

### HOMES INSTEAD OF FORESTS NOW PLEA

#### Supreme Court Asked to Define Limits Relatively to Natural Resources.

### CONSERVATION IS ISSUE

#### Government's Programme Will Have to Be Rearranged if United States' High Tribunal Rules Adversely on Fred Light Case.

OREGONIAN NEWS BUREAU, Washington, Jan. 24.—(Special.)—The United States Supreme Court has been asked to determine whether the Federal Government can rightfully sue in the movement looking to the conservation of natural resources, and the decision of this court in the case of Fred Light vs. the United States, appealed from the United States Circuit Court for the District of Colorado is likely to settle many of the fundamental questions upon which the conservation movement is based.

So far as the Light case is concerned, it amounts to little in itself, but should the United States Supreme Court overrule the lower court on the grounds set forth by counsel for Light, it will be incumbent upon the National Government to rearrange not only its conservation programme, but to take steps for disposing of most of its vast forest reserve area in the West.

The Light case is a simple one in itself. The defendant was convicted of permitting livestock to trespass upon the Holy Cross forest reserve in Colorado. He raised the defense that under the laws of Colorado it is not trespass for livestock to go upon land that is not fenced. Light maintained that he was not liable if his stock went on the Government reserve, and it was his contention that the state law governing trespass was applicable to land in a forest reserve lying wholly within Colorado, just as it was applicable to private land of that state. This the Government denied, and the lower courts held against Light.

#### Decision Will Be Vital.

The attorneys for Light include the Attorney-General of Colorado, ex-Senator Henry M. Teller, who was once Secretary of the Interior, and a half dozen other able lawyers of the Centennial State. Their brief, recently filed in the Supreme Court, sets forth the grounds on which the reversal is asked. Not only is it maintained that the state law governing trespass is applicable, but the constitutionality of Government forest reserves is assailed, and the theory upon which the reserves were created and maintained, as revenue producers for the Federal Government is attacked. Should the court hold with counsel for Light, the present forest reserve system would have to go. Therefore the decision in this case, when given will be of vast importance to the entire West.

Two principal questions are brought before the Supreme Court in this case, one as to the operation on the forest reserves of laws of the state, assuming established, and secondly, whether the Government has the constitutional capacity permanently to devote large tracts of the public domain to the boundaries of a state to purposes other than governmental.

It is recited in the brief that the Supreme Court has, from the first, recognized and declared that the sovereignty of a state extends over all the territory within its boundaries. No exception is made for the public domain. Forest reserves are exempt from state laws, so are other lands in the hands of the Government.

#### State's Power Exclusive.

Numerous decisions of the courts are cited to show that the Government holds title to public lands, not as a sovereign, but as a proprietor merely. Other decisions are cited to show that according to the courts, ownership by the general Government of a tract of a state does not carry with it general rights of sovereignty over such lands; and that state jurisdiction is not ousted by the mere act of reserving a portion of public lands for forestry purposes. But it is held to have been firmly established that the police power of a state extends over all of its territory and is exclusive.

That the Federal Government can rightfully prevent the fencing of the public domain is admitted, for to enclose land is to assert an exclusive right to its use and is an interference with the right of control and disposition, which is admitted in Congress. In sustaining this interpretation of the law the courts have held that fencing would retard settlement of the public lands, which is the purpose for which the Government acquires them.

In the case of Ward versus Hoare, it was held by the Supreme Court that to give effect to an Indian treaty so as to reserve land to the state equality with other states. Hence it was held that the treaty was abrogated by the act admitting the state into the Union.

"The power of all the states to regulate the killing of game within their borders will not be diminished," says the Supreme Court in this case. "Yet, if the treaty applies to the unoccupied land of the United States in the State of Wyoming, that state would be bereft of such power, since every parcel or piece of land belonging to the United States as a private owner, so long as it remains in the hands of the United States, is exempt in this regard from the authority of the state. Wyoming, then, will have been admitted into the Union, not as an equal member, but as one shorn of the legislative power vested in all the other states of the Union—a power resulting from the fact of statehood and incident to 'its plenary existence.'"

#### Authority Is Needed.

From this citation it is argued that if to uphold the sovereignty of a state in the matter of a game law, a treaty made by Congress is held to be repealed as inconsistent with the higher right in the state, it would seem to be necessary that those who assert the mere ownership of land by the Federal Government, or the necessities of a policy adopted by the head of a department, abrogate a sovereign right of a state should produce some authority for such contention.

"If the jurisdiction of a state is ousted by the fact of Federal ownership or by an act of Congress, as to a police regulation of the state, it is ousted as to all such regulations. Accordingly, if forest reserves are exempt from the application of the fence law, they are not subject to laws concerning branding, inspection of live stock, and other regulations. In fact, it would seem to be necessary that those who assert the mere ownership of land by the Federal Government, or the necessities of a policy adopted by the head of a department, abrogate a sovereign right of a state should produce some authority for such contention."

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### Police Use Clubs Chicago Riots

#### Striking Garment-Workers Wreck Shops and Street Battles Erupt.

### DEFI ISSUED OFFICERS

#### Climax of Labor Trouble Reached When Seven Persons Are Arrested and One Bluecoat Is Injured While Fighting.

CHICAGO, Jan. 24.—(Special.)—Rioting as serious as any since the beginning of the garment-workers' strike occurred today. Two tailor shops were partly wrecked, many heads were bruised and one policeman was seriously injured. Seven persons were arrested. In two cases the policemen were nearly overpowered in battles with the mobs and had to fight with drawn clubs. There were many broken heads.

Detectives attempted to disperse a crowd of strikers and rioters closed in on them. The detectives fought the crowd with their clubs for 15 minutes before uniformed policemen arrived and dispersed it. One arrest was made.

Strikers and sympathizers gathered in front of the tailor shop of William Tuttle and drove out the non-union employees. Several riot calls were turned in, but the mob dispersed before the police arrived. Several sewing machines were demolished and many garments were destroyed.

Strikers gathered in front of the tailor shop of Mrs. M. Baumgarten and chased out the non-union employees. The police officers had to use their clubs freely to disperse the crowd. Patrolman Ole Solberg, of the West Chicago-avenue station, was knocked down by rioters and the interior of the Baumgarten shop was wrecked. Six arrests were made here.

Inspector Sealey, in whose district the worst trouble is feared, was ordered to use every precaution to prevent disturbances. When necessary, squads of policemen will be used to protect the non-union employes on their way to and from work, and all suspicious loiterers will be arrested.

The police officials are convinced that the strike situation is now more threatening than at any time since its inception.

#### State's Growth Checked.

"The system of National forest reserves violates not only the trust concerning public land, but it denies to the states in which such reserves are established the equality with other states to which they are entitled. One of these rights is to have public lands open to settlement and improvement, as they were in the older states which contained such lands. The withdrawal of lands from entry checks the growth of the state, retards its increase in wealth and hinders the equality with other states. These reserves were left free to develop through the settlement of public lands within their borders—the settlers having free access to the land. These benefits, however, are not to reach the people through the Treasury of the United States by a decrease in taxation due to the equality with other states. Nor are they to come from cheaper lumber or power for manufacturing. They come to us as a Nation primarily through the strength of the Government in the way contemplated by the trust—the other advantages being merely incidental."

#### Idaho Follows Lead

#### Legislature Passes Whitman Bill After Oregon.

#### Senator Hornbrook Offers Bill to Levy 3 Per Cent License on Car, Telegraph and Oil Earnings.

BOISE, Idaho, Jan. 24.—(Special.)—The receipt of a telegram from Salem that the Oregon Legislature had passed the Whitman memorial to Congress, prompted the Idaho Senate today to instruct the War Department to give to Whitman College the old site of Fort Walla Walla, at Walla Walla, put to flight all opposition to the measure after it passed the House, for it received the sanction of the Idaho Senate today by unanimous vote and was rushed to Washington.

The olive branch was offered by the Republican wing of the Senate this afternoon through President Sweetser to the Democrats, who had introduced the demand of the minority would be met for additional representation on committees, and instead of one, two Democrats would be placed on the state finance committee.

Probably two of the most important bills that the Legislature will have to consider were introduced in both houses today. They are by Senator Hornbrook, and call for the levy of a 3 per cent license on the gross earnings or receipts of all refrigerators, ice cream, express, telegraph and oil companies, thereby increasing the revenue of the state. Both measures will meet with opposition.

The Senate passed the Cassia County Snake River bridge bill carrying an appropriation of \$60,000 and the House received a Washington-Idaho bridge appropriation measure asking for the construction of a \$25,000 bridge across the Clearwater River at Lewiston.

Both Democrats and Republicans united on the introduction of a guaranty bank deposit bill launched in the House. This measure creates a state banking board composed of state officials and the four per cent of the average daily deposits of all state banks are held in reserve for security of deposits.

#### Each State to Determine.

"The avowed purposes of creating these reserves," continues the brief, "do not fall within the constitutional powers of the Federal Government. They are better promoted by the states, which have undoubted authority in the premises. Each state ought to be permitted for itself to determine whether it is in the right of Congress to dispose of the lands—how the natural resources within its borders shall be used."

"It has been well said that men are worth more than trees, and the best product of a Nation like ours are men who have the courage, strength and skill to carve homes out of the wilderness and make the desert bloom as a rose. No nation of mere tenants ever became a free people. It is of infinitely more importance to us that the public lands become the homes of liberty-loving citizens than that the supply of timber for unborn generations should be conserved, or that the National revenues be increased by a few paltry millions."

#### Northwest Folk See New York.

NEW YORK, Jan. 24.—(Special.)—Northwestern visitors here today were as follows:

From Portland—A. J. Nicholson, at the Hotel Astor; F. A. Coffin, at the Hotel Astor; G. N. Cherrington and wife, at the Hotel Astor; J. A. McFerron, at the Grand Union.

From New Haven—J. E. Doell, at the Broadway Central.

From Walla Walla, Wash.—W. Hyer, at the Broadway Central.

From Seattle—J. Goldsmith, Mrs. J. Goldsmith, at the St. Andrew; Q. S. Lindsay, Mrs. Q. S. Lindsay, at the Algonquin; J. E. Doell, Mrs. J. E. Doell, at the King Edward; E. J. Schwarmbold, at the Flinders; G. T. Turner, G. J. Turrell, at the Great Northern; J. Waterhouse, at the Wolcott; C. C. Hattie, at the Georgian; J. Murdoch, at the St. Day.

From Spokane—A. W. Boyd, at the Hoffman; O. D. Coughlin, at the Hotel Astor; E. F. MacCool, at the Breslin.

#### Grays Harbor to Exhibit Poultry.

HOQUIAM, Jan. 24.—(Special.)—With the first show to be held on Grays Harbor only a few days off more than 100 entries have been made and as many more are expected. Half of the entries will come from Hoquiam. This season's show, which will be held the first week in February is the start for a bigger show to be held in Hoquiam next season.

There are 18 recognized systems of wireless telegraphy.

### Rentals-Sales

#### Leave your properties with us for sale or rental. We will handle them as we do any other business of the Bank, and at the regular fee and that only. We have no speculative interests to serve.

### Merchants Savings & Trust Company

#### Call upon or communicate with our Realty Manager.

### Merchants Savings & Trust Company

#### Cor. Sixth and Washington.

### Hazel Accuses Mother

#### CONTEST OVER WILL OF LATE SIMON L. KLEIN BEGUN.

### Affidavit Asking Continuance Says Father Was Reconciled When Daughter Got Divorce.

CORVALLIS, Or., Jan. 24.—(Special.)—Efforts to break the will of the late Simon L. Klein of this city, who left an estate valued at \$100,000, has been begun in the Circuit Court of Benton County today, when Schnaber & Roche, attorneys for Hazel R. Klein-Taylor, made application for a continuance because the mother of the contestant had refused to appear as a witness, being a resident of the Palace Hotel, San Francisco. In connection with the application for a continuance, two affidavits were filed, one signed by Hazel, the contestant, and the other by Armand E. Taylor, a process-server in San Francisco.

Hazel tells the story of her difficulties with her mother, Mrs. Emma Klein, who she asserts, is embittered against her because she married a Gentile. She says that she is 26 years old and that if her mother were to go on the witness stand she would testify that her father intended that she should share the estate. Her father, she declares, was a highly orthodox Hebrew and had an intense aversion to Jewish children who were not Christians. On July 26, 1902, she was married to her husband, a Gentile, but before that time her father and mother were in a constant quarrel and pleaded with her not to marry Taylor.

After her marriage, says the daughter, her mother in writing to her always addressed her as Hazel Klein, once causing her to be ejected from the Palace Hotel because the manager was led to believe that she was not married by Taylor.

Trouble arose in the Taylor family which resulted in a divorce, she says. Before this, on hearing that her daughter was to get a divorce, her father blessed her. "When a year had passed and she did not write to her father, he went to New York and found her at Waldorf-Astoria Hotel. Reconciliation took place, but when she returned to Corvallis the mother, says the daughter, made it so unpleasant for her, that she was compelled to leave home. She went to work and was receiving a salary of \$8, when she was taken ill and her father went to her and told her that she was never to see him as long as she lived. It was upon this occasion that her father asserted that she would receive an equal share of the estate with her brother.

The contention of her attorneys is that a will was made giving her an equal share, but that it was destroyed by some one.

Attorneys for the defense assert that Mrs. Klein is ill and cannot attend the trial. The affidavit of Armand E. Cohen is to the effect that he served Mrs. Klein with a subpoena in the Palace Hotel and that when he did so Mrs. Klein pursued him down the hall to the elevator. Because of the inability of Mrs. Klein to appear, the contestants are arguing a motion for a continuance.

### Yamhill Valuations Shown.

MMINNVILLE, Or., Jan. 24.—(Special.)—The summary of the assessment rolls for the ten incorporated cities of Yamhill County for 1910, as compiled by the County Clerk, shows the following valuations: McMinnville, \$1,570,879; Newberg, \$327,186; Sheridan, \$426,455.

### The Dalles Stockman Dies.

PASCO, Wash., Jan. 24.—(Special.)—J. Jacobson, reported to be wealthy stockman from The Dalles, Or., was picked up on Lewis street last night, dead. Jack Anderson, a hotelkeeper of this place, nearly tripped over the man. Dr. Price and O'Brien were called.

# RAINCOATS

## Last Four Days of Our Great Challenge January Clearance Sale

# GOODYEAR RAINCOAT CO.

### 302 WASHINGTON STREET

We commit not one vestige of exaggeration when we state that for the next four days, Wednesday, Thursday, Friday and Saturday, we are offering the most sensational and thrashing prices in Raincoats and Cravenettes for Men and Women that has ever been offered here or elsewhere before.

## Prices That Will Make Buying Irresistible

<b>Men's Department</b> Fashionable Fall and Winter Cravenettes, in medium and heavy fine waterproof worsteds, suitable for any kind of weather, day or evening wear; formerly sold for \$18, for 4 days..... <b>\$8.25</b>	<b>Ladies' Department</b> Ladies' Wool Cravenettes, fitted coats, heavy and medium weight, first-class \$20 values; for four days..... <b>\$9.85</b>
New Striped and Extra Heavy Men's Rainproof Overcoats, military effect with reversible collar; former price \$30.00, for four days..... <b>\$11.75</b>	Ladies' Rubberized Mohair, Serge and Worsted Coats, in a bewildering assortment of style and material effects; proper for evening or day wear, rain or shine; actually worth \$27.50; for four days..... <b>\$12.75</b>
325 Double Texture Men's "English Slip-Ons, in black, tan, olive and gray shades. Foreign and domestic materials. Shoppers plain and Raglan effect. Regular prices \$20 to \$40, for 4 days <b>\$8.95 to \$16.50</b>	Ladies' Imported Slip-Ons, in tan, olive, brown and gray colors, and exceedingly attractive mannish effects; former price \$25; for four days... <b>\$10.75</b>

## EXTRA SPECIAL

We call your attention to about 270 Men's and Women's Heavy-Weight Waterproof Overcoats and Long Coats in grays, browns and oxfords, some of the leading styles in English mixtures. These Coats are lined throughout, guaranteed absolutely waterproof; yokes and sleeves all satin lined. Presto and convertible collars, suitable for rain or shine. Former prices on these Coats \$25.00 to \$37.50; for four days only, **\$14.95** and.....

Those Nifty Tan Rubber Slip-On Coats for Men and Women, for 4 days at **\$4.20**

# Goodyear RAINCOAT COMPANY

### 302 Washington Street—Two Doors West of Fifth St.

but they found the man had been dead for some time. A post-mortem examination showed that heart trouble was the cause of death.

### Freshets Damage Fish Hatchery.

MARSHFIELD, Or., Jan. 24.—(Special.)—Repairs are being made at the Government fish hatchery on the South Fork of Coos River as a result of the freshets following the melting of the snow on the mountains. One of the buildings fell over when the foundation was undermined by the flood, but the fish were saved. No other special damage was done by the freshets, which so far have not been as bad as last year. Traffic in the Coquille Valley was delayed on account of high water for a few days and the mails have been late on account of bad roads.

### Train Victim Identified.

WALLACE, Idaho, Jan. 24.—The mangled remains of a man found on the railroad track here by a freight-train crew were identified at the inquest here tonight as those of George Lesh, a member of a Northern Pacific bridge-building gang camped near this city. Lesh was 50 years old and unmarried.

# MARRIED WOMEN

No married woman's happiness is complete without children; she yearns with the deeper longings of her nature for the joys of motherhood. But women who bear children should prepare for the coming of baby by properly caring for their physical systems. Mother's Friend is the expectant mother's greatest help. It is a remedy which prepares the muscles and tendons for the unusual strain, renders the ligaments supple and elastic, aids in expanding the skin and flesh fibres, and strengthens all the membranes and tissues. It is especially valuable when the breasts are troublesome from swelling and congestion. Women who use Mother's Friend are assured of passing the crisis with safety. It is for sale at drug stores. Write for free book for expectant mothers.

# MOTHER'S FRIEND

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Please Rush This Order.

### THE retail merchant's telephone serves not only as a salesman, but also as a purchasing agent.

When a merchant finds that he is going to run out of a line of goods, he calls up the wholesaler or factory and not only orders a new stock, but comes to an agreement on the price and the time of delivery.

The unexpected needs of his customers can be met with the least possible delay.

If the merchant cannot find what he wants in town, the Long Distance Service of the Bell System brings him into immediate communication with other cities and other markets.

The instruments advertised in this sale are exactly as represented. Our stock is made up of the latest models of player pianos and Pianola Pianos. Don't delay if you intend to take advantage of this sale. Come today and see for yourself the wonderful money-saving opportunities it offers. It is seldom that such a large assortment of pianos and player pianos are offered at such low prices and on easy terms.

In our Piano Department, as well as the Talking Machine and Record Department, there are choice bargains waiting your selection. Fair warning, Don't delay. Come today. Remember the place, 322 Washington street, above Seventh street, the always-busy corner—Eilers Piano House.

The Pacific Telephone & Telegraph Co.  
Every Bell Telephone is the Center of the System.

# Dandruff Promptly Vanishes

### DELICIOUS PREPARATION THAT WOODARD, CLARKE & CO. GUARANTEES WILL BANISH DANDRUFF

Dandruff is caused by a germ; ask any good physician.

If you want to get rid of dandruff you must destroy the dandruff germ. The time to kill dandruff germs is right now; you wouldn't wait until tomorrow to kill a black spider if you saw one crawling up your sleeve?

Dandruff germs are just as deadly in one way as the black spiders are in another.

Dandruff germs kill the hair root and cause hair to fall out.

PARISIAN SAGE kills dandruff germs.

PARISIAN SAGE grows hair; stops hair from falling out, eradicates dandruff, puts an end to splitting hair—and all in two weeks, or money back.

PARISIAN SAGE does more; it turns dull, lifeless, faded hair into bright, lustrous hair and for that purpose is used by women and men who take pride in beautiful and luxuriant hair.

It is the most delightful and refreshing hair dressing ever put into a bottle and should be used by every member of the family, not only to banish all hair worries, but to preserve the hair and keep it healthy and full of life.

Large bottle only 50 cents at Woodard, Clarke & Co., and druggists everywhere. Look for the girl with Auburn hair on every bottle.

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