

MISS FLEXNER TAKEN IN LAND GRANT CASES

Miss Flexner, Special Examiner, Hears Suits Involving Purchasers.

45 BIG TRACTS AFFECTED

Government Contends Railroad Forfeited Title and Buyers, if "Innocent" of Action, Must Pay \$2.50 an Acre.

Hearing of testimony in several of the "innocent purchaser" cases growing out of the Government's suit to recover the 2,000 acres of Oregon & California Railway land grant is now in progress at the Postoffice building, Miss Vivian Flexner acting as special examiner.

The first of the cases to be heard was that of the Gold Ray Realty Company, claiming 121 1/2 acres in Jackson County, near Gold Hill, Dr. C. R. Ray, of Medford, an officer of the company, testified that the land had been bought in good faith for development purposes and that the land was not timber land.

R. E. Townsend, special assistant to the Attorney General, acted for the Government in the main suit for the recovery of the grant, and Glenn E. Husted, special assistant to the Attorney General, is handling the Government's end of the cases, 45 in number, which were instituted in the main suit and which involved land sold to individuals by the railway company.

Congress Fixes Price. An act of Congress of August 20, 1912, provided that purchasers of the land grant lands in these 45 cases, each of which involved tracts of 160 acres or more, could procure title from the Government by paying \$2.50 an acre for the lands, if it should be shown that the purchases were made "innocently" or without knowledge that the railroad company had not complied with the terms of the original grant.

Purchase is Possible. If they were, they may gain title by paying \$2.50 an acre to the Government, whose position is that the railroad company has forfeited all title to the lands by reason of non-compliance with the terms of the grant, which provided that the lands should be sold to actual settlers in tracts of 160 acres to an individual at \$2.50 an acre.

The grant lands were declared forfeited to the Government by United States District Judge J. W. Wainwright in April, but the case has been appealed to the Circuit Court of Appeals at San Francisco, and the case will be taken to the United States Supreme Court before it is finally settled.

WATER RIGHT CASE HEARD

Supreme Court Decision Awaited in Centralia-Chehalis Dispute.

CENTRALIA, Wash., Jan. 15.—(Special.)—The fight between the Cities of Centralia and Chehalis for possession of an intake on the north fork of the Newaukum River for their municipal gravity water systems was heard in the State Supreme Court yesterday, to which both cities had appealed by Centralia from a decision of Judge Lewis County Superior Court. It probably will be several weeks before a decision is reached by the state supreme court. Centralia was represented by City Attorney Beal and Attorney Thurgensen, and Chehalis was represented by Judge Shackelford, of Tacoma.

No matter which way the Supreme Court decides, Centralia is safe, as an option recently was obtained from Weyerhaeuser Timber Company on another site 1000 feet below the original one, which will be used in case this city loses the suit.

RUSSIANS LIKE KLAMATH

Seven Families, Discouraged With Mexican Anarchy, Settle Here.

KLAMATH FALLS, Or., Jan. 15.—(Special.)—Seven families of Russians discouraged with the anarchy in Mexico, have come to this valley, purchased a farm about three miles from the city and will divide it. The land will be under water for the first time this year.

Over 50 more families of the colony are to arrive the coming season, and their agents are in the market for farm lands now.

These people are baptists and fled from Russia on account of religious troubles.

Idaho Lumber Company Sued.

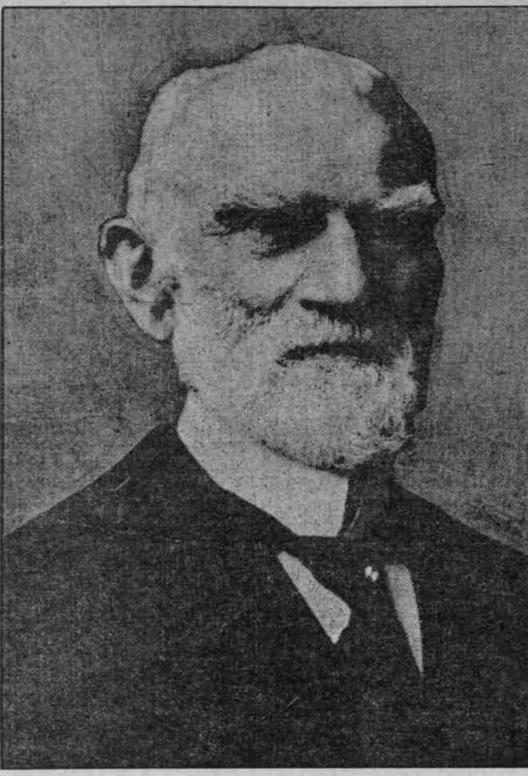
LEWISTON, Idaho, Jan. 15.—(Special.)—Joseph R. Wainwright, County Northwestern Lumber Company is the title of a suit filed in the District Court by Attorney H. S. Gray, in which the plaintiff seeks a judgment of \$22,522.85, the complaint citing that on March 14, 1908, the Northwest Lumber Company, for cash in hand, gave Joseph R. Wainwright 25 promissory notes of the face value of \$1000 each, bearing 6 per cent and becoming due July 1, 1911.

The notes were not paid and the bonds were sold, realizing \$7687.50 to the holder of the notes, leaving due on this face value of the notes \$17,312.50. The sum with interest of \$494.25 makes up the total of \$22,292.95 asked in the suit.

Polk Grange Meets.

MONMOUTH, Or., Jan. 15.—(Special.)—The Polk County Farmers Grange met in this city yesterday in an all-day session. Delegates were present from a large number of precincts, and much of the time was given over to a discussion of "Balanced Rations for the Table." The regular installation of officers took place at the Oak Grove meeting of the grange on January 10. Several new members were taken into the organization here recently. A meeting of the state grange is to be held here in May.

PORTLAND PIONEER BUSINESS MAN, WHO DIED YESTERDAY AT AGE OF 88.



WILLIAM K. SMITH.

WILLIAM K. SMITH DIES

PIONEER OF 1854 SURVIVED BY WIDOW AND FOUR CHILDREN.

Funeral Services of Prominent Citizen Will Be Held Tomorrow From Trinity Church.

William K. Smith, a pioneer of 1854, died of old age at his home, 351 Third street, yesterday morning. Mr. Smith is survived by his widow and four children—W. K. Smith, Jr., Victor H. Smith, Joseph Parker Smith, of Portland, and Mrs. Eugenia S. Bartlett, of Lewiston, Idaho. The funeral services will be held at 2 P. M. tomorrow at Trinity Episcopal Church. The body will be buried in Riverside Cemetery.

Dr. A. A. Morrison will officiate. Mr. Smith was born in West Bryansville, Pa., August 3, 1826. Later the family moved to Indiana, then to Illinois, and finally to Texas. Mr. Smith remained on his father's farm in Texas till he was 18 years old, when he went to Alabama, and became a clerk for his uncle, who was a merchant and physician. Five years later he returned to Texas, and was employed as a store clerk in La Grande.

After engaging in the stock business for a time, Mr. Smith went to St. Louis, Mo., to continue his education. While in St. Louis, he organized a party of 80 persons to cross the plains to California. Arriving in California in 1853, Mr. Smith engaged in mining and store-keeping. In 1854 he came to Salem, Or., where he purchased a site for a drug store. He continued this business on the same site for 15 years.

During this period he established the water system in Salem and secured a controlling interest in the Salem Woolen Mills. His partners were J. F. Miller, H. W. Corbett, W. S. Ladd, L. P. Grover, J. S. Smith and Daniel Waldo.

In 1864 he visited San Francisco, where he married Debbie H. Harker. In 1869 he sold his interests in Salem and came to Portland. He established a sawmill at the Hattie C. Beaslie, a four-masted bark, and engaged in shipping.

Mr. Smith was heavily interested in Portland real estate. He established a city with land for two parks, and is said to have sold more land for railroad terminals than any other man in the city.

Coos Bar Now Passable.

MARSHFIELD, Or., Jan. 15.—(Special.)—The Coos Bay bar was passable today, the first time in four days, for outbound vessels, and the Redondo, Adeline Smith and Hardy all cleared for San Francisco.

STRICKLER SUIT TO OPEN

Former Husband of Mrs. W. A. Loveland Wants to Visit Son.

The hearing of the suit brought by W. J. Strickler, of Minneapolis, against his divorced wife, Mrs. Josephine B. Loveland, who killed her second husband, W. A. Loveland, at his home in Portland Heights, at the night before Thanksgiving, for an order of the court permitting him to visit and communicate with their 14-year-old son, according to the terms of the divorce granted in 1907, will be begun this morning in Judge Gates' court.

It is charged that Mrs. Loveland and her late husband, have prevented Strickler from visiting his son and intercepted letters addressed to the boy.

Mrs. Loveland charges that her husband was to be allowed to visit the son on condition that he pay \$12 a month toward his support, and after he had been in default with his support payments for several months, the court ordered that Strickler be not allowed to visit or communicate with his son until back payments had been made.

TRAIN TO RUN ON NEW LINE

Towns on Portland, Eugene & Eastern to Welcome Excursion.

Citizens at every point on the line of the new Portland, Eugene & Eastern Electric Railway between Portland and Whiteoak, are preparing to welcome the first train of electric cars next Saturday.

The entire train has been chartered by the Portland Commercial Club. Officials of the railroad will be guests of the club on this trip. Only brief stops will be made at each place. Meals will be provided by the Portland party.

This trip will be preliminary to the formal inauguration of electric service next Sunday.

D. W. Campbell, general superintendent of the road, made an inspection trip yesterday. He pronounced every foot of track in good condition and predicts successful and satisfactory service from the start.

St. Johns Bank Elects.

ST. JOHNS, Or., Jan. 15.—(Special.)—Officers and directors of the St. Johns First National Bank were elected at the meeting of stockholders Tuesday as follows: T. R. McCuttle, president; A. R. Jones, vice-president; F. B. Drinker, cashier; C. E. Russell, assistant cashier, and W. E. Hauser, Charles K. Williams, Perry C. Stroud, R. M. Tuttle, A. R. Jones, E. P. Dringer and C. B. Russell, directors.

WIND AND WAVES

Gale of 80 Miles Reported Off North Head.

FORECAST GIVES PROMISE

No Damage to Shipping Known to Have Occurred but Many Vessels Stormbound in Oregon and Washington Ports.

From 64 to 80 miles an hour was the wind velocity at North Head for 12 hours ending at 5 P. M. yesterday, the blow being from the southeast, and it was forecasted that the gales would continue during the night and begin to diminish today. No damage was reported to vessels, but some were storm bound at all Oregon and Washington ports.

Observations made at North Head at 5 P. M. today showed the wind to be blowing 64 miles an hour from the southeast, with the sea very rough," said District Forecaster Beals last night. "The highest velocity during the previous 12 hours was 80 miles, attained sometime after 10 o'clock in the morning, for at that time it was reported 68 miles and soon after, in the morning it was 74 miles an hour. There has been a good strong gale there all day, but it is not the worst in over and it will diminish tomorrow. Storm warnings were continued during the night."

The Merchants Exchange reported that the steamer Roanoke, for San Diego and way ports, went to sea at 4 o'clock yesterday morning and the steamer Oceano, from San Francisco, came in about 2 o'clock in the morning, but there were no other movements. In the fleet held inside were the British steamer Oceano, and the Japanese steamer Tenzan, for the Orient; schooner Churchill, for the West Coast; schooner Nokomis, for Payta; Belgian ship Kasal, for the Orient; British ship Langdale and British bark Crocodile and Inverurie, for the United Kingdom; and the steamers Oliver J. Olson and Saginaw, for California.

While vessels on the way up the Coast sailed from Portland Monday morning, the last storm proved that there was nothing to prevent the fleet from gaining shelter inside. Of tramps and coasters to arrive during the period of gales, the Bankoku Maru, ran for Port Angeles.

LE PILLER LATEST ARRIVAL

Five Squarers Yet to Be Dispatched Abroad With Grain.

With the coming today of the French bark Le Piller, which left yesterday in tow of the steamer Ocklahoma, there will be five sailing vessels to the grain and a sixth, the French bark Noemi, is on the way from the Golden Gate. She got away from there January 8 and is expected to arrive here, yet the Le Piller has been in the river since Tuesday noon.

The La Bretagne practically finished her cargo Monday and the points Rochelle, Chile and Elbeke remain to be dispatched. The Japanese steamer Tenzan Maru arrived down yesterday with a wheat and grain cargo for the Orient and with the Den of Airle and Sithonia to get away by the first of the week, there will be a good showing for the first month of the New Year. The Kasal, Inverurie and Clyde, which cleared in December, are yet at Astoria, but the Hinemoa, finished the same month, got to the river by a mail Wednesday. The Crocodile and Langdale, of the January fleet, are also in the lower harbor.

MANILA CEREAL RATE IS CUT

American Firms May Get More Philippine Trade in Future.

Portland agencies of the Royal Mail and Hamburg-American lines have been advised from Seattle that the former rate of \$5.50 a ton on flour and wheat to Manila has been reduced to \$5.

The reason assigned is that merchants of Manila should be placed on an equality with those of Hongkong, but the \$5 tariff is expected to be reduced to \$4.50 and to discontinue buying flour in Australia.

No intimation has been given that the conference between Seattle, Portland and Astoria, and Portland, will make a general reduction as wanted by grain exporters.

ONLY ONE VESSEL GOES OUT

Steamer Roanoke Faces Gale but 12 Stay in at Astoria.

ASTORIA, Or., Jan. 15.—(Special.)—Reports received from the mouth of the Columbia this afternoon are that the wind is blowing at a hurricane rate outside and the only vessel which went to sea today was the steamer Roanoke. There are 12 weather-bound craft in the harbor, the list being as follows: The British steamer Oceano, Japanese steamer Tenzan Maru, steamship Saginaw and Oliver J. Olson, the schooner Nokomis, the barkentine Archer, the British ships Kasal, Langdale and Crocodile and the British barks Inverurie and Clyde.

FLOUR BELIEVED SEA DRIFT

Discovery on Beach Examined and Thought Part of Cargo.

ASTORIA, Or., Jan. 15.—(Special.)—E. M. Cherry, Lloyd's agent, has received a sample of the 14 sacks of flour that were found on the river beach near Port Columbia a few days ago. The sacks were marked "W. Rippons—Patents—Hull." Rippons is said to be the largest flouring mill in Hull, England.

That the flour came from some foreign vessel is considered certain and some believe it originated in from the sea.

MARINE NOTES.

In a cablegram from Hongkong it was made known yesterday that the British steamer Roanoke, which was called from that port for this harbor. The liner Sithonia, now here, shifted yesterday from the North Bank dock to the pier of the Portland Flouring Mills Company to start cargo.

Carrying passengers and a full lumber cargo, the steamer Northland sailed from Rainier for California ports yesterday afternoon. She was detained here two weeks, owing to damages sustained in collision with the Belgian ship Kasal.

Arriving at the Eastern & Western mill from Westport yesterday morning, the British steamer Roanoke was shifted soon after to the North Pacific mill to finish her lumber cargo for Melbourne. She has already 20,897 feet at San Francisco, and 11,900 feet and a shipment of pipe stock loaded at Westport, besides a small amount of general cargo.

On the next voyage of the steamer Navajo, of the Arrow Line, she is to bring general cargo that was discharged at San Francisco from the motorship Siam, of the East Asiatic fleet. As the next of the East Asiatic

Protect Yourself Against Substitution

When Bottle is Empty, BREAK IT!



Duffy's Pure Malt Whiskey

is always put up in new clean bottles, with a seal over the cork. But in order to protect yourself from possible fraud through refilling, we ask all consumers to be sure and break each bottle as soon as empty.

In a few remote instances unscrupulous dealers who have failed to work off substitutes and cheap imitations on their customers have tried refilling Duffy bottles when they could get them, hoping in this way to line their pockets. You can aid us to stop this practice by breaking Duffy bottles when contents have been used.

Be sure and get the genuine—if in doubt examine your purchase—see that the seal over the cork is unbroken; the cork should be new and perfect—the name, "Duffy's Malt," is on the side of each cork. Look for the original signature on the label and the firm name and monogram blown in the bottle. Break the bottle when empty and help us to prevent fraud.

Duffy's Pure Malt Whiskey is sold by most druggists, grocers and dealers, \$1.00 a large bottle. Medical booklet and doctor's advice sent free. The Duffy Malt Whiskey Co., Rochester, N. Y.

MARINE INTELLIGENCE.

STEAMER SCHEDULE.

Table with columns: Name, From, To, Date. Lists various steamers and their routes.

NEW LINES ARE IN SERVICE

Royal Mail Ready to Dispense With Chartered Steamers.

When the British steamer Don of Airle sails from Portland Monday with cargo for the Orient and Europe she will be the last of the chartered steamers of the Royal Mail to call here as new steamers constructed for the Panama Canal and Pacific trade will be on the route. The Marlborough, and the modern fleet sailed from Kobe Sunday.

The Don of Airle is billed to sail from Portland Monday and will have 4300 tons of cargo made up of 220,000 feet of lumber and a few small consignments with the bulk of her load of flour.

Idaho Prune Acreage Grows.

LEWISTON, Idaho, Jan. 15.—(Special.)—Approximately 2500 acres will be pruned during the next few weeks by the crews of the Lewiston Orchards Company. On account of unfavorable weather conditions the cultivation operations have been at a standstill for more than a month, but during the early winter season the company covered 3000 acres with cultivators and plows. It is expected the cultivating crews again will be in the orchards between February 1 and 15.

India Imports Bird Cages from the United States.

India imports bird cages from the United States. It relieves the pain and discomfort caused by the strain on the ligaments, makes pliant those fibres and muscles which nature is expanding and soothes the inflammation of breast glands.

Mother's Friend in Every Home

Comfort and Safety Assured Before the Arrival of the Stork.

In thousands of American homes there is a bottle of Mother's Friend that has aided a mother in her strength through the trying ordeal, saved her from suffering and pain, kept her in health in advance of her child's coming, and had a wonderful influence upon the child. It is a love-lively disposition in the child.

There is no other remedy so truly a help to nature. It relieves the pain and discomfort caused by the strain on the ligaments, makes pliant those fibres and muscles which nature is expanding and soothes the inflammation of breast glands.

EAT CABBAGE, FISH SAUSAGE, NEW BREAD

No Indigestion, Gas, Sourness or Upset Stomach if You'll Take Pape's Diapiesin—Try This!

Do some foods you eat hit back-taste good, but work badly; ferment into stubborn lumps and cause a sick, sour, gassy stomach? Now, Mr. or Mrs. Dyspeptic, for this down: Pape's Diapiesin digests everything, leaving nothing to sour and upset you. There never was anything so safely quick, so certainly effective. No difference how badly your stomach is disordered you will get happy relief in five minutes, but what pleases you most is that it strengthens and restores your stomach so you can eat your favorite foods without fear.

Most remedies give you relief sometimes—they are slow, but not sure. "Pape's Diapiesin" is quick, positive and puts your stomach in a healthy condition so the misery won't come back.

You feel different as soon as "Pape's Diapiesin" comes in contact with the stomach—distress just vanishes—your stomach gets sweet, no gases, no belching, no eructations of undigested food, your head clears and you feel fine.

Go now, make the best investment you ever made, by getting a large fifty-cent case of Pape's Diapiesin from any drug store. You realize in five minutes how needless it is to suffer from indigestion, dyspepsia or any stomach disorder.—Adv.

ACTRESS AT ORPHEUM IS ONE OF BEST DANCERS IN VAUDEVILLE.



MISS HELEN GLADDINGS.

Miss Helen Gladdings, of the team of Cummings and Gladdings at the Orpheum this week, is considered one of the best dancers in vaudeville, and is one of the few dancers doing a double kick. She is a charming girl, as the act opens with an unusual scene, this talented miss wearing men's evening clothes and she wears them with as much grace and charm as the famous Vesta Tilly.

ALARMED SAILORS QUIT SHIP

Gale Starts Fire by Sending Water Over Lime in Hold.

ASTORIA, Or., Jan. 15.—(Special.)—