

# OLD DRY GOODS HOUSE IS SOLD

## Business of McAllen & McDonnell Acquired by Brownsville Woolen Mills Store.

Negotiations were concluded today for the purchase by the Brownsville Woolen Mills store of the stock, fixtures and lease of the McAllen & McDonnell dry goods company at Third and Morrison streets. This sale involves two of the oldest mercantile firms in the city; the Brownsville Woolen Mills store being the oldest clothing establishment in Portland, and McAllen & McDonnell for more than 30 years having been one of the best known and largest dry goods firms here.

The sale involves between \$50,000 and \$50,000, that sum being the value of the McAllen & McDonnell stock and fixtures. The stock of dry goods will be sold out as rapidly as possible and the location at Third and Morrison streets will become the principal Portland store of the Brownsville Woolen Mills store. Extensive alterations will be made to the building and the stock at the Third and Stark street store will be removed to the new location.

The deal is the result of the outgrowing of its present quarters by the Brownsville Woolen Mills store. J. L. Bowman, owner of the clothing company having for several months been on the lookout for a larger place.

Dan McAllen, owner of the McAllen & McDonnell company, is one of the oldest and most respected merchants in Portland. His firm has occupied its present quarters at Third and Morrison for 23 years and prior to going there was in the same line on First

street. Mr. Allen's health has been unsatisfactory for several months, which was the immediate cause of his retiring from business. He expects to leave Portland for a time on an extended vacation, with the hope of building up his health.

# BANKER MOORE PLEADS GUILTY; FINE IMPOSED

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fine only, declared that whether or not the bank was insolvent when it failed, he did not believe Moore knew it was insolvent. Rather than endure the physical and mental strain of other trials, Fulton said, Moore preferred to plead guilty, with the understanding that the state would be wiped clean of all indictments against him.

After sentence had been imposed, during which time Moore stood quietly with folded hands, he attempted to address the court. He was smarting under the suggestion that he was pleading guilty under some sort of a bargain with the district attorney to testify against Morris and the other defendants in the bank cases.

**Wants to Address Court.**

"May I speak a few words?" he asked of the court.

"You had best consult with your attorney," replied Judge Morrow, turning to Fulton. Moore held a whispered conversation, but Fulton shook his head and Moore's intended statement was not made. Fulton also sought to draw Moore away from the newspaper men, who sought to learn what he wanted to say, but Moore was heard to remark:

"I would rather go to the penitentiary for life than to make a bargain

for immunity by testifying against others."

Before sentence was imposed, Judge Morrow asked if the fine would be paid. Fulton assured the court it would be, and Moore nodded his assent. By clearing up the calendar so far as Moore is concerned, District Attorney Cameron expects to finish the case against W. Cooper Morris. In fact, Morris has been anxious to plead guilty and testify against Moore, and the district attorney says he would not be surprised if Morris pleads guilty unconditionally.

**Cameron Says Evidence Weak.**

After Moore had pleaded this morning, District Attorney Cameron declared he does not believe Moore knew much about the affairs of the Oregon Trust. Before the court he said he did not believe the evidence sufficient to convict Moore in the other cases, in view of the verdict of the jury which tried the defendant on similar charges. The testimony in all other cases would be the same as the one in which the state failed, he admitted.

At one point this morning the program started to proceed, with other business, but Fulton, after a few moments, conferred with the district attorney and announced he was ready to plead guilty.

Moore, who had been seated in the jury box, walked over to the witness stand, but spoke the word "guilty" in a weak voice. Fulton waived time for sentence and Moore sat down while District Attorney Cameron addressed the court.

**Withdraws Not Guilty Plea.**

Fulton announced the withdrawal of the plea of not guilty. Then he paused, and suggested that Cameron should make his recommendation. Judge Morrow said the usual procedure was to enter the plea first. Fulton declined to do this, and said he would not enter the plea under these conditions. The court started to proceed, with other business, but Fulton, after a few moments, conferred with the district attorney and announced he was ready to plead guilty.

The district attorney said it seemed that the action of Moore in turning over his private property to help pay the depositors had great weight with the jury, and had seemed to take away the criminal effect in the minds of the jury. Furthermore, said Cameron, it would be necessary, in his judgment, to have the testimony of Moore to convict the other defendants. He recommended a fine, which would be sufficient to vindicate the law and "show people engaged in the banking business in Oregon that there is a law to punish such conduct."

Fulton next rose, and said he presumed the court would be largely guided by the recommendations of the district attorney, who had made a fair statement of the facts. He reminded the court that in the former case "fine of the jurymen stood for acquittal from the beginning, and recalled the turning over to the Oregon Trust, the day after it closed, of all of Moore's private fortune. This, he thought, had large influence with the jury.

"Beyond that," said Fulton, "what

ever the fact may be as to the insolvency of the bank, I think the evidence shows Moore did not believe it was insolvent. The trial and verdict established the fact that a jury of his countrymen did not believe he was guilty."

"In view of these facts and the harassment and mental and physical strain that would be undergone if the other indictments were tried, Mr. Moore has decided to plead guilty. It would be in the power of the state to bring him to trial on each of 11 indictments. The defendant is dependent on what his wife and relatives can provide, and his counsel felt it wise to advise him to adopt this course."

Fulton said he wanted to deny published statements that Moore would plead guilty on condition that he become a witness in other cases. He has a contempt for that sort of thing, he said.

**Thinks Fine Sufficient.**

"The defendant was a witness," said the attorney, "and he told all he knew. Nothing has been said to me about his testifying against others, and I do not believe the district attorney would suggest such a thing. Of course, he may be subpoenaed to testify in other cases, but it is not true that he pleads guilty with any such understanding."

Fulton closed by saying that, under the circumstances, he thought it only proper that a fine be imposed. He promised the fine would be promptly paid. Judge Morrow assessed sentence in a few words, merely saying he believed some punishment should be inflicted, and he would abide by the recommendation of the district attorney for a fine.

# DISTRICT ATTORNEY IS PLANNING SERIES OF DAMAGE SUITS

(Continued from Page One.)

the eastern lumbermen are accused of obtaining by fraud.

**Will Ask Court's Decision.**

In the argument the court will be asked to decide if the government can recover value of land obtained by fraud. No statute covers the point, and Mr. McCourt is satisfied that the decision will be in favor of the government. If it is he will be in a position to bring suits for damages against hundreds of persons who obtained Oregon land by fraud and who are protected by the statute of limitations, but this statute does not operate in the damage actions.

"The question is whether the United States has the right to sue the person who obtained land by fraud for the value of the land," explained Mr. McCourt today. "If such actions can be brought—and the court will decide this Monday—hundreds of persons who obtained millions of dollars worth of government land by fraud and are now protected from criminal action and suits to cancel patents by the statute of limitations, can be reached."

"If I obtain the ruling that the government has a right to bring such damage suits, land grafters all over the United States can be chased out of their holes. Men who 20 years ago got land by fraud and were exempt from action because of the statute of limitations, can be reached. In Oregon alone the value of land worth many millions of dollars could be recovered."

"Heretofore, the government has been handicapped in reaching the grafters because of that selfsame statute of limitations. With the right, however, to bring damage suits, we can reach all. I am certain I can obtain a ruling in favor of the government, and if so, will at once bring innumerable damage suits."

The statute of limitations in criminal

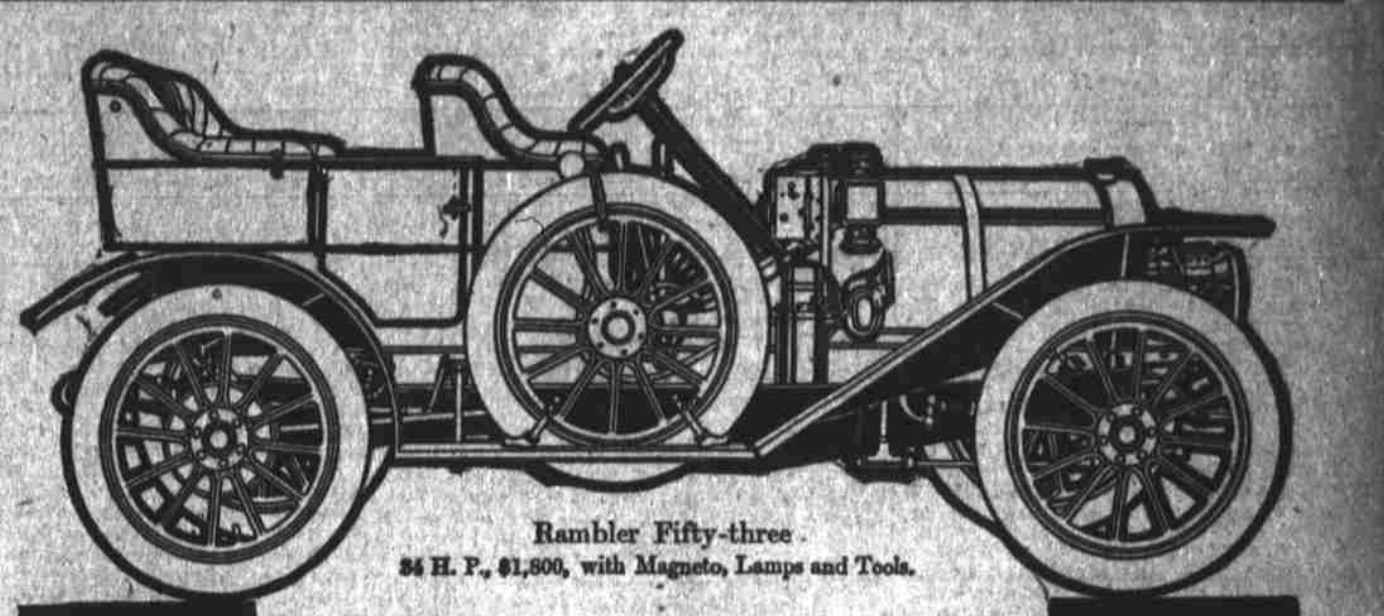
cases makes it impossible to reach the persons suspected of fraud, after a period of three years after the time the fraud was committed, has elapsed. The statute of limitations in cases for the cancellation of patents runs for six years.

"If the ruling is obtained," continued Mr. McCourt, "it will affect all who obtained land by fraud and have money or property which can be reached through a court of law. It will make

no difference if they sold the land in question. I am asking if the government has a legal right to sue to recover value of land obtained by fraud at the price at which it was estimated to be worth at the time it was obtained."

The decision will have a most important effect and will menace grafters all over the United States. Mr. McCourt has had the matter up with the attorney general for several months.

Counsel for the C. A. Smith group of capitalists anticipated Mr. McCourt's move, but he says they can not forestall him. Former Governor John Lind of Minnesota and Attorney General of Minnesota, are in the city preparing for the argument Monday. They represent the C. A. Smith interests, and are preparing to fight against decision of the matter of the right of the government to sue for the value of the land obtained by fraud.



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