

## BUSINESS LAND DECISION AFFIRMED

Supreme Court Ruling Means Cancellation of La Raut and Jordan Patents.

## 5 CLAIMS ARE AFFECTED

Entries on Lane County Tracts Declared Made as Result of Arrangements With Member of Lumber Concern.

OREGONIAN NEWS BUREAU, Washington, May 17.—The Supreme Court today affirmed the decree of the Circuit Court of Appeals at San Francisco in the Booth-Kelly Lumber Company and La Raut timber land cases. The effect of the decision will be cancellation of patents issued to Stephen, Alice, Ethel and Lucy La Raut and to Edward Jordan, covering timber lands on Brumbaugh Creek, Lane County, Oregon.

In its opinion, the Supreme Court accepts the interpretation of evidence as outlined in the decision of the Circuit Court of Appeals and finds that all five entries were made "as a result of arrangements with Booth," were financed by the Booth-Kelly Lumber Company and made in the interest of that company and, therefore, were made in violation of the timber and stone act.

**Single Agreement Charged.** In reviewing the evidence in the case at considerable length, the court lays stress on the testimony of Jordan and Mrs. M. S. Applestone and concludes that this evidence, which it holds amply substantiated and "confirmed by the behavior of the parties concerned," clearly shows fraud as to the entries of Stephen La Raut and his wife.

"If the defendants' case falls as to these two claims, it hardly can succeed as to the others. According to them, all were taken under a single agreement for all," says the court.

Much emphasis is placed on the books of the Booth-Kelly Lumber Company, in which \$500 advanced by the company on each of the claims is charged against stumpage. Moreover, the court finds that the lumber company treated these lands as its own, and showed interest in them, whereas the record fails to disclose any interest on the part of the individual entrymen.

**Payments Credited to Company.** Mr. Booth's testimony that he was actuated by inequitable motives in aiding the La Rauts, it is held, is disproved as to the entries of Stephen La Raut and his wife, by the fact that when these entries were procured, the company advanced the money to the La Rauts, and the company paid them in 1902, notwithstanding the lands "clearly were worth a great deal more."

The court further emphasizes that all monies advanced to the entrymen were advanced by the lumber company and not by Mr. Booth personally. The evidence of defense is held to be unconvincing and inconsistent with the established facts.

"We think it enough to say that the explanations fail to escape the effect of uncontroverted facts," says the court in sustaining the lower court.

## JUDGE GANTENBEIN WINS

REMARKS FROM BENCH HELD NOT LIABLE AS SLANDER.

Demurrer Is Granted in \$25,000 Suit and Settlement Voiced at Trial Is Held Exempt From Action.

When a judge from the bench voices sentiments not liked by a witness or one of the parties to the action, he is not to be sued for slander, no matter how severe his remarks may be. This principal was laid down yesterday by Judge Bean in the Federal Court in sustaining the demurrer of Judge Gantenbein, of the Multnomah County Circuit Court, to the \$25,000 slander suit brought against him by Henry Conlin, of San Francisco.

Mr. Conlin was a witness in a case before Judge Gantenbein last year. The judge commented on his testimony in a way that did not please Mr. Conlin, who brought suit several months later. In sustaining the demurrer, Judge Bean declared that remarks made by a judge while on the bench, "even in excess of his jurisdiction," are not liable to civil action.

"A demurrer has been filed to the complaint," Judge Bean said further, "on the ground that it appears from the face of the complaint that the statements were privileged. The law is that a judge of a Superior Court or a court of general jurisdiction is not liable in a civil action for his judicial actions, even when in excess of his jurisdiction, and when they are alleged to have been done maliciously and corruptly. Since the complaint in this case shows on its face that the remarks of Judge Gantenbein were made during the progress of a trial that was being held before him and while the court had jurisdiction of the matter, they come within this rule and do not constitute the basis of a civil action for damages, so the demurrer will be sustained."

## MR. YEON'S PLAN O. T. D.

SECTIONAL CONTRACTS FOR PAVING COUNTY ROADS PROPOSED.

Separate Agreements Suggested to Solve Problem of 10-Year Maintenance Guarantee.

Sectional contracts for the paving of county roads was the scheme informally approved by the County Commissioners yesterday. It was proposed that each road be divided into sections, according to the nature of the road itself, and that a bid be asked for each section under each of the various specifications.

Roadmaster Yeon was directed by the Board to submit data on this subject. Another scheme which may solve the perplexing problem of a 10-year maintenance guarantee was suggested yesterday and was submitted to Mr. Yeon. It was proposed that separate contracts be made for the maintenance of the hard surfaced roads after they are laid.

Mr. Yeon explained to the Commissioners and to Arthur A. Murphy, Deputy District Attorney, his position on the subject. Mr. Murphy said he did not want it understood that he or

District Attorney Evans had opposed the guarantee on principle. But he did not think the maintenance guarantee could be incorporated properly in the paving contracts.

It was then suggested that separate contracts for the maintenance be made and Mr. Yeon was directed to prepare these. The Commissioners yesterday received a copy of a resolution passed by the Oswego Commercial Club endorsing concrete pavement. The resolution points out that Oswego has a cement plant which can be utilized if this brand of pavement is used.

## DANCE TO BE DISCUSSED

QUESTION OF DIRECTION ISSUE BEFORE CONFERENCE.

Recreation Centers, Community Entertainments and Other Social Functions Are Topics.

Whether Parent-Teacher Associations or an entirely new organization shall manage community dances, probably will be one of the main topics to be considered when representatives of the dance-hall committee and the council of the Parent-Teacher Association confer.

At a meeting of the dance-hall committee in room A of the Library it was decided to appoint a sub-committee to meet with Mrs. Alva Lee Stephens and the officers of the parent-teacher body to consider recreation centers, community gatherings and public dances.

Rev. Frederick K. Howard, chaplain of Good Samaritan Hospital, chairman of the committee that was formed at the suggestion of Judge Gatens, will name the sub-committee within a few days.

A report of a consultation with Superintendent of Schools suggested that Arleta, Kenton, the New Couch and the Washington high schools might be the best places to start the community gatherings in the schools.

O. M. Plummer said that he favors dancing following community entertainments. Miss Valentine Prichard suggested that Miss Elsie Gill, secretary of the committee, write to Los Angeles and other cities for information as to the course followed elsewhere.

Another meeting of the dance committee will be called by Rev. Mr. Howard after the conference with the parent-teacher associations has been held.

## LAW OF 1789 FIRST USED

TRIAL FOR LIFE IN COUNTY OF OFFENSE GRANTED INDIAN.

Redman, Charged With Murder, Only Person in History to Invoke Statute With Success.

For the first time since Congress in 1789 passed a statute providing that a person accused of an act punishable by death on land under Government jurisdiction has a right to be tried in the county where the offense was committed, if this can be done without "great inconvenience," the right has been granted to an accused man by a judge of the United States Court.

Federal Judge Wolverson yesterday granted the petition of Le Roy Brown, an attorney for James Brown, an Indian charged with the murder of Peter Brown, who was killed in Klamath Falls. Brown was killed in Klamath County.

In granting the petition, Judge Wolverson read sections which he declared were unquestionably broad enough to permit the District Judge to hold a special session of court at any place within the district, irrespective of the places specified for the regular term. He directed the clerk of the court to draw a jury box from Josephine, Jackson, Lake and Klamath Counties, from which to select the jury.

For the murder of the second trial the jury disagreed. The case will be set for trial either on June 10, or in September, this point to be settled today.

Only twice before has the statute in question been invoked by an accused man. In 1799, and again in 1820. In both previous cases, the petitions were denied.

## HY EILERS BACK FROM TRIP

Grain Crops Reported as Greatest in History of California.

Hy Eilers, president of the Eilers Music House, returned yesterday from an extended trip through California. He reports that the great valleys to the south have in prospect the greatest grain crops in the history of the state. The long-continued rains, he thinks, have wrought considerable damage to the cherry crop and to the strawberry crop.

"The warbouts along the line of the Southern Pacific in the vicinity of Coran," he says, "are an obstacle to every Oregonian interested in the conservation of the forests and reforestation. The fumes from a smelter located near Kennet have killed all vegetation within a radius of 20 miles so that even a slight precipitation causes an immediate and almost uncontrollable rush of waters."

## FRENCH TAKE GERMAN POST

Loss to Foe Reported Heavy in Occupation of Esoka.

PARIS, May 17.—A French column, commanded by Colonel Mayer, occupied on May 11 the post of Esoka, in the German colony of Kamerun, according to a telegram received here today from the Governor-General of French West Africa.

The French losses, the message adds, were slight, while those of the Germans were heavy.

Seven Killed in Political Dispute.

EL PASO, Tex., May 17.—General Antonio Villa, a minor commander and a brother of the northern leader, was shot through the head and probably fatally wounded and seven others were killed among them some Villa officers, as the result of a political dispute in a public place at Chihuahua City, last night, according to reports reaching here today.

**Roseburg Woman Is Indorsed.**

CORNELIUS, Or., May 17.—(Special.)—The girls' sewing clubs in the public school has its work on exhibition in the old library room this week. The display is attracting the attention of many. Miss Annie Newman, who has had charge of the work this year, is planning a regular course for next year.

**Klamath Men to Work on Roads.**

KLAMATH FALLS, Or., May 17.—(Special.)—Practically every business house in Klamath Falls will be closed next Thursday when Klamath County people will try to comply with Governor Withcomb's good roads proclamation. Local business men will perform volunteer labor upon the roads and highways of the county.

## TERMINAL RATE S GIVEN COAST PORTS

Railroad Back Haul Plan for Spokane Barred by Commerce Commission.

## CANAL ADVANTAGE IS CITED

Interstate Body Rules Actual Rate Competition Exists to Portland and Other Cities, Regarded as Victors in Case.

OREGONIAN NEWS BUREAU, Washington, May 17.—The right of Portland, Vancouver, Astoria and other Pacific Coast ports to lower transcontinental rail rates than are accorded to inland cities was again upheld by the Interstate Commerce Commission in its decision today of the Pacific Coast back-haul rate case. The Commission found that water competition by way of the Panama Canal is an actuality which must be recognized in establishing rail rates. In this same decision the Commission blasted the hopes of Spokane by breaking up the plan of the railroads to carve out a large distributing territory in the inland Empire, with Spokane as the center.

The Commission holds that the railroads cannot discriminate in favor of Spokane and against other inland cities similarly situated, nor can they vitiate any advantage gained by Coast cities by reason of actual water competition.

**Back-Haul Rate Authorized.** "When rates to the Coast cities are lower than to intermediate points because of controlling water competition," says the Commission, "every inland city should take rates higher than those to port cities, either by arbitraries varying with distance from the nearest port city or by proportions of local rates from such ports to the destination. These rates should be fairly graded from the ports to the interior."

"We shall authorize the establishment of rates to backhaul points constructed by adding to the full rates to terminals, the arbitraries varying with the distance but not exceeding 75 per cent of the local rates from the nearest terminal."

We are fully mindful," adds the Commission, "that one primary purpose of the building of the Panama Canal was to assist in the development and maintenance of an active, efficient and profitable waterway connecting the two coasts. Rail carriers cannot expect and the Commission should not authorize such rates to every inland city as would place them in a position to secure to rail lines the same percentage of traffic to terminals as they enjoyed prior to the opening of the canal."

**Ports Entitled to Terminal Rates.** Proof having been offered showing that Astoria, Vancouver, Bellingham, Everett, Aberdeen, Hoquiam and Cosmopolis are actually engaged in water traffic by way of the Panama Canal with ports on the Atlantic Coast, the Commission holds these cities, like Portland, Seattle and Tacoma, are entitled to terminal rates.

Today's decision is a victory not only for the Pacific Coast cities, but for Montana jobbers, who feared that they would have been put out of business had the railroad plan of constructing back-haul rates been approved. The effect will be to preserve to every jobbing center its legitimate territory. While the commission does not understand the effect of the decision on the rule by which the railroads must construct all back-haul rates, this rule will make it impossible for Spokane and other inland cities to carry it which it would have enjoyed had the railroads' schedule been approved.

## 600 FARMERS AT PICNIC

SILVERTON INSTITUTE MAY BE MADE SEMI-ANNUAL AFFAIR.

County Agriculturist Arranging for Corn Show in the Fall, With Liberal Cash Prizes Offered.

SILVERTON, Or., May 17.—(Special.)—The farmers' institute and picnic, held in this city Saturday, was attended by 600 farmers. The damp weather of the few days immediately preceding necessitated a slight change in plans and the addresses of the morning were held in a theater. The entire day was bright and clear and by noon the dampness had so far disappeared from the park that it was deemed advisable to hold the remainder of the exercises there.

County Agriculturist Chapin spoke on "Soil Fertility; How to Maintain It." Miss Elizabeth Levy, of this city, played several violin solos. Diversified farming was the subject of Professor French, of Oregon Agricultural College. Representative Hawley spoke on "Farm Credits." Free luncheon was served by the business men of Silverton at noon. Mr. Chapin is preparing to hold a corn show here this fall and arrangements are well under way for it. Plans are being made for cash prizes in liberal amounts. Saturday's meeting surpassed in interest and attendance the expectations of even the most hopeful. There is almost no such thing as an event now awakened that this event will be made a semi-annual occurrence.

## PIANO HOUSE QUITS.

Kennedy Piano Company now going out of business. New, high-grade pianos, famous makes, at a great sacrifice. Convenient terms, even at sale prices. 226 Third street, near Salmon. —Adv.

**Halsey to Have Hospital.**

ALBANY, Or., May 17.—(Special.)—Halsey is to have a hospital. Dr. T. K. Johnson and Dr. H. C. Gansbort, of that city, have leased the annex to the Halsey Hotel and are fitting it up for that purpose.

**Forger Buys Load of Furniture.**

A load of bamboo furniture was hauled to a vacant lot on East Sixth street yesterday. The driver, finding nobody there to receive the goods, took it back to M. Kohara, the storekeeper. Kohara then went to the District Attorney's office and swore out a complaint against E. Sanders. He said a

## HORLICK'S

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man had bought \$4.50 worth of bamboo furniture from him and had given a check for \$11.50. Kohara returned \$10 change and promised to deliver the bamboo to the address. The check was made out to E. Sanders and signed E. Jamison. "Mr. Sanders" has disappeared.

## BABY IN \$1,000,000 CLASS

Son of Greenwich, Conn., Grocer Is Made Heir to Wealth.

NEW YORK, May 8.—William J. Smith Cary, 18-months-old son of a Greenwich (Conn.) grocer, has been elevated to the "millionaire-baby" class by his grandfather's will.

The grandparent was the late William J. Smith, millionaire contractor and real estate operator of Greenwich. At his death, six months ago, he left his estate in trust for his wife.

Mrs. Smith died two weeks ago, and examination of the will of her husband showed that little William J. Smith Cary had been made the beneficiary. He will receive control of the estate when he is 21.

Thomas F. Cary, the baby's father, married a favorite daughter of Mr. Smith. He was at one time manager of a large grocery store in Greenwich and later went into business for himself. William J. Smith was associated in business with the late Robert M. Bruce, cotton broker, and built the \$2,000,000 home of E. C. Converse at Greenwich.

## VOW TAKEN TO BE HONEST

Business Men Agree to Report Correctly on Assessments.

BEMIDJI, Minn., May 8.—A modern Diogenes will find "many plagues" in Bemidji, if the vows of business men are kept. When County Auditor J. L. George told Commercial Club members that only three firearms were assessed in the town last year various plans were suggested to make the taxpayers more honest with the assessors.

The one finally agreed to is that every taxpayer will appear before the Board of Review in June to see that his business and his neighbor's assessments are correct.

**Lesson of Clamor.** When the people clamor for anything, remember that they are clamoring because they have been told to clamor by leaders. There is almost no such thing as the people clamoring for a measure because it is right. Every reform measure in this country is based on the appointment of the business men to carry it into effect; the commissioners to be paid by public taxation.



## SUFFRAGE IS URGED

Women Declare Ballot Would Quiet Industrial Unrest.

## IMMEDIATE REPORT ASKED

Spokesman for Women's Congressional Union Would Not Wait for Congress, but Asks Commission to Get President to Act.

WASHINGTON, May 17.—Votes for women was urged as the remedy for industrial unrest before the Commission on Industrial Relations here today by Mrs. Chrystal Eastman Benedict, of New York, representing the Congressional Union for Woman Suffrage.

Mrs. Benedict declared the commission should immediately report to President Wilson advocating a Federal Constitutional amendment for nationwide woman suffrage.

"I had thought of that, too," said Mrs. Benedict. "Make the report to Wilson. Wilson can do it. If you would make him understand that the future of the Democratic party depends upon this issue we would get suffrage. You could let him know about it without making a formal report."

Mrs. Benedict cited cases where suffrage would have aided women in industrial troubles and said that the woman who did not work, as well as the wage-earner, would exert an immense influence in quieting unrest if she had the ballot.

The testimony of the suffragist spokeswoman interrupted that of Clarence S. Darrow, counsel for unions in several notable trials, who argued that the poor man had not equal opportunity before the law with the rich man. He was preceded by Walter Drew, counsel for open shop employers, who took an opposite view.

Two Centralia Teachers Chosen. CENTRALIA, Wash., May 17.—(Spe-

## A SUIT Sacrifice that is bringing scores of customers to this store

Absolutely with none reserved, all my fine fancy tailored suits, sport suits and stroller suits regularly priced \$32.50 and \$29.50 are offered at one price—

**\$19.85 for your choice from any of these charming suits.**

Every model new, every one finely tailored, every one well worth its regular price. Make your selection now.

Regular \$15 White Chinchilla Bal-maccan Coats now on sale, \$11.85

## BEN SELLING

Morrison at Fourth

of the United States Supreme Court in a Kansas case.

Women will find it awfully monotonous in heaven if the fashions never change there.

## \$25,000 More a Month

The Oregon payroll monthly for making and selling candy is something like \$25,000 per month. Less than half the candy consumed in Oregon is the real Oregon-made article. Yet there is no better candy made in the world than is made here at home. You can help increase the payroll \$25,000 in this one industry alone by preferring Oregon brands.

Patronize Oregon industry and especially remember the following concerns, whose subscriptions make this campaign possible:

**"AUTO-LAC" TOP DRESSING.** Top and body building, painting. Auto Top Co., 325 Alder, Portland.

**AUTO REPAIRING AND REBUILDING.** Modern Coach and Body Co., 15th and Alder, Portland, Or.

**BANKS.** The United States National Bank, 76 Third St., Portland, Or.

**CANDY—VOGANS' CHOCOLATES.** Modern Confectionery Co., Portland, Oregon.

**CEREALS—"GOLDEN ROD."** Golden Rod Milling Co., Portland, Oregon.

**CRACKERS—"SUPREME BRAND."** F. F. Haraden & Son, Portland, Oregon.

**ELECTRICITY—Made in Oregon.** Portland Railway, Light & Power Co., Portland, Oregon.

**FURNITURE—HAND-MADE.** F. A. Taylor Co., 120 Tenth St., Portland, Or.

**GAMBRINUS.** Brewing Co., Portland, Or.

**GAS APPLIANCES AND FURNACES.** Hess Mfg. Co., 612 Williams ave., Portland, Or.

**IMPLEMENT—FARM.** R. M. Wade & Co., 261 Third, Portland and Salem, Or.

**MONUMENTS—MARBLE, GRANITE.** Blasing Granite Co., 261 Third, Portland and Salem, Or.

**Oregon Life Insurance Company.** Home Office, Corbett Bldg., Portland.

**"PAVEMENT"—BITUMEN.** Warren Bros. Co., Journal Bldg., Portland, Or.

**RUBBER BELTS, MECHANICAL GOODS.** Portland Rubber Mills, 368 East Ninth St., Portland, Or.

## "The Meat of the Future"

will not be the Belgian hare or the Angora goat. It will be the whole wheat grain prepared in a digestible and palatable form. The best "meat," made by the best process ever discovered, is

## Shredded Wheat

It contains more nutriment, pound for pound, than meat or eggs, is more easily digested and costs much less. The best cure for liver and uric acid troubles is a meatless diet. Make Shredded Wheat your meat for ten days and see how much better you feel.

Two Shredded Wheat Biscuits, heated in the oven to restore crispness, served with hot milk or cream make a complete, nourishing, satisfying meal at a total cost of five or six cents. Also delicious with fruits. TRISCUIT is the Shredded Wheat Wafer, eaten as a toast with butter or soft cheese, or as a substitute for white flour bread or crackers.

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