

THE DAILY JOURNAL IS Two Cents a Copy Sunday Journal 5 cents; or 15 cents a week, for Daily and Sunday Journal, by carrier, delivered.

The weather—Rain tonight and Friday; southerly winds.

VOL. VIII. NO. 202.

PORTLAND, OREGON, THURSDAY EVENING, OCTOBER 28, 1909.—TWENTY-TWO PAGES.

PRICE TWO CENTS. ON TRAINS AND NEWS STANDS FIVE CENTS



JOURNAL CIRCULATION

YESTERDAY WAS

34,148

MOORE, MORRIS AND LYTLE FACE ANOTHER CHARGE

GOVERNMENT WILL SUE IN ALLEGED LAND GRAB GAS DOES NOT AFFECT THE JURYMEN OREGON TRUST OFFICIALS ARRAIGNED BEFORE COURT POSTPONE CASES A WEEK NO ARTICLES SIGNED TODAY

Oregon Trust Advanced Money on Property Said to Have Been Obtained by Fraud—Interior Department Orders Patents Cancelled.

(By Journal Special Staff Wire.)
Salem, Or., Oct. 28.—W. H. Moore, W. Cooper Morris and E. E. Lytle, charged with the looting of the Oregon Savings & Trust company, are also to be made defendants in a suit instituted by the United States government for the cancellation of the patents to about 7500 acres of land in Columbia Southern project. Fraud is charged by the federal government, which may mean serious consequences to the men named, who were the officers and directors of the Columbia Southern Irrigation company. Notice has been received by the state land board that the board must immediately show reason why the patents in question should not be cancelled. Sixty days' time is given by the United States land office at Washington within which the board must comply with the order. The letter from the interior department asserts that the government is ready to prove that the patents were secured through misrepresentation both on the part of the state and irrigation company.

because of their location and elevation. Because of misrepresentation thus made to the government through the negligence of the state these lands were granted but the patents will now be annulled by the government.

Thousands of Acres.
The entire holdings of the Columbia Southern include more than 27,000 acres. It is understood that the Oregon Trust & Savings bank held a mortgage on the holdings for \$175,000. The company never has been able to deliver sufficient water to irrigate the land reclaimed, and settlers have been dissatisfied from the start.

W. H. Moore, president of the Oregon Trust & Savings bank of Portland, was also president of the Columbia Irrigation company. It is charged that none of the \$175,000 loaned to the Columbia Southern company was ever received by the company, and also to cancel the reclamation of the 7,000 acres for which the company received the patents through the misrepresentations charged. W. A. Laidlaw was also involved, and had direct charge of the company's affairs.

State Starts Suit.
The state instituted suit against the Columbia Southern recently in the federal court to compel it to supply water to settlers who had come in in good faith and taken land, together with the liens of the company, and also to cancel the contracts. Fraud was alleged also by the state, but Federal Judge Bean, who rendered an opinion in the suit, held that since the state was partially responsible for the fraud by not keeping a closer watch on the recommendations of the company's engineers, the state was unable to prove the fraud. The federal government may, under these circumstances, prove collusion on the part of the state.

Test Made in Bathroom Where Mrs. Osborne Was Found Dead and Where J. L. Smith Was Picked Up Unconscious.

Not satisfied with the evidence given yesterday afternoon at the inquest into the cause of the death of Mrs. Jeanette Osborne, who was found dead in a bathroom at the Swartz hotel, the coroner's jury continued their investigation today, and asked that police detectives be again placed on the case. A thorough investigation is being made, as several mysterious features have presented themselves.

The inquest is being conducted by Deputy Coroner J. J. Dunning, and a report was made this morning. This report of the jury states that Mrs. Osborne came to her death between 5 and 6 o'clock Sunday afternoon from some cause unknown. They further recommend the further investigation.

James L. Smith, who was found unconscious in the bathroom with Mrs. Osborne, and who was revived and taken to St. Vincent's hospital, was before the jury, and said he and Mrs. Osborne went to the bathroom together. He intended to take a bath and Mrs. Osborne was to help him.

CHILLY LOOKS CHASE AWAY OLD SMILES

Five former officials of the now defunct Oregon Trust & Savings bank who were arrested yesterday afternoon on a charge of receiving deposits after they knew the bank to be in an insolvent condition appeared before Police Justice Olson in police court this morning and upon application of their attorneys their cases were continued for one week.

The former officials who were arrested on information filed by the district attorney and sworn to by Abraham Hankins, a depositor in the wrecked bank, were:

W. H. Moore, president; E. E. Lytle, director; W. B. Hart, a brother-in-law of Smith, who assisted Hensley break open the door, says the gas was burning, and that he turned it off.

He says the flame was shooting high along the side of the water heater when they entered the room.

Break Open the Door.
When the two men broke open the bathroom door, the body of Mrs. Osborne was found lying on the floor beside the door.

(Continued on Page Fourteen.)

REFERENDUM IN ENGLAND

Use of This Type of Legislation Is Not Only Discussed but It Has Become a Burning Question—William T. Stead States Positions of Parties.

By William T. Stead.
(Special Correspondence.)
London, via New York, Oct. 28.—The proposal to settle the dispute between the lords and commons by a plebiscite of the whole electorate voting "yes" or "no" on the budget, finds little support in the commons. By a theory of the constitution the commons represents the people of England and it shows no disposition to abdicate its right to speak in their behalf.

Mr. Balfour is known to be an ardent partisan of the referendum, because he believes it will be another clog on the wheels of the car of progress. The Right Honorable J. A. Pease, the liberal whip, has spoken in favor of this mode of settling disputes between the two chambers, but no other liberal of note favors it. It has been passionately attacked by Dr. Robertson Nicoll of the British Weekly and until it was put forward with a general parade of authority by the Times, no one took it seriously.

For the referendum as a substitute for the lords there is something to be said, but to give the lords the right to demand the referendum on financial bills would be absolutely intolerable. If the referendum is conceded the country immediately would be plunged into all the turmoil and expense of a general election without any security that its decision would be final. If, for instance, the referendum went against the budget, the ministers would be compelled to resign and their successors would immediately dissolve the parliament. We should thus have what would practically be two general elections instead of one.

On the other hand, the referendum should result in a liberal victory, the lords would give way, but as they will have to give way as things stand, the introduction of the referendum would not improve the situation. The referendum upon some grave question of constitutional change, such as home rule or disestablishment, is thinkable, but the referendum on the budget never!

Big Land Deal in Utah.
Pendleton, Or., Oct. 28.—One of the largest deeds placed on record in the local office has been filed from L. E. Mann to Perry Houser and the consideration is \$25,000. The land sold is a part of the old Anabel Irard place, south of Pendleton.

CANNON TOLD TO STEP DOWN

Candidacy Would Endanger Success of Republican Party.

Chicago, Oct. 28.—A dispatch received today by the Chicago Tribune from Helena, Ark., says the congressmen and senators accompanying President Taft down the Mississippi river enroute to the waterways convention at New Orleans have told Cannon of Illinois that if he is again a candidate for reelection as speaker of the house of representatives the success of the Republican party will become endangered.

The dispatch says that at a conference aboard the Quincy last night it was decided that the only hope for Cannon was for President Taft to come to his aid, as he came to the support of Aldrich in his Wisconsin speech.

It is generally believed, however, that there is little chance of President Taft going to Cannon's aid.

INDIAN GUNMAN IS A PRISONER

Federal Authorities Working to Break Tribal Feud in California.

(United Press Leased Wire.)
San Francisco, Oct. 28.—Held under an indictment of murder by the federal authorities, James Donnelly, a half-breed Indian, is in the Alameda county jail. During recent years a feud has existed between two factions of Indians in Humboldt county, during which 10 men, Indians and whites, have met death by violence. Donnelly is the first of the alleged murderers to be brought to trial. It is expected that others will be arrested by the United States officers.

The feud was started 10 years ago when the son of an Indian was accidentally drowned. At the time he was playing with two little Indian girls. The father demanded that one of them be given to him as a slave to recompense him for the loss of his son. The demand was refused and a few days later the alleged murderer was found dead, shot through the back.

Following James' death, Billy Harper, a member of the other faction, was found dead. Several bullet holes in his back told how he died. Then followed the murder of Chickasaw, an Indian.

On Thanksgiving day, 1908, Bert Porter, a white man, was killed at Lagson and the next morning Jose Sierra, a Portuguese, met a like fate at the hands of the mountain gun men.

Oscar Chapman, a storekeeper at Klamath, was found dead on December 16 of the same year. His body was riddled with bullets.

While investigating the numerous murders in the wild mountains, Deputy United States Marshal Prentice of Eureka found Donnelly. He subpoenaed him to appear as a witness with five other Indians, and upon Donnelly's arrival here placed him under arrest.

PASTOR DIVORCES HIS THIRD WIFE

(United Press Leased Wire.)
Everett, Wash., Oct. 28.—Andrew Grey Boyd, a Presbyterian minister, 74 years old, has secured a divorce from his wife on the ground of desertion. The suit was brought here from Yakima county, to avoid publicity in the minister's home community.

The suit was the culmination of the third matrimonial venture of the aged preacher. Mrs. Boyd's defense was based upon the ground that her husband sought separation to make his fourth try at wedded bliss in company with an affinity.

Testimony went to show that the plaintiff sought to have defendant institute the suit, but Mrs. Boyd refused. In her answer and cross-complaint Mrs. Boyd charged extreme cruelty and non-support on the part of her husband.

The custody of two minor children, 12 and 14 years of age, is awarded to Mrs. Boyd, together with \$5 a month alimony.

W. H. MOORE, PRESIDENT

Three of the Oregon Trust officials who were arrested yesterday afternoon.

W. H. MOORE, PRESIDENT.

W. COOPER MORRIS, CASHIER

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E. E. LYTLE, DIRECTOR

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OREGON CITY MAN DRAWS NO. 6426

Charles A. Clark One of the Comparatively Lucky Ones at Aberdeen.

(Special Dispatch to The Journal.)
Aberdeen, S. D., Oct. 28.—Charles A. Clark of Oregon City today drew No. 6426 in the drawing for Cheyenne and Standing Rock reservation lands. Calvin Bowdry, the colored man of Bismarck, N. D., who won No. 1 by the default of the man who drew it, William J. Engel, of Nebraska, who was unable to avail himself of the homestead law because he had already exhausted his right, is a native of Mississippi. He was born at Oxford, Miss. Bowdry married in 1904, separated from his wife in 1908, and since then has roved about the country. He came to Bismarck in September, 1908, and shortly after his arrival was arrested on a charge of theft but was acquitted. He is now working for Granville Wolfert, a hardware merchant at Bismarck, for \$2 a day. He says he will live on his land and comply with the homestead law.

TAFT'S FLEET LOSES TIME

President and His Entourage Now Three Hours Behind Schedule.

(United Press Leased Wire.)
Helena, Ark., Oct. 28.—Three hours behind his schedule time, President Taft, who is due to arrive at Vicksburg at 3 o'clock this afternoon, will probably not arrive there until dusk this evening. This will mean that the Oleander, with the president aboard, and the fleet carrying the 26 governors and 117 congressmen as well as other delegates to the waterways convention at New Orleans will sail down the Mississippi today without making a stop until Vicksburg is reached this evening.

The delay has been caused by the inability of the accompanying fleet of river craft to maintain the pace set by the Oleander.

Greenville, Miss., Oct. 28.—The Oleander, bearing President Taft, passed this city at 11 o'clock this morning, and at the rate the vessel is now traveling will reach Vicksburg about 9 o'clock tonight. The nine other vessels making up the fleet bearing the congressmen and senators to the waterways convention at New Orleans are straggling behind, unable to keep up with the ship bearing the president.

President Taft and the other members of the party hope to assemble outside of New Orleans in time to make a triumphal entry into the city at noon Saturday.

MACK HAS NOT DROPPED BRYAN

But Democratic National Chairman Admits There Are Other Big Men.

Washington, Oct. 28.—Norman Mack, chairman of the Democratic national committee, today denied that he had repudiated William Jennings Bryan, who report arose from the prominence given Governor Judson Harmon of Ohio in the current issue of Mack's National magazine. Mack today said:

"It is practically certain that Jeffries will be a favorite in the betting. I am willing to post \$5000 as a side bet and then bet him all he cares to put up at single odds. But I don't see why I should bet \$10,000 or more as a side bet at even money when Jeffries is sure to be the favorite."

SPOKANE POLICEMAN MURDERED BY THUG

(Special Dispatch to The Journal.)
Spokane, Oct. 28.—Policeman Waterbury, who was shot last night by a bitzlar, died at 4 o'clock this morning.

Waterbury and two other officers in plain clothes were patrolling a residence section of the city where there have been many burglaries recently. While temporarily separated from the other officers, Waterbury accosted a man whose conduct was suspicious. He called upon the man to halt and the response was a bullet which passed through Waterbury's body, lodging in his back.

The thug escaped leaving no clue but an overcoat which he cast aside in his flight.

HONOLULU KOREANS INDORSE ASSASSIN

(United Press Leased Wire.)
Honolulu, Oct. 28.—Resolutions expressing satisfaction over the assassination of Prince Ito at Harbin by a Korean were passed by the Korean Patriotic league here. The resolutions are broached in strong terms and the murderer of the Japanese diplomat is lauded for his act.

TWO PERISH IN INCENDIARY FIRE

New York, Oct. 28.—Two persons were burned to death and 14 others were seriously injured today in a fire of incendiary origin that destroyed two three story tenement houses on East Fifteenth street. The dead:

HERMAN TIEDT, 34 years.
EMMA TIEDT, his wife, 27 years.

Those who are responsible for the blaze made careful preparations to the end that the structure, filled with sleeping people, might be burned. Oil was poured over the lobby in the basement and lower floors of one of the buildings and piles of inflammable articles were piled in a back room where the fire was started.

The police are now securing the vicinity for the guilty persons.

The loss will total \$1500.

NEW SOLOMON IN MULTNOMAH

Judge Gatens Calms Trouble by Directing the Litigants to Draw Straws.

Drawing of straws took the place of a lawsuit in Judge Gatens' department of the circuit court today morning. Ole A. Jensen, who lost a divorce suit to Christine H. Jensen in the same court a few days ago lost again today on the drawing of straws for a picture of his wife's old home in Denmark.

Jensen had sued his wife and Mrs. J. L. May for possession of \$1000 worth of personal property, including the family piano, bed clothing, pillows, flower pots and various household furniture. When the litigants assembled for the trial this morning they had agreed on a division of the property, with the exception of one picture.

It developed that while Jensen and his wife were visiting in Denmark many years ago they saw two pictures in a Copenhagen art gallery of his wife's home place, taken from different viewpoints. Jensen gave his watch in exchange for the pictures and when the division of property was discussed Jensen wanted both the pictures. His wife conceded one but contended that she should have the other. So the drawing of straws was suggested and finally agreed upon.

Andy Wenzberger, the court bailiff, held the straws and one of Jensen's friends stepped forward and drew the short one. That settled the last point of difference and the case was dismissed.

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