DENIED BY COURT

Deschutes Firm's Contracts Might Be Canceled by State Land Board.

HOWARD'S ACT CRITICISED

Court Comments on Fact That He Did Not Intervene in Litigation Until After Property Had Been Ordered Sold.

Recognizing the danger that the State Land Board may cancel the contracts under which one Deschutes Irrigation & Power Company, is operating in Crook County, and commending the trustee of the first morigage bond holder for attempting to save the property. Judge Bean resterday refused to allow H. S. Howard. Jr., to intervene in the litigation, by which the affairs of the old company are being concluded in the United States court. Howard is the owner of \$25,000 of the first morigage bonds, but was not a party to the suit brought by bondboilders of Columbus, O., who represented ers of Columbus, O., who represented

Min.co of the first lasue.

While the suit was pending, the State Land Beard served notice that unless a showing was made to convince them that the company was able to build the direce and irrigate the 214,311 acres of arid land, it would recall the contrasts. The land is held under the Cartestat, by which it is given to the state, and by the latter sold to persons who are able to build the irrigation works.

Settlers' Rights Involved.

Should the State Land Board cancel the contracts, it would remove every particle of the security upon which the \$500,000 debt of the company is based. At the same time the rights of several hundred settlers would be fur-

n March of this year representatives of the bonded indebtedness asked for a receiver, alleging that the interest on their bonds had not been paid, and that the company had falled to maintain a sinking fund for medemption of the bonds. Mismanagement in many particulars was alleged, and in April a receiver was appointed by the court.

Howard's Contract Recognized.

It was charged that a contract had been entered into with Roscoe Howard making him the selling agent for the company, and allowing him commission of from \$10 to \$17.50 per acre. In the reorganization scheme, this contract was recognized as a participating claim against the assets of the company. Attorney Bristol, representing R. S. Howard, Jr., attempted to reopen the case in order to attack the Roscoe Howard contract, charging that it would consume the entire profits of the land scheme. making him the selling agent for the company, and allowing him commission of from \$15 to \$17.50 per acre. In the reorganization scheme, this contract was recognized as a participating faint against the assets of the company. Atterney Bristol, representing R. S. Howard, Ir., attempted to reopen the case Howard contract, charaing that Resco Howard contract, charaing that it would consome the charaing that it would consome the entire profits of the land scheme.

In an interview Rascoe Howard said and single.

In an interview Rascoe Howard said fifth that the reorganization plans of the company contemplated "freezing out" the smaller bond and steems.

In the event that this scheme is an interview Rascoe Howard said fifth that the park blocks to the order to continue the park blocks to the park blocks and it is understood that block and it is understood that the locators were bonafide.

In the event hat the lecter of the state As for the man of the company contents and a securing a number of the block and it is understood that block and it is to be purchased apple and the that the locators were bonafide.

have been charged with fraud and mis-management in our affairs connected with the Deschutes Irrigation & Power Company. We have borne these false attacks patiently without replying. knowing that we have been guilty of no dereliction of duty and that upon the final adjudication our course would be sustained, as well as would that of the Merchants Savings & Trust Com-pany, trustee.

Proprietor of Steamer Eva Admits Charge and Is Fined \$50.

mits in boxes, labeling them as containing "bacon," and shipping them aboard the passenger steamer Eva. O.

B. Hinsdale yesterday paid a fine of the Municipal Association, of which he is a member.

Capt. Begardus again hits the Bull's Eye.

This world-famous rifls abot who

aboard the Eva, in violation of the United States rule concerning the safe-ty of passengers on steam vessels. This steamboat owner was convicted by means of bill heads, covering the charges for the very shipments of "bacon" upon which the complaint was founded, and which were charged as dynamics.

The case is the first prosecution of this kind ever made on the Pacific Coast, and when the arrest was made at the instance of Assistant United States Attorney Evans, attracted attention throughout the United States.

One-half the fine will go to the informant who placed the information in the hands of the Government officials.

ATTACK BEGINS ON PROJECT

Legality of Government Work of Klamath Assalled in Court.

Ex-Senator Fulton yesterday began his attack on the legality of the Klamath Falls irrigation project by filing a motion in the United States Court that the "suggestion" of the Government that the dam across Klamath Strait was erected at its instance be set aside.

At the hearing of the motion to strike out the suggestion will be presented many of the arguments which will attack the existence of the project, and may reach to all the irrigation schemes upon which Federal money is being expended.

The United States "suggested" construction of the dam in the Klamath case on the ground that the Government has the right to close navigation at any time that the greater number of people will be served by that course.

Attorney Fuiton is representing the Klamath Lake Navigation Company, operators of the steamer Klamath and two gasoline launches plying the waters between upper and lower Klamath lakes.

Klamath Lake Navigation Company, operators of the steamer Klamath and two gasoline launches plying the waters between upper and lower Klamath lakes. It is charged by the Government that the business of the company is neither large nor profitable, but that the comstruction of the dam will serve to back up the water of the lake and afford a permanent supply to be drawn out through canals during the low water season in Klamath Basin. The dike was built by the Oregon & Northwestern Railway Company, a subsidiary corporation of the Southern Pacific, upon a contract with the Government, and by which the railway was allowed to place its rails on top the embankment. The Klamath Navigation Company has brought suit to have the dam cut cut as an obstruction to navgation.

Mr. Fulton asserts that when the Klamath irrigation district was formed its contains a subsidiary corporation of the contains the Klamath irrigation district was formed its contains a subsidiary company has been a substruction to navgation.

Air. Fulton asserts that when the klam-sth irrigation district was formed it contained a smaller quantity of land than was owned by private individuals, and that the laws do not contemplate the reclamation of lands owned by private citizens. Attorney Fulton announces that there was not more than 10 per cent of the case of the Klamath project in the

sheed. At the same time to right forther linearized.

When the matter was presented to when the matter was presented to when the matter was presented to the there are not more than 19 per cent of the area of the Klamath project in the three was not more than 19 per cent of the area of the Klamath project in the three was not more than 19 per cent of the area of the Klamath project in the three was not mere than 19 per cent of the area of the Klamath project in the three was not mere than 19 per cent of the area of the Klamath project in the three was not the three was not the per cent of the area of the Klamath project in the area of the per cent of the Land in the work of the three was not the land it now owns was managed on the state of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the per cent of the Land in the work of the land in the work of the land

As Mr. Hill has announced that it would probably be three months before the selection of a atte is acted upon by him, the letter is believed to indicate that the efforts of Senator Bourne and

PIANOLA AND

Dollar.

the Merchants Savings & Trust Company, trustee.

This has been done completely in Judge Bean's devision of yesterday. I large selection of misle at the very unusual price of three rolls for E. We also have semething new that will interest every owner of a planola or other stating that we are much gratified with the result. To avoid confusion of names I wish it clearly understood that R. S. Howard, Jr. receiver of the Title Guarantee & Trust Company, is no connection of mine.

DYNAMITE SHIPPED AS BACON

Owing to having arranged new agencies we offer the owners of player planos a large selection of misle at the very binder planes of three rolls for E. We also have semething new that will interest every owner of a planola or other player planon and Sunday and music on the roll. Sherman, Clay & Ca. Sixth and Morrison streets. We also invite you to visit our Victor parliers, said to be the finest in the land.

Maher and Hubbard Cases Wait.

The cases of Patrick Maher and Lew Bobbard, who are charged new agencies to be erected by the Grand Avenue United Presbyterian Church as soon as fine present property can be disposed. The present church is too be erected by the Grand Avenue United Presbyterian Church as soon as fine present property can be disposed. The present church is too be erected by the Grand Avenue United Presbyterian Church as soon as fine present property can be disposed. The present church is too be erected by the Grand Avenue United Presbyterian Church as soon as fine present property can be disposed. The present property can be disposed. The present property can be disposed. The present property can be disposed to be every owner of a planola or other player planes. The present property can be disposed to be property can be disposed. The present property can be disposed to be every owner of a planola or other player planes. The present property can be disposed to be present property can be disposed. The present property can be disposed to be every on the very owner of a planola or other player planes.

The cases of Patrick Maher and Lew Hubbard, who are charged with conducting a prizefight, were continued indefinitely resterday at the request of Charles E. Lenon, special prosecutor. Mr. Lenon took up the cases on behalf of the Municipal Association, of which he is a member.

B. Hinsdale yesterday paid a fine of the stames. Court Hinsdale is one of the proprietors of the steamer, plying upon the Umpaus fiver, and the company represented by Mr. Hinsdale is also the owner of a general store, which supplies goods to the farmers and logging camps situated above the town of Gardner. In the clearing of tand, glant powder has always been recognized as an effective agent to blast stumps from the ground, and it was charged that the expicalty with suppression and a cloudy was frequently ordered by telephone. When first arrested last November, Mr. Hinsdale vehemently denied that he had ever allowed powder to be shipped

The case is the first prosecution of Jones and Mays Convicted, Denied Rehearings.

FRAUD CONVICTION HOLDS

Echo of Blue Mountain Conspiracy Charges Heard in Refusal of Court to Grant New Trials. Jones Pleads With Taft.

SAN FRANCISCO, Oct. 3 .- The United States Circuit Court of Appeals in the Ninth District today refused to grant a rehearing in the cases of Willard N. Jones and Franklyn P. Mays, con-

last July, when 1511 persons were arrested. The increase is not considered armarkable, being in keeping with the growth of the city.

As usual, almost exactly half of the culprits were aliens, and about the same proportion were simple "drunks." The foreigners numbered 175 and the "drunks" 716. Minors numbered 24, 37 whom 11 were females. The total arrests of females were 67. Violators of the automobile regulations were 47, of the gambling laws 13 and of the liquor regulation six.

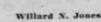
For carrying concealed weapons, 11 persons were arrested, 37 for being out after hours, 32 for assault and batter. 2 for being drunk and disorderly, 51 for disorderly conduct and 214 for vagrancy. The receipts of the court did not keep pace with the increase of arrests, falling to \$3677, a little over 75 per cent of the receipts last month. Wagon calls totalled 667, and 156 prisoners were sent to the rock pile at Linnton.

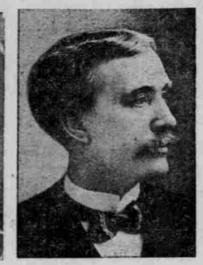
NIGHT PAVING IS DISLIKED Fourteenth-Street Property Owners Want Work Done by Day.

cupied by paving companies in making

DEFENDANTS IN BLUE MOUNTAIN CASE DENIED NEW TRIALS BY UNITED STATES COURT OF APPEALS.







Jones and Mays cannot be compelled to enter on the service of their terms of imprisonment until the mandates are sent down from the Court of Appeals. These have been delayed at the request of Heney until the President shall have time to pass on the application of Jones for a pardon. The application of Jones for a pardon. The application of for a new trial was a move for delay.

TAFT PARDONS C. D. BARNARD

Wheeler County Man Convicted of

Wheeler County Man Convicted of

Wheeler County Man Convicted of Land Fraud Released.

PLAYER NEW CHURCH TO BE BUILT Piano Music-Three Rolls for One United Presbyterian Congregation Outgrowing Its Quarters.

The property consists of a quarter-block and church and manse. Since block and church and manse. Since Rev. Mr. Du Bois has been pastor, the church has built up rapidly. When he took charge, the membership had been reduced by factional trouble. It be-came independent and self-supporting a year ago. It is the only church in the city which makes a specialty of providing services for deaf mutes.

tion that gambling was going on in the place, and that Japanese were being al-lowed to play, contrary to the agreethat the efforts of Senator Bourne and others are bearing fruit. The Senator has urged speedy action in determining the question.

Architect Bennett, in charge of the "city beautiful" plans, has again urged the selection of block "S." This block is opposite the location tentatively selected as the site of the new Grand Central Station.

Land France County, Coe D. Rarnard of Wheeler County, was yesterday released from confinement with police. Waniess went to serving a two-year sentence because of serving a two-year sentence because of the demanded admission, which was perjury in connection with land frauds. The prisoner received a commutation of the affair and was instructed by Chief of Police Cox to secure a war-rant for the proprietor.

Five petty gamblers caused.

J. M. Pollard, of Scio, is at the Per-tins.

R. Reed, of Tillamook, is at the per-land at 8 A. M. and also run through to Seaside.

Leaving Seaside the time of No. 2

W. M. Nagree, of Colorado Springs, is at the Ramapo. A. J. Adams, of Pendleton, is registered at the Ramspo. John Madden, a contractor of Seattle is at the Ramapo Frank Harvey, of Lebanon, is regis-

tered at the Perkins Mr. and Mrs. O. H. Rice, of Salem, are For the brain worker—staying at the Lenox. H. C. Atwell, of Forest Grove, is reg-

Gustav Anderson, of Baker City, is staying at the Oregon. D. J. Castleman, of Ashland, is reg-istered at the Porliand. Mrs. P. S. Davidson, of Hood River, is staying at the Portland.

ls staying at the Portland.

E. P. Ash, of Stevenson, Wash, is registered at the Imperial.

Mr. and Mrs. H. R. Lowe, of Falls City, are staying at the Perkins,

S. W. Taylor and R. W. Henderson, of Eugene, are staying at the Cornelius.

Mr. and Mrs. George H. Durham, of Grants Pass, are staying at the Imperial.

But in Fact Worcester Was Soaked With Whisky.

GLADLY WENT WET AGAIN

Citizen of Massachusetts City Is Abstainer, but Knows by Experience That Prohibition Does Not Stop Drunkenness.

W. E. Eccles, of Worcester, Mass., who is staying at the Portland hotel, last night told how prohibition in that city, which was "dry" two years, "prohibited" the sale of liquor. Mr. Eccles is an abstinance man and he says his father is a "tectotaler."

"Worcester was under the domination of one brewery and one saloon-keeper," said Mr. Eccles, "and the people grew tired of it. The one brewery became almost a dictator in municipal affairs and the one saloon-keeper owned nearly all the saloons and, it seemed, was gaining a real estate monopoly. Worcester was yoted dry nearly three years ago to break up this monopoly.

dry nearly three years ago to break up this monopoly.

"During the first year of prohibition conditions were not so intolerable, but the second year was disgusting. The brewery in Worcester continued to make beer, shipped it down to Woonsocket, R. L. a distance of about 28 miles, and then shipped it backed to Worcester. Agents of the brewery went around to the houses and solicited customers the same as groceries and delivered the express packages, which were cases of beer and whisky. There was no law to prevent the delivery of express packages. This business grew to such proportions that the Adams Express Company was compelled to build a big addition to its express office to keep the beer. I have seen cases of beer crowded into every available space of the express company's building and kegs and barrels of beer piled as high as a house outside. It was a joke.

Everybody Has Prescription.

Everybody Has Prescription.

"Then the drug stores began selling liquor. The law did not allow drug stores to sell liquor except on pre-scription of a doctor, but those who wanted it for other than medicinal street improvements, according to property owners living on Fourteenth street, between Mill and Montgomery streets, who filed a remonstrance in the City Auditor's office yesterday against the alleged poor quality of paving recently installed on that street.

All of the property owners on the block have signed the remonstrance on the fellowing grounds:

The work was not done in accordance with specifications, due to the fact that the final layer of the paving material was placed on the street during night hours, consequently under artificial light, The work was not done at that with specifications, due to the fact that the final layer of the paving material was placed on the street during night hours, consequently under artificial light, making it an absolute impossibility to do good work. The contractor returned do good work. The contractor returned durance by unrestrained, incbriated youths.

Licensed Saloons Are Decent.

"Last May Worcester voted 'wet The city now has a limited number of saloons and they are conducted with regard to decency and respect for the law. The liquor law is rigidly enforced and I believe the population as a whole is satisfied and that present conditions are much preferable to those existing when Worcester was

Several small cities in Massachu setts have been, or are, 'dry.' Gard-ner, which manufactures probably more chairs than any city in the world, is a sample. A great many foreigners are employed in the factories. Any

BEACH SERVICE BETTERED

Astoria & Columbia River Road An nounces Winter's Run.

The permanent Winter schedule will go into effect on the Astoria & Co-lumbia River railroad late in the week and it is announced from the offices of the company that the beach service will be double that of last Winter. Last year the train leaving Portland

Last year the train leaving Portland in the evening went no farther than Astoria. In the beginning of the Summer season this train was continued through to Seaside and when the limited service was withdrawn a short time ago the other train's Summer schedule was still maintained. It has been decided to continue practically the present service all Winter. Train No. 3 will leave Portland at 6:30 P. M. and continue through to Seaside via

Authory Mohr, of Baker City, is at the Cornelius.

E. C. Goodwin, of The Dalles, is at the Cornelius.

J. E. Connelly, of Shelton, is at the Imperial.

D. M. Nayberger, of McMinnville, is at the Oregon.

W. M. Nagree, of Colorado Springs is

Notes of Railroads. H. M. Adams, freight traffic director

The wise breakfast Grape-Nuts and cream, Eaten slowly and Chewed thoroughly! And for a hot beverage. A cup of well-made Postum. Not much bulk, but-Try it 10 mornings and Let the clear head And steady nerves Convince you

"There's a Reason"

Postum Cereal Company, Ltd. Battle Creek, Mich.

HOW'S YOUR STOMACH?

This question is becoming more vitally important every day. Sedentary and irregular habits of living have produced stomach trouble to an alarming degree among the American people. It is recognized as the curse of the century. Neglect or abuse of the digestive organs is responsible for untold misery.

In normal condition, a man or woman should feel hungry at meal-time—the appetite should be keen. And the food eaten should nourish the body to the fullest extent. This cannot be accomplished unless all the organs are working in harmony-the food must have a free passage through the system. The stomach, liver, kidneys and bowels must each perform their respective functions. Otherwise, they

need attention. A treatment of

COOPER'S NEW DISCOVERY will restore the organs to healthy activity, Cooper's regenerate vitality and assist Nature in New Discovery the process of recovery. It is the best tonic, Of per cost Alimbel. system-builder and blood purifier known to medical science. Stomach disorders of all A medera irraineme les discusses de la financia la livere en la lance alcan municipa de la livere del la livere de la livere del kinds, indigestion, dyspepsia, catarrh, kidney, liver, bladder and bowel troubles, constipation, headaches, gastritis, distress after

properties. COOPER'S NEW DISCOWERY Is sold by all druggists everywhere.

eating, etc., readily yield to its curative

Price \$1.00 per bottle.

Prepared by

THE COOPER MEDICINE COMPANY

of the Western Pacific, has arrived from San Francisco on a short visit to Portland. He is accompanied by state Fair at Spokane. Mrs. Adams and they are staying at the Hotel Portland. William McMurray, general passenger agent of the O. R. & N. and Southern

In spite of all competition in Germany, the American typewriter is pre-eminent, no matter what one of a helf dozen kinds is taken as an example.



New

W/E are now located in our new home, Fourth and Yamhill streets. Everything strictly up to date. Perfect light and ventilation.

BUSINESS COLLEGE

Business men as teachers,

Portland, Oregon I. M. WALKER. President-Principal

O. A. BOSSERMAN. Secretary-Manager.

