

DESCHUTES SALES STOPPED BY ORDER

Sensational Allegations Made in Petition Made by R. S. Howard, Jr.

CONSPIRACY IS CHARGED

Plot to Freeze Out Small Investors in Bonds and Stockholders of Irrigation Company and False Representations Alleged.

Represented by William C. Bristol, as attorney, R. S. Howard, Jr., yesterday afternoon secured a restraining order from Judge Wolverton preventing the advertised sale of the assets of the Deschutes Irrigation & Power Company, the petition presented to the court containing sensational allegations. It is charged that:

A conspiracy has been formed between the Eastern bondholders of the big Crook County Carey act irrigation concern and the officers of the company to get control of the lands, reorganize the company and "freeze out" all the smaller investors in bonds and the 600 stockholders.

That advantage was taken of the absence of Robert S. Bean, the judge of the United States Court before whom all the proceedings were had, to secure an order of sale from Judge Wolverton, who was unfamiliar with the case.

Representations Held False.

That the representations upon which the order of foreclosure was secured were untrue when the court was informed, that all creditors of the company had agreed upon a foreclosure and sale.

That in the formation of the conspiracy, Frank R. Shinn and Louis G. Addison, representing the Eastern bondholders, caused their original complaints upon which Judge Bean held the company to be bankrupt, to be withdrawn, and another complaint substituted, which changed the character of the issue.

In the original complaint it was set out that the bond issue made by the Deschutes Company in 1904 was cured by a first mortgage, pledging all the assets of the concern in their support, and that later a collateral issue of bonds was issued and sold to F. J. Stanley. The latter were secured by notes received from the sale of land. This transaction was one which is said to have influenced the court to appoint a receiver.

Howard Had Selling Rights.

The original complaint also pointed out a contract with Roscoe Howard, which allowed Howard the exclusive right to sell the lands of the Deschutes Company upon a commission of from \$10 to \$17 per acre. It was alleged that such a commission was in effect a disposition of the resources of the company, and was strongly argued when Attorney Addison presented the case before Judge Bean. It was in the new complaint, upon which the order to foreclose was issued, the collateral issue of bonds amounting to \$21,000 and the Howard contract are made preferred claims against the Deschutes Irrigation & Power Company.

Mr. Howard will contend to the court that both the collateral bond issue and the Howard contract are made preferred claims against the Deschutes Irrigation & Power Company, and which is now a portion of the assets of the Title Guaranty & Trust Company, he being the receiver.

Hearing Set for This Morning.

The case will be called for hearing at 10 o'clock this morning. W. D. Fenton and A. King Wilson, Portland attorneys, who originally appeared in the case as attorneys for the Eastern bondholders, have been retained by the Deschutes Irrigation & Power Company, leaving Attorneys Addison and Shinn as their only representatives.

The Deschutes Irrigation & Power Company attorneys, who are the bondholders, the Merchants Savings & Trust Company, will be asked also for a strict accounting of the sinking fund for the Deschutes bonds, which have been sold. That there is but \$72,707.55 in that fund instead of \$187,852.77.

The Deschutes company has been in the hands of the trustee of March 22, 1910. It was formed for the purpose of reclaiming by irrigation 214,911 acres of arid land. Water has been conveyed to some 44,900 acres which have been sold. An item of 13,000 acres of land appears to have been placed in possession of A. J. Bulkley for which no accounting has been made.

RIGHT TO TIMBER ALLEGED

Mining Company Asserts It Violated No Law by Lumber's Use.

Recently sued by the Government for the value of mining timber cut from the public domain and value at \$28,225, the Hunker Hill & Sullivan Mining & Concentrating Company yesterday filed an answer in the United States Court denying that any of the timber was secured in an unlawful manner from the public domain. It is set forth that the timber was taken from mineral-bearing lands in compliance with the act of Congress of 1873.

It is alleged the principal place of business of the famous old silver and lead mining company is at Wallace, Idaho, but it is not probable that the case will be transferred to that state for hearing, as the timber was obtained in Oregon.

Brakeman Sues Railroad.

Claiming \$100 damages for loss of one leg and injury of the other, Matthew Stanley Fagan yesterday brought suit against the Spokane, Portland & Seattle Railway in the United States Court. Fagan was a brakeman on the road, and after opening a switch at Clatskanie on August 10, 1909, started across the track to signal the engineer of his train. Slipping into a hole in the track, Fagan alleges that he fell crosswise of the track, and was run over. Carelessness in maintaining the tracks is the principal charge in the case.

Don't Break Down.

Severe strains on the vital organs, like strains of indigestion, cause break-downs. You can't overtax stomach, liver, kidneys, bowels or nerves without serious damage to yourself. If you are weak or run-down, or under strain of any kind, take Electric Bitters the matchless tonic medicine. Mrs. J. E. Van de Sande, of Kirkland, Ill., writes: "That I did not break down, while enduring a most severe strain for three months is due wholly to Electric Bitters." Use them and enjoy health and strength. Satisfaction positively guaranteed. 50c. at all druggists.

Harris Trunk Co. for returns and bags.

LOCAL ATTORNEY WHO WILL BE APPOINTED MUNICIPAL JUDGE BY MAYOR SIMON TODAY.



GEORGE TAZWELL.

PLUM IS TAZWELL'S

Law Partner of Late Judge Bennett to Succeed Him.

MAYOR TO APPOINT TODAY

Successor to Municipal Judge's Office Is Native of England—Has Been Resident of Portland 22 Years.

George Tazwell, law partner of the late Municipal Judge Bennett, will be appointed to succeed the latter today by Mayor Simon. He will hold the position until the appointment of the new Municipal Judge in this city, and will qualify in time to open the morning session of Police Court.

Although he has never before held a public office, Mr. Tazwell is quite well known in legal circles in Portland. He has lived in this city for 22 years, and has been a member of the Oregon bar since 1884. For the last three years was associated with the late Judge Bennett under the firm name of Bennett & Tazwell.

Mr. Tazwell was born in England in 1870, coming to the United States, he came direct to Oregon. In 1891 he became law clerk in the office of Newton McCoy, under whom he studied law. When Joseph Simon, the present Mayor of Portland, was elected United States Senator, in 1888, he appointed Mr. Tazwell his private secretary. Mr. Tazwell had been serving, since 1895, as law clerk and stenographer for the law firm with which Mr. Simon was affiliated.

It was recently arranged by Mr. Bennett and Mr. Tazwell that the latter would make Albert E. Gebhardt a member of their firm, and it was stated yesterday by Mr. Tazwell that in accordance with this plan, he will form a law partnership with Mr. Gebhardt about October 1.

When informed last night that he was to be the successor of Mr. Bennett, Mr. Tazwell said that his policies in carrying out the duties of his office would be along the line of those adopted by Bennett, which he felt were above reproach.

"I consider Judge Bennett one of the best men who have held the position of Municipal Judge in this city, and he left no better policies than those carried out by him," said Mr. Tazwell. "While being fair to all, I will say that persistent violators of the law can expect little clemency from me."

If Mr. Bennett had lived, and had been successful in his candidacy for the position of County Judge, Mr. Tazwell would have been a candidate for the position made vacant through Mr. Bennett's promotion. Among others who had been mentioned as candidates for the place are: Clarence M. Gilbert, David N. Mosesson, Arthur Langguth, J. P. Kennedy and John Mann.

The Municipal Court will open at 9:30 o'clock this morning.

FUNERAL LARGELY ATTENDED

Many Persons Pay Final Tribute to Late Municipal Judge.

With great solemnity, and in the presence of a large number of mourning friends, the remains of Frank S. Bennett, late Municipal Judge, were laid away in Riverview Cemetery yesterday afternoon. The funeral services were held at the residence, 1159 Rodney avenue, and were so largely attended that little more than half of those present could enter the house.

Rev. William Hiram Foulkes, pastor of the First Presbyterian Church, conducted the service and spoke impressively of the providing claims presented to them of this nature, and for some reason legal action has never been brought against them.

At various times the matter has been referred to the legal department of the city and when presented again yesterday Mr. Grant said he would take it up with the attorneys representing the railroad, and endeavor to have the money collected without being compelled to appeal to the court.

MELODRAMA HERE AGAIN

W. C. Dowlan Stock Company Leases Portland Theater.

Melodrama is not dead in Portland. Funeral rites were said too soon. When the doors of the Portland Theater closed on the last performance early in the Spring it was believed that the spotlights would never again glare down upon heroes and heroines while audiences applaud.

The destruction of the old Baker Theater, which was replaced with a new, modern playhouse, the care of the Baker Stock Company; the new Helig to accommodate high-class road shows, the announcement that Klav & Eslinger will build and be ready to open next season, the declaration of Keating & Flood that they will build and continue running musical comedy, and the prediction that the old Portland Theater would be torn down, apparently left melodrama without a home. But like the happy ending at the critical moment in melodrama, comes the announcement that the old Portland will again shine in the theatrical world with the highly sensational, emotional and sentimental productions that attract a sensation-loving and sentimental audience.

The William C. Dowlan Stock Company will open the Portland "The Traveling Man," October 1. James H. Howell, manager of Lawrence & Sandusky's Lode Theater Stock Company, in Seattle, has taken hold of the Dowlan company. He has been in Portland several days, arranging for a lease of the old Portland Theater and making preparations for the opening.

"We propose to play melodrama," said Howell. "The Dowlan Stock Company has had a successful career. It is now on the road with 'The Traveling Man' but when it comes to Portland it comes to stay. We shall play melodrama the entire season at the Portland and at popular prices."

"The doors of the Portland will be opened this morning and renovation of the building, from basement to roof, will begin. The interior will be touched up and will be in readiness for the opening of the first of the month."

For the Portland was unexpected in the theatrical circles and was closed so quickly that the Dowlan company did not have time to recall all of its papers and it appeared on billboards in several cities announcing its coming.

GRANTS PASS DEPOT OPENS

New Structure Dedicated—Railroad and City Officials Speak.

GRANTS PASS, Or., Sept. 21.—(Special.)—The new depot at this place was opened last night for the first time. For the occasion Manager O'Brien and party were present most of the day, and went over the grounds, and made inquiries as to the city's needs, and wants, to meet its growing condition.

The opening of fourth, fifth, and third streets was discussed, and was promised through the business section. At 7:30 P. M. hundreds of people gathered around the new depot, where George H. Durham introduced H. L. Gilchrist in behalf of the city, and Judge Fenton, of the Southern Pacific Company, responded, briefly summing up growth of railroad, and city. His remarks were directed to mutual devaluation of the road and the city. Question of building the Grants Pass & Westport was adroitly evaded by the officials.

BACK FEES ARE WANTED

City to Try Collecting \$12,000 Alleged Due From Railroads.

Efforts to collect approximately \$12,000 alleged to be due the city from various railroads entering Portland, an unpaid license fees since 1900, will be made by City Attorney Grant, upon request of City Auditor Barber.

Since the passage of the law by the City Council in 1900, requiring a quarterly license fee of \$5 from each of the railroads entering this city, the companies have failed to notice the claims presented to them of this nature, and for some reason legal action has never been brought against them.

At various times the matter has been referred to the legal department of the city and when presented again yesterday Mr. Grant said he would take it up with the attorneys representing the railroad, and endeavor to have the money collected without being compelled to appeal to the court.

STATE GAINS POINT

Witness Declares Goodager Shot Without Cause.

DESCRIPTION IS GRAPHIC

George Logger Tells of Scene at Death of Tony Moe—Old Crime Is Being Reviewed Before Circuit Court.

George Logger, the chief witness for the state in the trial of Hans Goodager, a saloonkeeper, charged with manslaughter, declared on the witness stand yesterday that the Goodager shot Tony Moe without provocation. He said Goodager, Moe and one Neils Swanson had been quarreling, and that Goodager went from behind the bar with a revolver in his hand, which he pressed against Swanson and forced him out the door. Moe, said Logger, went into the rear room connected with Goodager's saloon, which was located at 51 1/2 North Third street, and soon returned.

Logger testified that Goodager said something to Moe in Norwegian and fired at him when he was five feet away. When Moe fell, said Logger, Goodager walked over to his dead body and remarked that he had "done a good job," that Moe would "never bother any more saloonmen."

Two important witnesses for the state cannot now be called, Swanson having died since February 4, 1909, the time of the shooting, and William Benson, another witness, having disappeared.

The contention of the defense is that Moe was in a bad temper, a drunkard, employed in the woods, began to abuse Goodager before the shooting. Goodager wears a wooden leg, having a chisel head, and a wooden foot, which necessitated amputation at the knee.

Deputy District Attorney Page and Attorney Seneca Fouts read a part of the testimony of Swanson and Benson, given at the former trial, to the jury. Goodager was first accused of murder in the first degree. A verdict of manslaughter was returned, however. When the case went to the Supreme Court it was reversed. It is now on trial before a jury in Judge Gantenbein's department of the Circuit Court.

EYE'S WORTH FIXED AT \$11,300

Columbia Steel Company Loses Case Brought by Employee.

For the loss of an eye the Columbia Steel Company will be obliged to pay John Tuohy \$11,300, if the verdict of a jury in Judge Gantenbein's department of the Circuit Court, read yesterday, is affirmed by the Supreme Court.

Tuohy, an employee of the company, given at the former trial, to the jury. Goodager was first accused of murder in the first degree. A verdict of manslaughter was returned, however. When the case went to the Supreme Court it was reversed. It is now on trial before a jury in Judge Gantenbein's department of the Circuit Court.

SENATE IS COURTEOUS

BILLS NOT BLOCKED SPITEFULLY, SAYS CHAMBERLAIN.

Party Lines Virtually Eliminated When Individual Communities Are Under Consideration.

"All this talk about politics figuring in every debate in the United States Senate, interfering with legislation and blocking the passage of bills is without foundation. In such condition exists," said Senator Chamberlain at the weekly luncheon of the Portland Ad Club at the O'Neill Hotel yesterday afternoon.

Senator Chamberlain spoke on "The Machinery of the Senate." He did not criticize the Republican machine, but said that thorough organization was necessary in every deliberative body.

GIRL KILLED BY LIMITED

Fast Train Strikes Chehalis Young Woman Before Her Brother.

CHEHALIS, Wash., Sept. 21.—(Special.)—Miss Corrella Callison was killed almost instantly in the Chehalis railroad yards about 6 o'clock last evening. She was struck by the north-bound Shasta Limited.

With her brother, I. P. Callison, a well-known business man of Aberdeen, and City Clerk Previtt, Miss Callison was walking toward the depot to board the train for Grays Harbor. The men were slightly ahead when they heard the whistle approaching. They stepped away from the track, thinking Miss Callison had done likewise, when suddenly her body was hurled almost in front of them. She was picked up and carried to a nearby hospital, her head was crushed and she died before reaching there.

Miss Callison was 20 years old, and was a daughter of Mrs. V. C. Callison.

For pains in the side or chest dampened by a flu, or a cold, Chamberlain's Liniment and bind it on over the seat of pain. There is nothing better. For sale by all dealers.

MAN ASKS \$50,000 FOR SPOUSE

Alienated Affections Suit Brought Against W. J. Stuart.

For the alienated affections of Mrs. Ella J. Fulton, his wife, Charles H. Fulton, made a demand of \$50,000, which he brought suit for this amount in the Circuit Court yesterday. He says he married Ella J. Sprague in 1889.

They lived in a hotel in Bethel, N. Y., until the Spring of 1907, when Fulton says Stuart won Mrs. Fulton's affections. He went with his wife to New York City, he says, and Stuart followed, at which he went to Washington, D. C., and was again followed by Stuart. Now, he says, his wife has deserted him. Beach & Simon are his attorneys.

CLAUDE A. CHRISMAN DECLARES WIFE'S AFFECTIONS ALIENATED.

Claude A. Chrisman declared wife's affections alienated.

That his wife became infatuated with another man, Tom Wilson, and followed the latter to San Francisco, and returned to Portland, is the charge made by Claude A. Chrisman in a divorce suit filed in the Circuit Court yesterday against Helen A.

Chrisman, his wife. He married her at Vancouver, April 23, 1898. He says she was on a visit to San Francisco in December, 1909, when she met Wilson. Chrisman declares his wife uses drugs, that her character is not good, and that he has been ailing since she left him.

Mabel Harrington is also seeking a divorce. She says she married W. R. Harrington in Portland, September 4, 1887. He deserted her April 6, 1909, she says. She says that as her husband earns \$187 a month, he is able to pay the attorney's fees for getting the divorce suit, and asks that the court order him to do so. She desires to take her former name, Mabel Tracy.

SOLARI FREED TO AID FAMILY

Man Accused of Embezzlement Released on Recognizance.

S. Solari, accused of having embezzled \$300.00 from the Birth of Christ Sub-Assembly No. 236, of the National Creation Society of the United States of America, was released on his own recognizance by Presiding Circuit Judge Cleland yesterday morning. Attorney Albert B. Ferrera, representing Solari, represented to the court that Solari's wife and four children were destitute and would become county charges unless he were released from jail. Deputy District Attorney Collier consented to the order.

It appeared that Solari was asked to pass the hat at a meeting of the society, and declares he turned the money collected over to the treasurer. His case was taken before the Municipal Court and dismissed for lack of evidence. The complaining witness then took the matter up in the District Court, and failed to secure a hearing, went before the grand jury, with the resulting indictment. Solari's bail was first fixed at \$1000. He is charged with having taken the money January 21, 1909.

GRAND JURY BEGINS SESSION

Two Felony Charges Examined Before District Attorney.

The Circuit Court grand jury assembled today for a 30-day adjournment of the District Attorney and will be engaged for a week or more investigating cases that have been sent to it from the District Attorney. One of the matters under yesterday was the charge against Dr. C. H. Francis and W. J. May of causing the death of Mrs. Frances Roberts by performing an illegal operation. H. H. Bassett, who is alleged to have procured the services of the physician, and Mrs. McCormick, housekeeper of the Saranac Hotel, in which the death occurred, were before the jury.

A. M. Benjamin, who was shot and dangerously wounded by his wife several weeks ago, was called into the jury room yesterday afternoon. Mrs. Benjamin had been bound over to the jury from the Municipal Court.

WOMAN SUES MACKAY FOR \$5000.

Another Damage Suit over the Destruction of the Old Baker Theater Building at Third and Yamhill Streets was Filed in the Circuit Court Yesterday.

Another damage suit over the destruction of the old Baker Theater building at Third and Yamhill streets was filed in the Circuit Court yesterday by Olive Guderson Morris. She demands that Donald Mackay pay her \$5000. She says she held a lease to a fruit store in the building, the lease running until February 1, next year. The lease, she says, was worth \$1000 to her. But in August, she says, Mackay began the demolition of the building. The loss of goods and trade, she estimates, will make her total loss \$5000.



FRANK W. BENSON

REPUBLICAN CANDIDATE FOR NOMINATION FOR SECRETARY OF STATE

Present Incumbent Respectfully Asks for Second Term on His Record.

Primaries, September 24, 1910.

(Paid Advertisement.)

JOE BEVERIDGE

NO. 59 ON BALLOT.

Republican Candidate for REPRESENTATIVE

A resident of Multnomah County for over 25 years. Vice-president Bushong Printing Company. Member of the Legislature in 1907. Residence, 631 East Couch street.

(Paid Advertisement.)

JOHN B. CLELAND

From Official Pamphlet Issued by Secretary of State Delayed in Delivery to Voters.

John B. Cleland, candidate for reelection as Circuit Judge, Department No. 1, is 62 years old. He graduated in 1871 from the University of Michigan, with the degree of LL.B., and began practicing in the law in 1872. He was District Attorney, 1877-1888; Circuit Judge, 1888-1890; District Judge, 1888-1889. Practiced law at Fargo, Dakota, 1888-1890, and at Portland 1890-1898, when Governor Lord appointed him Circuit Judge, vice Loyal E. Stearns, resigned. He was elected to a full term in 1898, and re-elected in 1904. He was president of the Oregon State Bar Association, 1901-1902. He is a graduate of the University of Oregon Law College, and has a large following among the younger members of the bar. He has the non-political reputation of being a fair and impartial judge. We recommend him for reelection to the Multnomah County Bar. We recommend him for reelection to the Multnomah County Bar. We recommend him for reelection to the Multnomah County Bar.

He is known for his ability and fairness as a Judge. These are well attested by his long and successful career for that office. His many years' experience make him more valuable as a Judge. He applies the law, both criminal and civil, without permitting technicality to defeat justice.

For pains in the side or chest dampened by a flu, or a cold, Chamberlain's Liniment and bind it on over the seat of pain. There is nothing better. For sale by all dealers.

Causes Sickness

Good Health Impossible With a Disordered Stomach

There is nothing that will create sickness or cause more trouble than a disordered stomach. It is the source of daily contract serious maladies simply through disregard or abuse of the stomach.

We urge everyone suffering from any stomach derangement, indigestion or dyspepsia, whether acute or chronic, to try Rexall Dyspepsia Tablets, with the distinct understanding that we will refund the money without question or formality, if after reasonable use of this medicine they are not satisfied with the results. We recommend them to our customers every day, and have yet to hear of any one who has not been benefited by them. Three sizes, 25c, 50c and \$1.00 a box. Sold in Portland by The Drug Co., Cor. 7th and Washington Sts.

FRED K. GETTINS

Republican Primary Candidate for Superintendent of Water Division No. 1.

Ten years' experience as a civil engineer on water power and irrigation projects in this the first water division.

A SPANISH WAR VETERAN.

(Paid advertisement.)