

SAYS GRANT WAS MADE IN TRUST

Counsel Lafferty Declares Harriman Road Must Sell to Actual Settlers.

SPECIFIC INSTANCES CITED

Lawyer for Majority of Those Suing for Land Takes Up Entire Session of Court and Will Conclude Monday.

Resuming his argument on the demurrer of the Oregon & California Railroad Company to the Government's bill of complaint in the land-grant suit, A. W. Lafferty, counsel for a majority of the 80 actual settlers on these lands, yesterday emphasized the necessity for a receivership, under direction of the Federal Court to effectuate the purposes of the grant, the railroad company having proved unfaithful to its trust. Counsel also sought to show by citing specific instances that such a receivership was entirely practicable. Mr. Lafferty will conclude his argument Monday.

It was the contention of Mr. Lafferty that the character of the disposition of the lands included in the grant depended on whether the grant was one in trust or whether it was an estate on condition. If the act amounted to a negative condition restraining the railroad company from selling the land to other than actual settlers, the railroad could not now be compelled to sell its holdings. On the contrary, if the grant was one in trust, Mr. Lafferty maintained that the only relief available to the Government was to enforce the conditions of the trust which contemplated the sale of the land to actual settlers only.

Counsel insisted that it was the apparent intention of Congress that the land included in the grant should be conveyed to the railroad company not only as an aid to the construction of the proposed railroad, but that it should be sold to actual settlers in quantities of not to exceed 160 acres each and for a price not exceeding \$2.50 an acre.

Argument on the pending demurrer will not be resumed until 2 o'clock Monday afternoon. The forenoon session of the court Monday will be devoted to drawing a Federal grand jury for the March term.

NEW SERVICE ON NORTHERN

FAST PASSENGER TRAINS TO BE PUT ON MAY 23.

Improved Equipment and Facilities Between Portland, Puget Sound and Eastern Points.

Service to be inaugurated May 23 by the Northern Pacific Railway will be a big improvement in facilities between Portland and the Middle West. Not only are additional trains to be put on, but all Northern Pacific trains will be electric lighted. Heavy travel is expected because of the Seattle exposition, and it is planned by the passenger department of the system to handle this traffic without delays or inconvenience to passengers.

Three daily through, electric-lighted, steam-heated trains will be operated between St. Paul and north Pacific Coast cities. New cars of various patterns have been ordered from the manufacturers to equip the new trains. All this equipment is of heavy steel frame-work construction.

The North Coast Limited, the crack train of the Northern Pacific, will be limited in equipment to seven cars. It will carry first-class sleeping car passengers exclusively. This train will provide through sleeping car service between Portland and Chicago, leaving this city eastbound at 11:30 P. M. daily. In addition to the regular limited trains 5 and 6, to be known as the Exposition Special, will leave St. Paul eastbound at 9:15 A. M. and will leave Portland eastbound at 4:30 P. M. These two trains will provide practically the same accommodations as are now furnished by the present North Coast Limited. They will carry standard and tourist sleeping cars, day coaches and dining cars, all of which will be electric lighted.

The third overland train will leave St. Paul at night and the coast points in the morning. These trains will carry through sleeping cars in both directions.

Through train service will be operated as heretofore between Kansas City and North Pacific coast points via the Burlington and Northern Pacific lines by way of Billings, Mont. This train will carry a through sleeping car to and from St. Paul, through sleeping cars will be operated through sleeping the new Spokane, Portland & Seattle Railway along the north bank of the Columbia River between Portland and the East.

VANCOUVER BOOSTER OUT

Pat Lavey Resigns to Accept Position With Portland Realty Firm.

VANCOUVER, Wash., March 6.—(Special.)—Pat Lavey, who for the past two months has been industrial agent and publicity manager for the Commercial Club, handed in his resignation to President J. N. Swartz today, the same to take effect at once. He has accepted a position as sales manager for the Jacob-Stine Realty Company, of Portland, with whom he begins work Monday. He expects to remain a member of the publicity committee and to still keep his residence in Vancouver. During his two months' work in Vancouver Mr. Lavey has had most pleasant relations with the Commercial Club. In his letter of resignation he pays the members the compliment of saying they are "the finest commercial body I have ever had the honor to work for."

SITE BOUGHT FOR CHURCH

Universalists Are Ready to Build \$15,000 Edifice.

The Church of Good Tidings, Universalist, Rev. James D. Corby, pastor, yesterday purchased a site for a new \$15,000 edifice at the southeast corner of Broadway and East Twenty-fourth streets, the price not being announced. The site secured is 150x100 feet and is considered ideal for the purpose of this growing parish. At this corner Broadway street makes a sharp turn, which gives an outlook unequalled for the proposed building. The location is elevated, commanding a view in all directions.

The present site and building at East Eighth and East Couch streets, where the church has been located for over 20 years, has been sold for more than \$5000. The ground for the new edifice will be broken while Dr. W. H. McClellan, bishop, of Chicago, is in Portland the last of the present month.

The General Convention of the Universalist Church voted an appropriation of \$5000 toward the erection of a new church building in Portland, the local congregation to supply the remainder. The sale of the property on East Couch and East Eighth streets and subscriptions raised funds for the erection of the building. It has been largely due to the efforts of Dr. Corby that the work of the church has advanced to a point where the erection of the edifice is now a certainty.

PEACH CROP IS DAMAGED

TREES HURT BY SEVERE COLD WEATHER IN JANUARY.

Other Fruit Suffers Little, According to Information Gathered by O. R. & N.

Severe cold weather of January has caused considerable damage to the peach crop of the Pacific Northwest. Other fruit has been damaged but little, according to reports received from the various fruit sections by R. B. Miller, general agent for the Harriman line in this territory. The extent of the damage to the peach crop of 1909 has not been ascertained definitely, but some sections of the Snake River district report as heavy as 70 per cent loss. Other districts say the heavy freeze of January reduced the crop considerably.

Mr. Miller sent out special inquiries last week to the various agents of the O. R. & N. in the fruit districts, seeking information as to fruit crop prospects. Answers just received are not of the most flattering character, although, on the whole, the outlook for a big fruit crop is good. With the exception of peaches and occasional other damage, the reports received are encouraging. The reports received from the various points where the bulk of the fruit of the Pacific Northwest is raised follow:

Monroe—Fruit trees considerably damaged. Peaches and pears suffered. Apples not injured, and berries large crop.

Flood River—No damage from cold weather. Will be increased 10 per cent berries and from 30 to 35 per cent in apples. No frost to injury.

The Dalles—Berry crop will be good. Prunes, cherries, apples good; average crop. Peaches poor, half average yield.

La Grande—No damage done. Apple and berry crop prospects never better. Young orchards coming in this season will increase output.

Malheur—Damage done. Apple crop will be about 25 per cent heavier than last year; other fruits about same.

Elkton—No damage done. Expect bumper crop of fruits and berries of all kinds.

Union—No damage from cold weather. Full crop reported.

Spokane (North Snake River)—Reports not yet received. Not damaging peaches, which are not grown to any extent. Berries and small fruits not produced in sufficient quantities any locality to permit accurate report. Definite information not yet obtainable.

Walla Walla—Fruit crops should be as heavy if not better than last year. Too early to give extent of any damage or prospects of crops.

Salema River District—Peaches and apricots, Clatsop county, about 25 per cent loss; Lower Snake River, about 25 per cent loss. No damage to berries.

MANY ATTEND RECEPTION

NEW DEPARTMENT IS OPENED BY TULL & GIBBS.

Store Is Beautifully Decorated and Several Thousand Women Inspect Wearing Apparel.

An event attracting more than usual interest was the opening reception given yesterday afternoon by Tull & Gibbs, when the premier store in this city, of their initial stock in their new department of feminine wearing apparel. The affair was most informal in character, and the rooms were thronged with handsomely gowned women during the afternoon.

The decorations throughout on the several floors were most striking and artistic, cut flowers, potted plants, palms and floral pieces being much in evidence. The first floor was given over to a display of beautiful imported creations of the customer's art, an additional note being lent by the perfect lighting system and the handsome pieces of period furniture scattered about the room. The windows, too, were particularly attractive, with their exhibition of lovely gowns, one immense window being devoted to evening robes, and others displaying suits and three-piece garments.

An attractive much favorable comment was the newly installed wistaria, the room in the balcony. Both the room proper and the waiting-room are especially attractive and appointments. The color scheme is delicate tints of lavender and the decorations are unique and most effective, the beamed ceiling being done in white and the walls in the same shade of applied wistaria blossoms on the work. This team will be a permanent feature of Tull & Gibbs' store, the hours of serving will be from 10 A. M. to 5:30 P. M., with special attention to French pastries at modern prices. A thoroughly equipped and sanitary modern kitchen is one of the important features.

The waiting-room is particularly acceptable, with its deep chairs, divans, telephone and magazine stands, desks and general air of comfort and quiet. During the afternoon Waldemar Lind's orchestra rendered selections on the balcony, and Weber's stringed orchestra was heard on the sixth floor. It is estimated that several thousand visitors called during the reception hours, from 2 until 5 P. M.

PLANT SIBSON'S ROSES

Madison bridge being closed the Sibson Rose Nurseries are reached by the O. W. P. transfer cars and transfer to Sellwood cars at Hawthorne and Grand avenues. Service is good.

Patrons who prefer to order by mail or phone may rely upon careful attention to their orders.

Plant soon for next summer bloom and kindly remember that good flowers cannot grow on poor, cheap bushes. The best are really the cheapest, and they are Sibson's. Catalogue free. Acres of roses. Office and nurseries, 1180 Milwaukee avenue.

Gregory's Two Propositions. Page 7, Section 3.

Of the races of the world 600,000,000 are white, 100,000,000 yellow, 215,000,000 black, 55,000,000 brown or Malayan.

NO BOATS BOUGHT

North Bank Road, However, Is Planning California Line.

TO BE ESTABLISHED LATER

Purchase of Steamers Not Even Considered as Yet, but Will Be in Due Time, Says President Francis B. Clarke.

While admitting that such service is contemplated, Francis B. Clarke, president of the Spokane, Portland & Seattle Railway, yesterday denied emphatically that the North Bank people had concluded negotiations for the installation of a water transportation service between this city and San Francisco. He said the company expects at the earliest possible date to establish a line of steamers between this city and San Francisco, but declared that the negotiations in that direction have not reached the stage that the purchase of steamers and other details are being considered.

There is absolutely nothing in the report that our company has concluded arrangements for a fast steamer service for freight and passenger business between this city and San Francisco," said Mr. Clarke yesterday. "True, it is our intention to install such a service, but negotiations preliminary thereto have not reached a stage that the purchase of vessels has been considered.

"There is a great deal of business originating in both terminal points of such a service, and we are desirous of providing the necessary facilities for handling the business satisfactorily. We cannot arrange satisfactory traffic conditions over the Harriman line between the two cities and if we are to handle our share of the business we must establish a line of steamers. Between Spokane and Southern California there is an enormous amount of business that we desire to handle in both directions. With a fast line of steamers we can handle this business more expeditiously than is done at present by the freight service over the Southern Pacific.

"When these arrangements have been concluded there will be no hesitancy on our part in announcing the details of the service, but in the meantime there is no justification for the circulation of reports to the effect that we have established a line of steamers between Portland and San Francisco."

Authority for the report that the Hill interests had closed a deal by which a line of steamers was to be placed on the Portland-San Francisco run immediately came from a published interview with T. S. McGrath, of this city, who is in San Francisco temporarily. Mr. Clarke and other representatives of the Hill line deny that McGrath has any relation with them and assert that he has no authority to speak for the company.

VICTIM OF TUBERCULOSIS

Leon W. Bachum, Former Business Man of The Dalles, Is Dead.

Leon W. Bachum, formerly a well-known business man of The Dalles, died Monday, March 1, at St. Theresa's Sanitarium, at Oak Grove, after a prolonged illness. Mr. Bachum had been a sufferer from tuberculosis for more than a year. The funeral was held Wednesday afternoon from St. Michael's church, with interment in Mount Calvary cemetery.

Mr. Bachum was born in Vermont 34 years ago and had resided in Oregon since 1902. For the past two years he had made his home at Laurelhurst, Or. He is survived by his wife, Mrs. Mary Walker Bachum, and a little daughter, Theresa. Mr. Bachum was given every attention by the sisters of that institution. His widow is deeply appreciative of the thoughtfulness and care accorded her husband, and was no less deeply impressed with the treatment accorded all patients at the sanitarium.

Another Trade Dollar Is Found.

MINNIVILLE, Or., March 6.—(Special.)—In a recent issue of The Oregonian was a dispatch from North Yamhill regarding trade dollars that were held by individuals, giving the names of the parties who are present.

Knotty Nerves Untangle

when the change is made from coffee to

POSTUM

"There's a Reason"

New Spring Fabrics

For gentlemen's garments to order in all the latest designs and colorings known to the weavers' art. Drop in and look them over. No trouble to show goods.

Satisfaction guaranteed in all cases. Garments to order in a day if required. Full-dress and Tuxedo suits a specialty.

Wiest & Dailor WILLIAM JERREMS' SONS.

108 Third Street

LARGEST SHOW ON COAST

ARCHITECTURAL CLUB EXHIBITION OPENS MARCH 23.

Photographs Arriving Daily From All Sections of Country, Showing Progress Made in Art.

The second annual exhibition of the Portland Architectural Club is expected to cover the largest collection of architectural drawings, photographs of sculpture, studies for art glass and interior decorations that has been on exhibition west of Chicago, according to a statement made by M. A. Vinson, of the exhibition committee.

A work done during the past year in San Francisco are photographs of the Lulline Baths, designed by McDonald & Applegar; Reed Brothers send some large photographs of the Fairmont Hotel; a fine water-color rendering of the First National Bank building of San Francisco, designed by D. H. Burnham; Mr. Plais send photographs of the new Emporium building, and Bliss & Saville send a collection of interior photographs of the St. Francis Hotel.

The extreme East is represented by a collection of photographs of church work by Cram, Goodhue & Ferguson, of Boston, Mass., the most interesting being a small church in Cleveland, O., near Walkerville, Ont. Benjamin W. Morris, of New York, has sent photographs and renderings of some of the new dormitory buildings designed by him for Princeton University. George B. Post & Sons, of New York, send a collection of grotesque and other decorative features in one of the buildings of the University of the City of New York.

A collection of photographs sent by Daniel H. French, the noted sculptor of New York, will attract attention. Most interesting is a reproduction of some of his recent works on the Government building in Cleveland. Carl Bitter, another of New York's sculptors, has sent an equally interesting collection of his work. One of the most interesting sections of the exhibition will be the collection sent by architects in Denver, San Francisco, Seattle, Cleveland, St. Louis and Columbus, O.

Portland architects hope to have some plans ready to hang with these, giving the city officials and business men of Portland an idea of what can be done along this line at home. The domestic room will be an interesting one, as it will contain choice residences that have been built in various parts of the country. Local architects will be well represented. They have been busy for some weeks making special drawings for buildings that are under way and having photographs taken of work that has recently been completed. MacNaughton, Raymond & Lawrence will exhibit their plans for the University of Walla Walla. These form an interesting collection of drawings.

NEW ROUNDHOUSE IN USE

S. P. & S. Will Repair Its Engines in Vancouver Shops.

VANCOUVER, Wash., March 6.—(Special.)—The new roundhouse of the S. P. & S. in West Vancouver will be used for the first time Sunday night. Since the opening of the North Bank road all its locomotives have been housed in the Northern Pacific roundhouse. The new roundhouse has 12 finished stalls but when completed will have 40. The turntable will be operated by electricity. Near the roundhouse are located the company's storehouse, coal-chutes, machine-shops and water-tank, these all together costing \$300,000. The coal dock is built after the Great

AMERICAN OPTICIAN

ASTONISHES PHYSICIANS

Mr. Robert A. Thompson, an American eye specialist, delivered a most wonderful lecture on the eye at the optical demonstration rooms of Mr. Sidney Richardson, of the Strand, Wednesday evening. The great number of students present were greatly interested in the extraordinary skill of Mr. Thompson, who gave a practical demonstration of his new system of eye-testing. Several oculists present who were complicated glasses allowed him to examine their eyes to see how near they were to the proper prescription. To their great astonishment he found the proper correction to continue his studies in France.

Important—Thompson's Glasses Are Guaranteed

If at any time in one year an improvement can be made in your glasses, no extra charge will be made for the changing of lenses. Frames and mountings will be kept in repair for one year without extra cost. That's the fair way.

Thompson will correct instantly the most complicated cases, without the trying on of from 20 to 30 pairs of lenses.

The foremost oculists and scientists of Europe have declared the Thompson instantaneous method of sight-testing a great aid to science. Prices the lowest consistent with service and quality of eye-wear. One charge covers the entire cost of examination, glasses, frames.

Suite 209, Corbett Building, Fifth and Morrison.

THOMPSON

The Largest and Best-Equipped Optical Institution in Portland.

MEN'S SPRING SUITS



That look as well, fit as well and wear as well as the highest-priced clothes in town, are only

\$15

at this store of GOOD VALUES.

SEE THEM IN OUR WINDOWS

WHEN YOU SEE IT IN OUR AD IT'S SO

MOYER THIRD and OAK First and Yamhill

ings. Joseph Jacobberger has entered a large collection of photographs of some of his residence work, as well as some of his commercial buildings. A water-color perspective and several pen and ink renderings, together with some photographs will form the exhibit of Emil Schacht. Several examples of wood carving done for D. C. Lewis have been entered, together with perspective for the new Lewis building and about 20 photographs taken during the past year.

The exhibition opens March 23. The committee urges the public to attend early and often. It expects large crowds of people to view the exhibition during the three weeks it is open.

SALE TO END SATURDAY NIGHT

EILERS TENTH ANNIVERSARY PREMIUM PIANO SALE RAPIDLY DRAWING TO A CLOSE.

Dollar Paid on Piano Now Takes Receipt for Two Dollars.

One of the greatest sales that the greatest piano-selling house in the West has ever conducted is fast drawing to a close. Some people put off buying a piano until they have all cash, and never get to the piano they have the faculty of looking well to the future pay a little down and a little each month, and soon own a fine instrument.

Take advantage of this \$2-for-\$1 anniversary offer—select a fine piano from the largest assortment of reliable makes to be found on the Pacific Coast. Remember Saturday night will positively see the close of this remarkable sale, and pianos which can now be procured for \$162, \$182, \$210, \$240, \$270, \$307, \$333, etc., will be marked at their regular selling price once more.

Our famous Eilers Guarantee—"Money Back if anything, after delivery is not found exactly as represented, accompanied each piano sold, in addition to the regular factory guarantee as to construction, material and workmanship."

No matter what your income may be, we have here a piano to fit any pocket-book—and at terms that will suit you. Pay \$6, or \$8, or \$10 a month, or more, as you see fit, and secure one of these splendid pianos with all the above advantages.

We will ship any of our pianos out of town subject to inspection and approval. We pay freight both ways if instrument is returned, and we are entirely satisfactory and as represented. Oregon's Oldest Established, Largest and Leading Dealers, Eilers Piano House, 353 Washington St.

Every instrument included in this sale is of a well-known make and of a long-established reputation—the best we've ever offered, such as Kimball, Hobbart M. Cable, Lester, Crown, Pease, Haddorf, Eilers, Marshall & Wendell, Kohler & Campbell, Bush & Gerts, etc.—over forty makes in all. Now is the time to procure one of these fine pianos for a price which would ordinarily cost you a great deal more. Get you a cheap or inferior make.

Your investigation of this most remarkable offer. Such a money-making opportunity has never before been presented to pianoless music lovers of this city and vicinity. Call at Eilers Piano House tomorrow and make a thorough inspection—see in prices.

The Spring Millinery Season Is on at Wambarger's

145-147 Second St., Bet. Alder and Morrison Sts.

Regardless of all weather conditions, from a millinery standpoint Spring is the best time to visit our big day-dress department. Here are hundreds of dainty, charming flower-laden, airy Spring hats are here to greet you. Millinery that meets the requirements of fashion's most critical and exacting demands, everywhere recognized as absolutely correct in every detail, all at prices remarkable for their lowness and good value.

We Sell the Best \$5.00 HAT In America

THE NEW SPRING WAISTS ARE IN All on display Monday. All the new materials and styles, from the plain tailored with stiff collars and cuffs, to the most elaborate net and lace waists. Special prices 49c, 59c, 79c, 99c, \$1.19, \$1.29, \$1.49, \$1.69, \$1.75 to \$12.50.