

PLOT ALLEGED, TO DROP 'SMALL FRY'

Eastern Bondholders of Deschutes Irrigation & Power Company Blamed.

FORECLOSURE IS VACATED

Order Secured in United States District Court by R. S. Howard, Jr. Methods of Finances May Be Exposed.

Asserting that Eastern bondholders of the Deschutes Irrigation & Power Company, of Crook County, have planned a conspiracy with the old management of the company with the intent of "freezing" the smaller interests out of the concern, R. S. Howard, Jr., yesterday appeared in the United States District Court and secured an order vacating the foreclosure of the assets of the irrigation company. The purpose of the suit is to expose all the inner workings of the financiers who have had control of the company, and to save the investments of the "small fry" who hold the stock of the concern.

Mr. Howard is the owner of \$25,000 in bonds of the Deschutes company, and is emphatic in his statement that there had been no provision made for the redemption of his bonds. William C. Bristol and C. E. S. Wood appeared as the attorneys for Mr. Howard.

Stay Is Granted.

Judge Wolferton granted the stay of proceedings and the order of intervention in the suit. The stay of proceedings was granted because Mr. Wood had never consented to the plan of closing out the old company and organizing a new one with the object of completing the canal necessary to irrigate the 214,311 acres of land. Attorney Wood indicated by his remarks to the court that the compromise scheme had been hatched up to submit a large amount of fictitious indebtedness to the detriment of the bondholders who had invested real money in the enterprise.

Relationship Is Disclaimed.

"Among the debts of the company which were incorporated in the decree agreed upon by the attorneys for the Eastern bondholders and the attorney for the old managers of the company, is an alleged account of one Roscoe Howard, who is no relation of mine. This Howard was given a selling contract on the lands by which he would realize the larger portion of any profits from their sale. The lands are still there, but I understand that he has been allowed \$120,000 in the compromise decree. I intend to find out why Howard has been allowed such an amount of money and to whom it will go."

"There is another matter of \$53,000 which will have to be accounted for before this matter is definitely settled. Under the provisions of the first mortgage, bonds of the company could be turned in as payment for lands, but a sinking fund of \$5 per acre in cash was to be deposited for the redemption of our bonds. In the statement of the company it appears that \$52,000 of cancelled bonds were transferred to the sinking fund in lieu of cash. In other words, the bonds were redeemed by the sale of lands, and the bonds received in payment, which were then worthless, were carried in the sinking fund in lieu of cash. It looks to me as if somebody had appropriated money from that fund, or had failed to make good what belonged to it."

Attorney Bristol was advised by his legal war paint when consulted about the litigation.

"We are going to the bottom of this thing now," said Mr. Bristol. "I am not yet ready to announce my charges. The papers are being prepared and will be filed in the United States Court without delay."

Prior to the alleged agreement, looking to the foreclosure of the first mortgage, the Eastern bondholders, most of whom are located in the vicinity of Columbus, Ohio, appeared in court with charges against the company of the grossest mismanagement. Being the chief owners of the Crook County Canal reclamation project, the bondholders asserted that they had been denied any voice in the management and that Portland stockholders refused to attend meetings of the directors at which changes of management were to be proposed. The complaint in the case asserted that Roscoe Howard had been given a selling contract on the lands which netted him a commission of from \$10 to \$17.50 per acre, half of their value in many instances, and charged that F. R. Stanley was interested in that contract.

Accounting Will Be Asked.

The bonds held in the redemption fund were charged to have been received from A. J. Bulkeley as consideration for the purchase of 12,000 acres of land. An accounting for that amount of money will be asked.

Upon those allegations a receiver for the company was appointed in the person of C. M. Redfield, former engineer for the company.

As the story has been related in court, it is charged that the Deschutes Irrigation & Power Company was organized for the purpose of taking over certain lands under the Carey act, and by which the State of Oregon is the trustee for the lands. The company filed on 74,192 acres on its own account and the holdings of the Pilot Butte and Oregon Irrigation companies. In February, 1904, the company mortgaged all its holdings in security of a bond issue, and is charged with later placing a second mortgage, which it proposed to pay off in June last, and for which \$147,000 in cash had been accumulated. The bondholders assert this entire amount is their property.

Idaho Land Fraud Cases Up.

Taking of testimony for the trial of Idaho land fraud cases will begin at 9 o'clock this morning in the Federal Court building before A. M. Wing, special examiner. Peyton Gordon, special assistant to the attorney-general, arrived in the city last night and will conduct the case. Mr. Gordon has handled several cases prosecuted in Boise in the past few years.

The particular case in which Oregon witnesses are concerned is that to recover certain lands from W. F. Kettenschach, a prominent timberland owner of Idaho. He is alleged to have obtained them through conspiracies to defraud the United States.

COMMERCIAL CLUB WILL HONOR FAMOUS NAVAL HERO AT BANQUET.



REAR-ADMIRAL EVANS.

"Fighting Bob" Evans, known the world over as the man who commanded the United States fleet of warships on the famous cruise to the Pacific around Cape Horn, will be entertained at a formal banquet Saturday night, given in his honor by the Portland Commercial Club. On learning that Admiral Evans was en route East from Paso Robles, where he has been receiving treatment at the hot springs, President Beckwith, of the Commercial Club, conceived the idea of having the famous sea-fighter as a guest. Accordingly, a telegram asking if he could be present, was sent to the Admiral Thursday at San Francisco, and he at once wired his acceptance.

Robert Evans, accompanied by Robert Lee Dunn, a noted newspaper photographer and correspondent, will arrive in Portland Saturday morning, and the two men will be the guests of the club during their stay in the city. The banquet will be held at 6:30 P. M. at the club. Preparations are being made to entertain a large number of Oregon's leading citizens, as a number of out-of-town men have expressed their intention of being present at the reception.

PERJURY IS CHARGE

Prosecutor Page Asks Dismissal of Porter Loomis Case.

Relationship Is Disclaimed.

Child's Confusing Testimony Involving Relative, Juvenile Officials and Police Proves Exasperating to Court.

Woman Denies Charge.

HUSBAND DISLIKES COOKING

Wife Made Him Get Own Meals, He Says, and Asks Divorce.

ACCUSED MAN IS ARRAIGNED

Harvey Lambert to Enter Plea Next Tuesday—No Attorney Secured.

CASE WILL COME TO ISSUE

Court Suggests Proceedings to End Drydock Suit.

Girl Changes Testimony.

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Friday and Saturday \$3.35

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CIVIL CASES WILL BE SET

Docket in Circuit Court Will Be Called Monday Morning.

Presiding Judge Cleland, of the Circuit Court, will call the civil docket Monday morning at 9:30 o'clock and set cases in November, and to December 2. Notwithstanding the absence from the city of Circuit Judge Morrow and that Circuit Judge Kavanagh has not yet sufficiently recovered from an attack of typhoid fever to be able to try cases, Judge Cleland has been able to clear away to date all cases so far set this term.

Judge Morrow telegraphed Judge Cleland he was on his way to Portland and word was received here that he was in Denver Monday, but so far as is known he has not yet reached Portland.

Mountain Water Wanted.

GRANTS PASS, Or., Sept. 15.—(Special.)—At a meeting of the Commercial Club Tuesday night an agitation was started to secure mountain water for the city. This matter has several times been considered by the Council, but nothing definite has been done. The Commercial Club decided that a committee commissioned by the Council should examine

Bridge Bond Abstract Filed.

City Treasurer Weirlein yesterday morning filed with the Ladd & Tilton

Bank the abstract for the \$250,000 bond issue for the beginning of the construction of the Broadway bridge. As soon as the abstract is accepted, the money it represents will be turned over to the city, and work on the new bridge will be begun immediately.

Damages of \$1500 Awarded.

By verdict of a jury in Judge Gatens' Department of the Circuit Court yesterday John Dean is to receive \$1500 from the Portland Railway, Light & Power Company because one of his limbs was sprained while he was riding on a Twenty-third-street car. He said the car gave a series of sudden jerks while he was attempting to get a seat. Dean sued for \$15,075 damages.

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\$2.00 and \$2.50

Should they not? We sell the factory samples of the best American Shoes manufactured.

Horse Insurance Ordered Paid.

The National Livestock Insurance Association must pay \$200 insurance on a horse, asked by Joplin & Meekes, by a decision by Circuit Judge Gatens yesterday morning. The horse was shot upon the order of a veterinary surgeon because it had the glanders. The insurance company refused to pay the insurance, because the animal did

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