 o'clock yesterday morning local Chinese were on the mill dock, apparently waiting for friends to come ashore and were driven away at noon. It is assumed by the officers that the six Chinese sailors had arranged in Chinatown for the landing of the stowaways and had not the plot been unearthed yesterday, they would have escaped. Under the circumstances the immigration authorities are powerless to punish anyone con-

cumstances the immigration authorities are powerless to punish anyone connected with the scheme, because the stowaways did not land.

The crowd has been divided and quartered in two rooms aft on the main deck, where they will be watched until the tramp sails Saturday, when two officers will accompany them to Seattle. The vessel will be compelled to return the stowaways and also those centured in the north to China. captured in the north, to China

MINNESOTA RATE CASE WILL SETTLE BIG QUESTION.

Whether Return Shall Be Made on Investment or Present Valuation to Be Decided.

E. T. Young, ex-Attorney-General of Minnesota, is at Gearhart Beach with his family, for a rest after 18 days' of

the plot and the stowaways said they had not seen white members of the Kumeric's company when they went abourd or during the voyage, but that their dealings were solely with the boatswain and his shipmates.

Jung Hong, a Hongkong Chinese, it was made known, had organized the band in the interior of China, herded them to Hongkong and transported them by steamer to Yokohams, where they were taken abourd the Kumeric at 1 o'clock the morning of July 25.

Work to Pay for Passage. with water the County Court efficials do not wish to contend the War Department does not control the bridges, but it does contend that its action in making the morning and evening closing hours is permitted by the War Department's orders, inasmuch as they regulate traffic. By the time this suit is settled, the boatment will have adjusted their schedules to fit in with the draw periods and the whole controversy will be lack of judgment. The worst that can be charged against the work of each stowaway would be reasonable return on the present value of the rallroad properties, based on an estimated of the rallroad properties, based on an estimated cost of replacement of all of the should settle the matter for all seems strange that this vital point, which should settle the matter for all the corner, in advancing passage, more for the party captured on Puget Sound.

When the digestion is all right, the action of the bowels is regular, there is a natural craving and relish for food. When this is lacking you may know the court decides and the stowaways had boarded the Kumeric, as they had celled at the usual character in involving strange that they work of each stowaway will be extablished that will give a reasonable return on the amount actually invested by the raliroads, as the state work of the rallor, as their wages of the stalling and properties, based on an estimated cost of replacement of all religible the work of each stowaway would be reasonable returns on the present value contends, or a rate that will give a reasonable return on the amount actually invested by the raliroads, as the state contends, or a rate that will give a reasonable return on the amount actually invested by the raliroads, as the state contends, or a rate that will give actually invested by the raliroad, satisfied the statilished that will give a reasonable returns on the present value contends, or a rate that will give actually invested by the raliroad properties, based on an estimated of the seasonable returns on the present value of the

had caused the Kumeric to be searched at the time of her arrival, but nothing was found to indicate that stowaways were aboard. Captain McGill and some of his officers had been cautioned that none of the crew could have shore leave here without bonds being given, as required by law, but despite those injunctions, six of the crew visted Chinatown Tuesday and to that fact is traced the expose of the traffic. Chief Watchman Alisky, of the Immigration Branch, secured information in Chinatown which, coupled with suspicions entertained by Mr. Barbour, because officers of the ship and representatives of her charterers had called on him and endeavored to secure permission for shore leave for the

noted at a glance," said Mr. Young, "If the courts should decide the railroad companies are entitled to returns based on increased valuation of property, they
may continue to increase freight rates
as their property grows in value and
there will be no limit to the ever-inereasing rate. On the other hand, if
our contention that rates should be es-When Alisky and Watchmen Stephenson and Green were making a search yesterday. Alisky reached the forepeak in time to see the stowaways hustling into the chain locker like so many rats. The Chinese boatswain endeavored to delay Alisky's descent, by inviting him into his quarters to precive cigars, but a Celestial passing with a basket of food attracted the officer's attention and that led to the cache being found.

As early as 3 o'clock yesterday morning.

Struck a Rich Mine.

S. W. Bends, of Coal City, Ala., says he struck a perfect mine of health in Dr. King's New Life Pills for they cured him of Liver and Kidney Trouble after 12 years of suffering. They are the best pills on earth for Constipation, Malaria, Headache, Dyspepsia, Debility. 250 at all druggists.

Brains Rule

MT. HOOD IS SCALED EXPENSIVE PIPE ORGAN AND COSTLIEST

Y. M. C. A. Boys Climb to Peak Through Snow Storm.

16 HIKERS NOW MAZAMAS

Party Spends Six Days on Trip and They Welcome Association Shower Baths on Their Return. Lectures Given in Camp.

The 16 Y. M. C. A. boys who went on a hike to Mount Hood last Friday re-turned to Portland last night, after having reached the summit of the mountain during a heavy snow storm. They were six days on the trip and de-They were six days on the trip and declare they appreciate the Y. M. C. A.
shower baths more than ever.

The boys, headed by A. M. Grilley,
physical director of the Y. M. C. A.,
went as far as Boring on the Cazadero
line Friday morning, taking the 6:55
car from Pertland. From there they
hiked to the top of the mountain and
back, a wagon having been provided to
take the luggage. By dinner time they
had reached Sandy, and Friday night
they camped five miles beyond Ashoffs,
on the Sandy River. Saturday they
cooked and ate their dinner at Toil
Gate, and their supper at Twin Bridges.

Snow Line Is Reached.

Snow Line Is Reached.

Sunday saw the hikers at Government Camp. Sunday afternoon they walked to the snow line and camped there, making the summit of the peak Monday, although they were delayed four hours at Crater Rock on account of the snow storm. After the storm had abated and they had started on their way it commenced again to snow and had not stopped when they reached the top. The 16 hikers were the first to reg-

ister in the Maxamas new book. They had a snowball fight, after which each added to a stone monument a rock for himself and another for his sweetheart, and returning arrived in camp without

Mr. Grilley said that on none of his previous trips had he seen the cloud effect he saw this time. During a part of the journey the clouds broke and Eastern Oregon could be seen. The hikers could also see Mountains Jeffer and Three Sisters and Diamond

Nicknames Are Given.

At the outset the boys nicknamed each other Grandmother, Auntle, Cousin

each other Grandmother, Auntie, Cousin Amy, Huckleberry Finn and Sunny Jim. In camp the hikers were favored with lectures, one by O. E. Haring on the forest service, and one by E. Wilkes. Jr., on bridge building.

On the return trip they stopped at Government Camp Monday night, at Rhedodendron for dinner Tuesday, and at Brightwood on the Sandy River for supper. They had dinner at Sandy yesterday, arriving at Boring at 4 P. M. The hikers were: W. R. Landis, C. N. Blair, E. Wilkes, Jr., S. W. Pelley, O. E. Haring, F. A. Perkins, E. U. Larry, Fred R. Zimmerman, Walter Paulson, A. J. Lyon, H. G. Strayer, F. M. Dempsey, V. L. Newcomb, E. Brockman, Carl Klein and A. M. Grilley.

ELOPERS APPEAR IN COURT

Mrs. Schweiker Vainly Seeks Mercy From Husband.

Pitifully shaken by her arrest, Mrs. George Schweiker appeared in Police Court yesterday, in company with Joe Mallet, to answer for eloping with creasing rate. On the other hand, if our contention that rates should be established on the basis of a rasonable return on the actual investment is sustained, a permanent basis for fixing rate will obtain. We have been taking testimony more than two years in an effort to present this case to the court so that the subject of freight rates

the detention home.

Schweiker testified that he was a workman in a carriage factory at St.

Louis, that his wife left there with Mallet on May 4, and that he learned of their being here through a letter from a woman in whose house they stayed when they first came here. On had failed to support his wife, but ad-

CHICKERING FOR NEW MOVING PICTURE SHOW

alembaruse surabado

When Manager James opens, next sturday, the Majestic Theater, Portland's latest moving-picture show, in the recently-vacated Olds, Wortman & King building on Fifth street, near Washington street, the public will be treated to music by a superb Kimball Soloist, Self-Playing, Piccolo and Xylo-phone Planos, all of them supplied by Eilers Music House, will complete the treated to music by a superb Kimball Soloist, Self-Playing, Tubuiar Pneumatic, Two-Manual and Pedal Pipe Organ, containing numerous cronestral stops especially adapted for concert work. Clifford D. Carney has been se-

mitted that he had choked her once, prevent her from assaulting him, he said. Schweiker said that he had other witnesses to offer, who were not present, and the case was set over until today

As the husband left the stand, the wife reached toward him imploringly, but he passed without a sign of notice. e fainting woman was supported in the courtroom and was allowed to go on her recognizance, while Mallet was held.

Train Kills Unknown Man.

SHANIKO, Or. Aug. 17.—(Special.)—
An unknown man was killed by the southbound freight one mile north of Kent this afternoon at 5 o'clock. He was evidently stealing a ride either on a car of lumber or between cars. Parts of clothing were found on three cars in the

rear of the train. Arms and legs were severed and the body otherwise badly mutilated. Nothing was found on the mangled mass which could identify him-He was apparently about 30 years of age and a foreigner. A constable at Kent took charge of the remains.

Goats on Track Killed.

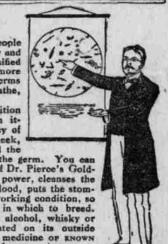
ALBANY, Or., Aug. 17 .- Nine goats were killed by the eastbound Albany-Yaquina train just east of Elk City last evening. A band of the animals ran onto the track directly ahead of the train and two were killed by the engine

Afraid of Chosts

Many people are afraid of ghosts. Few people are afraid of germs. Yet the ghost is a fancy and the germ is a fact. If the germ could be magnified to a size equal to its terrors it would appear more terrible than any five-breathing dragon. Germs terrible than any fire-breathing dragon. Germs oan't be avoided. They are in the air we breathe, the water we drink.

the water we drink.

The germ can only prosper when the condition of the system gives it free scope to establish itself and develop. When there is a deficiency of vital force, languor, restlessness, a sallow cheek, a hollow eye, when the appetite is poor and the sleep is broken, it is time to guard against the germ. You can fortify the body against all germs by the use of Dr. Pierce's Golden Medical Discovery. It increases the vital power, cleanses the system of clogging impurities, enriches the blood, puts the stomach and organs of digestion and nutrition in working condition, so that the germ finds no weak or tainted spot in which to breed. "Golden Medical Discovery" contains no alcohol, whisky or habit-forming drugs. All its ingredients printed on its outside wrapper. It is not a secret nostrum but a medicine or known composition and with a record of 40 years of cures. Accept no substitute—there is nothing "just as good." Ask your neighbors.



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Neate & McCarthy, Locomobile Dealers, are now located in their new quarters, 694 Washington St., cor. King. Phones Main 6374, A 7577

Grape Nuts

use of. That food is

certain selection of food.

In it the Potassium Phosphate, obtained from nature's grains (not from the drug shop) is retained in minute particles. This has an affinity for Albumen, and these two with water make the soft gray matter in the brain and nerve centers.

This World-

The quality of brain can be changed by

A food expert perfected a brain-building

food by preparing certain elements in wheat

and barley in a way that nature would make

Not muscle, but brains governing muscle.

A solid fact you can demonstrate by the use of Grape-Nuts.

you can see the difference in yourself, and

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Postum Cereal Co., Ltd., Battle Creek, Mich.

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