SETTLER SUES TO TEST LAND GRANT

Claim Holder, Defying Railroad. Seeks to Compel Acceptance of Payment.

ACRE OFFERED

W. R. Smith, Who Refuses to Vacate Land Near Silverton, Now Prepares to Move Against Southern Pacific.

W. R. Smith and the northwest quarter of section 27, township 7 south, of range 1 east, Willamette south of range 1 east, Williameter maridian, conjunctively make a big thorn in the side of the Southern Pacific Company. Smith has persistently held down the 150 acres of land, as technically described laughed at threats of the Southern Pacific to out him, parried the innuendoes and suggestions of astute attorneys and field worth of the railway company, and agents of the railway company, and not only continues holding his home-stead down but says he will sue the hig corporation to compel it to accept 1400 in gold as payment for the land

and give him title.

Smith on July 18, 1907, located on 160 acres eight miles east of Silverton on the Cedar Camp road between ton on the Cedar Camp road between Silver Creek and Abaqua. It was a pertion of the land grant to the Oregon & California Railread Company, which carried with it a contract to sell the 8,090,600 acres given the railroad company at a maximum rate of \$2.50 an acre. Smith began chopping trees and clearing the land and arceted a house. He then made a trip to San Francisco and tendered the Southern Pacific Bailway Company, successors to the Oregon & California Railroad Company, \$400 in gold in payment for the land, or the maximum rate specified in the land grant. The company refused to accept the money and told Smith to vacate. Smith to vacate.

Railroad Is Defied.

Instead of vacating, Smith returned to the homestead and began cutting more timber. About a year after he located a field agent of the Sauthern-Pacific called upon him and suggested that he vacate.

I told the agent," said Smith, who 'I told the agent, and canta, the in Portland to institute proceedings to compel the railroad company to take his money and give him title to the land, "that he was a private cities, and, as such, had no right even to interview me about my private afto interview me about my private ar-fairs. I told him not to trespass on my property, that if he did I would cause his arrest. I also told him that if the Southern Pacific had any claim on the land the proper place to pre-sent it would be in the courts. I desent it would be in the courts. I de-fied him and the railway company to bring proceedings to oust me or have me arrested for holding possession of the land. At that time I had out 16, see feet of timber and built a house. He told me to stop cutting the timber.

He told me to stop cutting the timber, and I told him I would continue cutting timber, and I have done so.

Then the company sent its lawyers to see me and I told them the same thing. The last lawyer asked me if I would use a shotgun if he trespassed on the land, I told him I would not, but that I would arrest him myself, it I could not get other process, and take him before the court.

Land Cleared, Orchard Planted.

"Up to the present time I have cut stacked up, and propose to cut more. I have cleared five acres of land and I have cleared five acres of land and set out an orchard and now I am goting to get title to the land. The rall-road company has refused tender of payment for the land twice and this time I am going into court to compet the company to take my money and give me title."

Smith has not only been a settler,

Smith has not only been a settler,

but has made considerable money lo-cating other settlers on the railroad by the city toward the construction of company's land grant, has furnished lumber to build their houses from tim-ber cut on his land, and has sold what by the opponents of the bridge. Whether company's land grant, has furnished limber to build their houses from timber on his land, and has sold what he had left in the open market or to sawmills. There are now 15 settlers in his neighforhood, who are looking to Smith to pilot them through, and he came to Portland this week to bring suit and set a precedent to give others encouragement.

"Representative-elect Lafferty has brought suit against the Southern Participle to seture the land to the Gov."

fornia Rallroad Company, and the Gov-ernment is back of me."

across his countenance. He has shown no violent temper and has been calm under fire. During the controversy. Smith has consulted lawyers and judges of the Superior and Supreme bench, and conducted a voluminous correspondence with various departments of the Government. In this manner he gathered an abundance of legal information with which he has backed his

defiance of the big corporation.

"I have a right to the land; it is mine," continued Smith, "or the rail-road company would have brought legal proceedings long ago to make me get off. I have invited all the suits threatened, and none were brought. If the company had begal status it would use it. The fact that no legal effort was ever made to compel me to vacate is sufficient evidence that I am right."

FLOWERS BLOOM IN NORTH

Present Winter One of Mildest Ever Known in Alaska.

SEATTLE, Wash, Dec. 31.- The present Winter has been one of the mildest ever known in Alaska. Many of the gold dredges have only recently ceased work and gold is still on the way to Seattle. Captain G. E. Baughman, of the steamship Humboldt, reports that when he was at Wrangel a week ago flowers were blooming in the gardens.

DYING WOMAN MAKES PLEA

Hopeless Paralytic Asks to Be Sent to Home of 40 Years.

Descried here by her daughter, cared or by the county at the County Farm lace last April and feeling the approach f death, Mrs. D. C. Courtney appealed

norning to be transferred to Roseburg, that she may die among friends with whom she lived for el years and that her body may be buried beside her father

body may be buried beside her father and mother.

Mrs. Courtney is a hopelegs paralytic, having been stricken eight years ago in Roseburg as the result of an attack of measles. Her plea to be placed among her old friends was presented by her husband, who is 17 years old. He informed the Commissioners that he had spent all his savings in taking his wife from place to place in quest of health, that his stepdaughter, Mrs. Eva Kirk patrick, left her mother in Portland and that the affling woman could do naught else but become a country charge. Courtney says he holds one of the best mining claims in Josephine County, but that he has not the means to make it income-bearing or the strength to work the mine himself.

The County Commissioners will composited.

mine himself.

The County Commissioners will communicate with officials of Douglas County to see whether arrangements cannot be made to transfer Mrs. Courtney to their charge. She is too iil to travel and it was decided not to attempt to transport her until arrangements can be made whereby she will be accompanied by a nurse and provided with comforts her condition demands if it is decided that removal of the patient is likely to prove fatal Douglas tient is likely to prove fatal Douglas County will be asked to pay for her maintenance at the Multnomah County

WOMAN STILL GUARDIAN

MRS. M. C. M'COMMON MAY BE CALLED TO PAY \$675.

County Court to Investigate Petition for Release Asked After Exposition Fire.

Release of the guardianship of Mrs. Mina C. McCommon over the two Mul-ligan children is still withheld by County Judge Cleeton, pending further investigation. be held next week when it will be decided whether Mrs. McCommon will be allowed to retain \$675 belonging to the allowed to retain \$575 belonging to the children for their keep during seven years or whether she will be compelled to return it to them. At the hearing next week attorney J. N. Pearcy will represent the children and ex-County Judge Webster will be called to testify concerning the agreement under which Mrs. McCommon received the eswhich Mrs. McCommon received the es-tais of the children when they were placed under her charge. It is understood that Mr. Webster

It is understood that Mr. Wester will oppose retention of the money by Mrs. McCommon on the ground that she was authorized to spend only the interest and had pledged herself to return the principal when the children became of age. Annual reports on the estate made by Mrs. McCommon in the administration of Judge Webster. the administration of Judge Webster indicate that this agreement was in force. Mrs. McCommon reported later that she had sustained great loss in the fire that destroyed the Exposition building and was compelled to seek authority of the court to hold the money borrowed from the children as payment for board and lodging, clothing and schooling during the seven years they were under her supervision.

Z. Zimmerman, stepfather of the children, says they insisted upon running away from the McCommon home to be with their mother and that the difficulty over the money may be the outcome o. the children's alleged objection to Mrs. McCommon's guardianship.

BRIDGE BIDS DUE TODAY

CITY TO RECEIVE OFFERS ON BROADWAY SUBSTRUCTURE.

Intention Is to Build Piers in River Pending Settlement of Rights of Way.

Almost every effort that has been made

"Representative-elect Lafferty has brought suit against the Southern Pacific to return the land to the Government," said Smith, "but that does not alier my status. If the land goes he plems in the river and work on place the Government my claim is still good. I took the land in good faith, under provisions of the Government contract with the Oregon & California Palicaet Company and the fact the river and work on the west approach, the ground for which has been bought from Albers Bros. Milling Company. It is believed that the city will be able to complete its negotiations. Palicaet Company and the Contractors to begin work on the part

Smith Quiet Under Fire.

Smith la not an ordinary settler, as representatives of the Southern Pacific have recognized. He is quiet-mannered, but determination is written across his countenance. He has shown no violent temper and has been caim no violent temper and has been caim under fire. During the controversy.

SAYS MR. WALKER

Secretary Ridicules Magazine Muckrakers and Tariff Reformers.

PROGRAMME IS PRAISED

Guest Says if Sheepmen Had Their Way They Would Always Meet in Portland, Where People Are "All - Wool - Yard - Wide."

George S. Walker, secretary of the National Woolgrowers' Association, acnpanied by his wife, arrived in Portland yesterday morning at 11 o'clock having left his home in Cheyenne Tuesday night. His arrival so far in advance of the convention, which



opens in the Armory next Wednesday, was due to the fact that he preferred to supervise arrangements before the arrival of the delegates, who will be-

gin to arrive Sunday.

From the Oregon Hotel, where he will make his headquarters, Mr. Walker was escorted to the Commercial Club, as guest of honor of the committee in charge of arrangements. mittee in charge of arrangements.

D. O. Lively served as chairman and reports were heard from C. C. Colt, chairman of transportation; C. C. Chapman, chairman of invitation and publicity; Otto Breyman, chairman of finance; W. H. Daugherty, chairman of aheep show, and B. B. Josselyn, chairman of the entertainment committee.

Mr. Breyman reported \$7000 had been ubscribed, half of which has already been paid.
C. C. Colt, through his assistant,
Louis Anderson, reported concerning

railroad rates.

LOUIS Anderson, reported concerning railroad rates.

WILL FALL SHORT.

Subselly referred to the varied line of entertainments which were provided for the pleasure of the coming guests, including the smoker, the theater party, the reception and the sightseeing rides of \$800, which includes give the convention will be upwards or \$800, which includes give the convention will be upportant with the show are estimated at \$1000, and subscriptions to date are \$7100, it is thought that the committee will be able to meet all of its bills.

Sceretary Walker Speaks.

Sceretary Walker Speaks.

Sceretary Walker speaks.

Sceretary Walker speaks.

The attendance will be large, I believe. We might have as high as \$1500, although the figure is problematical. There are two things which, to my notion, can affect the attendance. One of these is the poverty of the sheep recover. The other is the weather which may prevail prevail prevail or provided for by tax levy, nothing are some of the selection of the sheep men are complaining as to prosperity, after having read the muckraking of Ida Tarbeil and a few of the reformers in Congress. But it is a fact that in Wyoming Montana and Western Nebraska the wooklerower has had a hard time this Winter and the loases are heavy. As a whole, I am of financial condition, greened by the City Attorney providing of the Street Cleaning and City Engineer's proper and the expenses of the street Cleaning and City Engineer's providing for a tax for the support, and for the expense of the street cleaning and City Engineer's providing for a tax for the support, and for the expense of the street Cleaning and City Attorney provides on Twelfth street, between the committee of the great fund, which is composed has a whole and the speak of the street cleaning and City Attorney provided for high the figure is problematical. There are two things which, to my often a speak of the street cleaning and City Engineer's providing for more yreceived for licenses, the wookley of the street Cleaning and City Attorney pro Secretary Walker said, in response to a request for a speech:

"The attendance will be large, I believe. We might have as high as 16,000, although the figure is problematical. There are two things which, to my notion, can affect the attendance. One of these is the poverty of the sheep-grower. The other is the weather which may prevail previous to starting for Portland. It may surprise you to know that some of the sheepmen are complaining as to prosperity, after having read the muckraking of Ida Tarbell and a few of the reformers in Congress. But it is a fact that in Wyoming, Montana and Western Nebraska the woolgrower has had a hard time that Wister and the losses are heavy

water for sprinkling and beautiff their lawns, said Mr. Belding to the chiral grounds give the city for twas to resident to the city. *Gentleman to the commerce of the chiral grounds give the city for the chiral grounds give the city and the commerce of the chiral grounds give the city and the commerce of the chiral grounds give the city and the commerce of the chiral grounds give the city and the commerce of the chiral grounds give the city and the commerce of the chiral grounds give the city and the commerce of the chiral grounds give the city and the commerce of the chiral grounds give the city and the city would be antity their lawns, said Mr. Belding. The surface of residents to the city. *Gentleman to the city and the commerce of the chiral grounds give the city also the city and the commerce of t

water would bring sufficient revenue to support the system, he said.

NEW YEAR AT THE IMPERIAL

Dinner will be served Sunday, January 1, from 5 P. M. to 5 P. M. Table de hote 11 New Year's dinner Monday, January 2, 1511, 5 P. M. to 9 P. M. Table de hote 11-50. Reservations was made for the appointment of a reception committee which will be at the depot to direct the arriving hosts to the headquarters, which are at the Oregon Hotel, where all information will be given as to accommodations. Committees will be appointed at the meeting of the general committee today at noon in the cen-

CANADIAN SHEEP ENTER FREE

overnment Allows Exhibits to Come Under Certain Rules.

OREGONIAN NEWS BUREAU, Washington, Dec. 28.—The Department of Agriculture today issued a special order providing for importation of Canadian sheep for exhibition at the National Mid-Winter Sheep Show at Portland. The order provides "that from December 28, 1990 to January 5, 1911, sheep may be imported into the United States from Canada for exhibition purposes at the National Mid-Winter Sheep Show, at Portland, Or., without being subject to 30 days' quarantine, provided such sheep are shipped directly to the exhibition grounds and are not unloaded en route into any public stockyards; that they pass safety inspection at the port of entry and are accompanied by the official Canadian veterinarian; and provided, further, that such sheep which are not allowed to remain in the United States, as hereinafter provided, shall be returned to Canadia immediately upon the close of said exposition. OREGONIAN NEWS BUREAU, Wash-

to Canada immediately upon the close of said exposition.

"Such sheep, however, may remain in the United States for breeding purposes, provided the owner or importer thereof shall notify the Bureau of Animal Industry, through its veterinary inspector in charge at Portland, that such sheep are Intended for such purposes, when the sheep shall be placed and maintained in quarantine at the exposition grounds under the supervision of an inspector of the Bureau of Animal Industry for 30 days, dating from their entry into the United Bureau of Animal Industry for 30 tays, dating from their entry into the United States, and provided at the termination they are found free from any contagious, infectious or communicable disease, in which event such inspector will issue a certificate permitting their shipment in the United States."

Mr. Walker Highly Pleased.

At 4 o'clock Secretary Walker and

At 4 o'clock Secretary Walker and James V. Sayer, of the promotion committee, inspected the Armory. Mr. Walker was pleased and declared the location for the big show the best the convention ever had.

Today Mr. Walker will prepare for the arrival of the officers.

President Goodling, of Boise, Idaho, will arrive Thursday, the second day of the convention, being detained by business. He sent word that, in no circumstances, will he be a candidate for a second term.

A. J. Knollin, of Chicago, Eastern vice-president, will arrive Monday, as will J. A. Delfelder, of Walton, Wyo. Western vice-president.

"The convention will devote all of its time," Mr. Walker said, "to the discussion of the tariff question, the railroad rate question and the speed minimum

rate question and the speed minimum

Delegates Agree on Tariff.

Delegates Agree on Tariff.

"The woolgrowers on the tariff question are united. They want the retention of schedule K. The last meeting of the delegates, held at Ogden, Utah, voted for schedule K. It is quite likely we will vote for the same thing this time. Of course the point of this is that the woolgrower and wool manufacturer are all provided for in this schedule. No one wants a change so much as a dot over the T or a cross through the t."

"I have been notified since I have

"I have been notified since I have arrived that Theodore Justice, of Phil-adelphia; Edward Moir, of Marceline, N. Y.; A. D. Juillard, of New York City, and William M. Wood, of Philadelphia, will be unable to be present. W. F. Whitman, of the American Economist, will be with us and take a leading part to the programme."

DEMANDS ABSORB FUND

MONEY FOR STREET CLEANING WILL FALL SHORT.

The Meier & Frank Store Sale Hand-Colored Mt. Hood Calendars for This Week Only



POR the rest of this week we offer special prices on beautiful hand-colored Calendars of Mount Hood. Very appropriate as New Year gifts, souvenirs for Eastern friends, etc. They consist of handcolored photographs of Mount Hood, mounted on fine marble cardboard. Fifteen different subjects to choose from, one like the illustration here shown.

This Week Only Special at 25c, 35c and 50c Each

See the Big Window Display SALE ON FIFTH FLOOR - SEVEN ELEVATORS

Three Stories to Be Added to E. G. Campbell Building.

DEMANDS GROW RAPIDLY

Present Structure Seemed Sufficient for Present Tenants Less Than Two Years Ago - Day's Permits Are \$800,000.

Three stories will be added to the E. G. Campbell building at the southeast corner of Fifth and Ankeny streets. Plans have been filed in the building in-spector's office by MacNaughton & Ray-mond, architects, and a permit was is-sued yesterday. The building, which is now three stories high, was completed now three stories high, was completed less than two years ago at a cost of \$40,000 and the estimated cost of the three additional stories is \$30,000. The exterior of the building, which is now red pressed brick, will be faced with terra cotta tile.

All the additional space will be occupied by the present tenants of the building. D. N. & E. Walter & Co., the Brunswick, Balke-Collender Company and the

wick-Balke-Collender Company and the

"How rapidly Portland and the sur-rounding country is growing is shown by our experience," said H. W. Harrison, manager of the first-named concern. "When we moved into this building less

warehouse on Thirteenth and Stark; cost \$50,000.

James Cummings, two-story frame flats, on Everett street between Twenty-first and Twenty-second; cost \$5000.

Arata Brothers, two-story brick store, on Sixth street, between Oak and Pins; cost \$19,000.

Oiln F. Ford, two-story frame store, on East Thirty-fourth, between Belmont and East Yamhill; cost \$6000.

J. Solomon, three-story brick apartment-house, on Pirst and Caruthers; cost \$28,000.

Jones & Franker, four-story brick hotel, Front and Columbia; cost \$55,000.

D. McKeen, two-story frame flats, on Bellmont, between East Twenty-saxth and East Twenty-seventh; cost \$7000.

SANITATION BAD IN EUGENE, SAYS DR. C. S. WHITE.

Sewage Found in City Water and Precautions Are Urged Until Filter Is Completed.

"Diter disregard for ordinary sanitary

the cost is more than \$11 a mile.

Mr. Donaldson explained yesterday that if his allowance is materially cut the will be forced to discharge some of his men. He has employed at present, in addition to stablemen and drivers, ilso laborers.

Take Care!

Remember that when your kidneys are affected, your life is in danger. M. Mayer, Rochestar, N. Y., say: "Folgy Kidney Pilis are a wonderful discovery and tired, my kidney action was irregular not into touche started with a tharp and tired, my kidney action was irregular and infrequent with a fine sand-like substance. While the disease was at its worst I attarted using Folgy Kidney Pilis. Their prompt and efficient action put new iffe and a stronger than for years." Sold by all drugges of the Utah Construction Company on the banks of the river and several several sever saugatered on the Facilita Coast.

"Utter disregard for ordinary sanitary measures," is the explanation Dr. Calving that it is allowance in the facility of the will be forced to discharge some of his men. He has employed at present, in addition to stablemen and drivers, it is the explanation Dr. Calving that the sallow pounds or the cut above, weighs 1169 pounds, or more than 67 per cent of the weight allow pounds or the carries are shown in the cut above, weighs 1169 pounds, or more than 67 per cent of the weight in the cut above, weighs 1169 pounds, or more than 67 per cent of the weight in the cut above, weighs 1169 pounds, or more than 67 per cent of the weight in the cut above, weighs 1169 pounds, or more than 67 per cent of the weight in the cut above, weighs 1169 pounds, or more than 67 per cent of the weight in the cut above, weighs 1169 pounds, or more than 67 per cent of the weight in the cut above, weighs 1169 pounds, or more than 67 per cent of the weight in the cut above, weighs 1169 pounds, or more than 67 per cent of the weight in the cut above, weighs 1169 pounds. This steer was a 3-year-old throcogner in the full of Health White Pulls of the cut above, weighs 1169 pounds. This steer w

lumber camps. The Fall rains canal. The canal is nine miles in erai tumber camps. The Fail rains brought all this sewage into the river.

"In Eugene I found cesspools close to wells. The soil is gravelly and the seepage runs into the wells. In one family I found two girls in the same bed, ill with typhold fever, and sewage was running directly into the well in the rear of the

"The newspapers of Eugene have taken advised to use nothing but boiled water for domestic purposes until a new filter system, that is now being installed in the city water works, has been completed and is in operation."

Ship Canal Is Priest Rapids Plan. NORTH YAKIMA. Wash. Dec. 28.—If the United States will pay the cost of the locks, there will be a ship canal at the so-called Strahorn ditch at Priest Rapids. A ditch is now under construction, 200 feet wide at the bot-

length and with the electricity to be generated at the Beverly plant, it is quite possible that this power might be used for operating a marine slip which would elevate and lower vessels to the canal level at the lower end. Masonic Lodges Banquet.

ELGIN, Or., Dec. 29 .- (Special.)-A joint installation of Masonic and Eastern Star officers was held at Masonio Hall Monday night, after which a fourcourse banquet was served. Those present pronounced the event most successful and the banquet the best ever served in Eigin.

Gary Drives Out Gamblers.

GARY, Ind., Dec. 29.—Gambling-houses and kindred resorts have been ordered out of Gary as menaces to pubtom, 300 at the top and of sufficient depth to carry any vessel that can navi-gate the Columbia either side of the lic safety and morals. The public safety board, in directing that they be



Big Steer Weighed Nearly a Ton

In the Alder-street entrance to the Alder Market, at the corner of In the Alder-street entrance to the Alder Market, at the corner of the Isrgest and, without a solitary exception, the best beef carcaes ever slaughtered on the Pacific Coast. This steer was a 3-year-old thoroughbred Durham and weighed alive 1739 pounds. This carcaes of beef dressed, as shown in the cut above, weighs 1160 pounds, or more than 67 per cent of the weight alive. This is a better showing than that made by the champion beef carcaes recently displayed at the international Livestock Exposition held at Chicago. The hide weighs 128 pounds, or over 7 per cent of the live weight.