

Rain tonight and Wednesday; east to southerly winds.

Table with 2 columns: Location (Boise, Seattle, Spokane, San Francisco, Portland, Roseburg, Marshfield) and Temperature.

LAND OWNERS NOT "FIGHTING" WEST EXTENSION PLAN

"All We Ask Is Privilege of a Ditch That Will Draw Water From Upper Umatilla," Says J. C. Hoskins.

IRRIGATION CONGRESS LENDS EAR TO SCHEME

Statement Made in Behalf of Owners of 60,000 Acres of Land.

Message From the President.

"White House, Washington, Feb. 19.—Hon. Ben Selling, chairman Irrigation Congress, Portland—

"WILLIAM H. TAFT."

The above message was received this afternoon.

Denying that the Coe, Furnish or Sloan interests are behind the project, J. C. Hoskins, rancher of Echo, this morning swung sentiment of the Oregon Irrigation congress in favor of affording relief for a tract of 60,000 acres of arid land in Umatilla county by granting to the owners water rights to which the government now holds control.

Hoskins stated emphatically that the owners of these 60,000 acres are not opposed to the West extension of the Umatilla government project, as seems to be the prevailing opinion, but that they ask only for the privilege of using the waters of the upper Umatilla river for irrigating their lands, after which it may be drained into the West extension reservoirs for usage again on lands of a lower level.

Ditch is Wanted.

Hoskins classed himself among those who had been "scraping" over the West Umatilla extension, and said he had appeared before the federal officials at the various hearings, but explained that in no way should the impression prevail that the "scrapers" are opposed to the proposed extension.

"All we want," exclaimed Hoskins, "is the privilege of building a ditch; we have figured out the cost and are ready to bond the property for the funds required. By securing such a ditch we will be able to water these acres and make them support 1500 people instead of 125 as at present."

"Last year was dry, and as a result the crops were light. This immense tract of land is held by 50 owners. Twenty-seven families are living on the land. We have two schools, one attended by five children, another by nine, these 14 children representing three families."

"With water on these lands every 40 acres will readily support a family and make them independent, for the soil is of the best in Umatilla county and as good as the best to be found anywhere, but it must have water. It means life and death with us, and I am here fighting for life. Unless we get relief, I will be compelled to move out, after having proved up on my claim. And there are others in the same condition."

Cost of Ditch.

Hoskins explained that private engineers had been engaged to estimate the

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PRESIDENT'S MESSAGE ADVOCATES RAILROAD COMPENSATION LAWS

Asks That Congress Pass Acts Fixing by Positive Scale Return for Accidental Injuries Sustained by Employees; Insurance for All.

(United Press Leased Wire.)

Washington, Feb. 20.—In a special message to congress today the president urges the passage of laws providing for the compensation of railroad employees for accidental injuries, to be fixed in accordance with the positive scale recommended by the employees' liability and workmen's compensation commission. The message declares that the theory of the commission is that each employe be insured against injury sustained in work, without reference to contributory negligence and, without common law limitation on the liability of the employer. The message says:

"The details of the measure are admirably worked out. They provide medical and hospital service for the injured man, notice of injury to employer where such notice is not obviously given by the accident itself, and the fixing of compensation by agreement. The amount of recovery is regulated in proportion to the amount of wages received, the compensation to be made in the form of annual payment for a fixed number of years or for life. The fees paid to attorneys are to be specifically remedied, and the remedies offered are exclusive of any others."

President Taft declared that the greatest evil the law would destroy is the multitude of suits under the common law, which are now clogging the courts, postponing final adjustment through the law's delay.

Popular Government Established Highest Court Ends Controversy Means Dollars and Cents to State

QUESTION SETTLED BY ACQUIESCENCE OF BOTH HOUSES

Oregon Legislators Seated at Washington, Means Constant Recognition of Oregon's Government.

Right of the people to enact laws by direct action, and to suspend legislative acts by the referendum until approved or rejected by the people, is finally established by the decision of the United States supreme court yesterday.

Congress alone can determine as to the form of government existing in a state, and congress has continually recognized the government of Oregon as republican in form.

In refusing to take jurisdiction of the case appealed by the Pacific States Telephone & Telegraph company, the supreme court has settled the question just as effectively as though it had passed on the question on its merits.

This victory for popular government means dollars and cents to Oregon, for it removes all lingering doubts as to the security of bonds and other securities issued by authority of Oregon laws.

Conclusions of Attorneys.

These are the main conclusions as to the effect of the momentous decision rendered yesterday at Washington, as drawn from interviews with Oregon jurists and attorneys who have been directly interested in the progress of the case through the courts.

"While great piles of briefs were submitted on both sides on the merits of the defense, the case was decided without going into these questions. The distinction drawn by Chief Justice White as to the political question involved in the case, however, as might be inferred from the language of the decision. It was specifically pointed out in the briefs of attorneys and by the decision of the Oregon supreme court in the Broadway bridge case.

The case of Luther against Borden, quoted by Chief Justice White as of compelling force, was referred to in the briefs, and was specifically quoted by Justice Will R. King in his opinion upholding the validity of the Broadway bridge enactment.

Meets With Congress.

In Luther against Borden, as quoted by Judge King, the United States supreme court said:

"It rests with congress to decide what government is established one in a state. For as the United States guarantee to each state a republican government, congress must necessarily decide what government is established in the state before it can determine whether it is republican or not. And when the senators and representatives of a state are admitted into the councils of the union, the authority of the government

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CONGRESS ALONE HAS POWER OVER OREGON SYSTEM

Decision of Supreme Court Sets Aside All Chance for Attack on Initiative and Referendum in Courts.

Washington, Feb. 20.—The initiative and referendum provisions in Missouri, California, Arkansas, Colorado, South Dakota, Utah, Montana, Maine and Arizona hung in the balance, as well as the law in Oregon, in the case which Judge White decided yesterday. An adverse decision would have affected the proposed legislation of that character in many other states.

Judge White went fully into the merits of the case, his opinion being of considerable length and covering every phase of the controversy. Additional angles are gotten on the case today by consideration of the opinion in all its bearings.

Judge White's Opinion.

In opening his opinion, Justice White said:

"While the controversy which the record presents is of much importance, it is not novel. It is important since it calls upon us to decide whether it is the duty of the court or the province of congress to determine when a state has ceased to be republican in form and to enforce guarantee of constitution on that subject. It is not novel as that question has long since been determined by this court conformably to the practice of government from beginning to the political character and therefore not cognizable by judicial power but solely committed by constitution to judgment of congress.

"We do not content ourselves with mere citation of cases but state more at length than we otherwise would the issues and doctrine expounded in the leading and absolutely controlling case of Luther vs. Borden.

Question to Be Determined.

"If the question of what was a rightful government within the intendment of section 4, article 4, was judicial one, the duty to afford protection from invasion and to suppress domestic violence would be also judicial since those duties were inseparably related to determination of whether there was rightful government.

"Fundamental doctrines thus so lucidly and cogently announced by the court through Chief Justice Taney have never been doubted or questioned since and have afforded light guiding the orderly development of our constitutional system from the day of the deliverance of that decision up to the present time."

The chief justice called attention to Chief Justice Fuller's decision in the controversy over the Kentucky government in the case of Taylor versus Beckham, this decision being based on the Luther versus Borden ruling. Referring to the doctrine as laid down

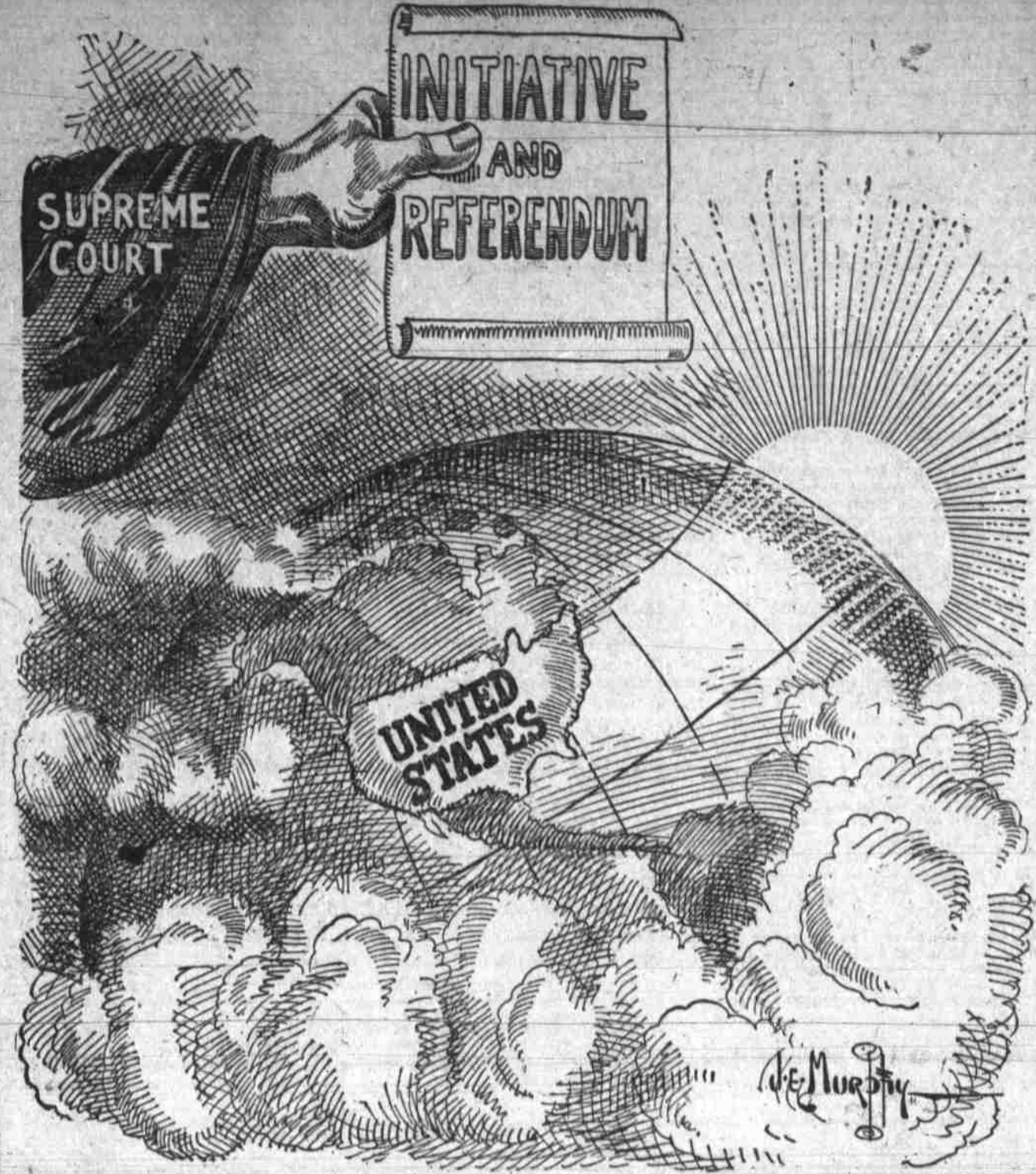
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ARMY PAYMASTER UNDER INVESTIGATION



On the left of the photograph is Major Beecher Bradley Ray, who, under the protection of President Taft twice escaped court-martial on serious charges, and on left is Charles P. Taft, brother of President.

CONSTITUTIONAL!



CHARLES TAFT WILL BE CALLED AS WITNESS IN INVESTIGATION OF RAY

Members of House Committee on Expenditures in War Department Admit President's Brother is to Be Asked to Testify at Hearing.

(United Press Leased Wire.)

Washington, Feb. 20.—Admission that Charles P. Taft of Cincinnati, a brother of President Taft, would be called to testify in the investigation of Paymaster Beecher B. Ray, on charges of political activity, was made here today by members of the house committee on expenditures in the war department. In a letter bearing on the Ray case President Taft is quoted as saying that Ray did his brother a political service on one occasion and since then had "presumed too much on the value of the service."

The letter written nearly two years ago by a heartbroken paymaster's clerk to Paymaster General Charles Whipple, pleading that his home be protected against invasion by Major Beecher B. Ray, President Taft's army favorite, was produced in evidence before the house committee on expenditures in the war department.

In his letter the writer recites in pathetic detail that his wife and himself had nursed both Major and Mrs. Ray through serious illness, had given up their home to them; that he (the witness) even had endangered his official position to protect the major from political enemies; that in return for his self-sacrifice and loyalty Ray, by threats and false representation, had first frightened and then won the confidence of his wife.

CAVE-IN IN TUNNEL STOPS S. P. & S. TRAINS

(Special to The Journal.)

Vancouver, Wash., Feb. 20.—Train No. 4 of the North Bank run into a cave-in in Tunnel No. 7, about six miles above White Salmon, at 10 o'clock last night, and traffic will be delayed on the road for perhaps 24 hours. The engineer saw the cave-in in time to check the speed of the train and avert a serious wreck. A hobo stealing a ride was slightly injured. Water from a spring overhead caused the cement to loosen and several tons of cement, rock and dirt caved in.

COURT TO INVESTIGATE HIGH COST OF LIVING

(United Press Leased Wire.)

New York, Feb. 20.—Magistrate Murphy announced today that he will inquire into the high cost of necessities. District Attorney Whitman probably will prosecute criminally a number of speculators in butter, eggs, vegetables and meats. The proceedings today were centered in butter and eggs. It is believed there will be 150 defendants in criminal actions as a result of the probe.

PHYSICIAN SAYS MORSE ON WAY TO RECOVERY

(Special to The Journal.)

Atlanta, Ga., Feb. 20.—Charles W. Morse, the former banker, recently pardoned for wrecking a New York bank, after serving two years of a 15 year sentence, will recover sufficiently to assist reenter Wall street activities, according to Dr. A. L. Fowler, Morse's personal physician, who has today returned here from New York.

HIGH COURT AFFIRMS HENDRICKS SENTENCE

Supreme Tribunal Rules That Oregon Man Must Serve Prison Term.

(United Press Leased Wire.)

Washington, Feb. 20.—The supreme court of the United States has affirmed the conviction of Hamilton Hendricks, who was found guilty of subornation of perjury in connection with Oregon land frauds.

The case of Hamilton H. Hendricks attracted attention when it was tried the first time in 1908. It was stubbornly fought by Hendricks clear to the court of last resort even after a final decision had been given by the United States circuit court of appeals. After losing in this court, Hendricks appealed to the United States supreme court on the ground that the indictment had not charged a crime. This was the only avenue of appeal left to him, since the circuit court of appeals is final as to facts. He must now serve 12 months in the federal prison on McNelly's island near Seattle.

Hendricks' offense consists of subornation of perjury in connection with the acquisition of land through homesteaded entries. He was represented by Judge Bennett of The Dalles, the seat of his operations.

DICTOGRAPH EVIDENCE HELD PROPER BY COURT

(United Press Leased Wire.)

Columbus, Feb. 20.—Rodney Diegla, former sergeant at arms in the state senate, must serve three years in the penitentiary for complicity in legislative bribes.

This was made certain today when the state supreme court affirmed his conviction, thereby holding valid the use of the dictagraph in securing evidence. This decision opens the way for trials of other members of the legislature, against whom Detective William J. Burns is said to have secured evidence through the use of the dictagraph.

JILTED LOVER BEHEADS GIRL ABOUT TO WED RIVAL

(United Press Leased Wire.)

Madrid, Feb. 20.—Terrible revenge was taken by a jilted lover upon his former sweetheart as she was about to marry his rival in a village near Bilbao, says a dispatch received today from that city. Approaching the wedding procession, he attacked the young woman with a reaper's scythe and with one blow decapitated her. In the confusion the assassin escaped, after wounding several of the party.

DOCTOR BREAKS WRIST WHILE CRANKING AUTO FOR EMERGENCY CALL

(Special to The Journal.)

Walla Walla, Wash., Feb. 20.—Called from his bed at an early hour by an emergency case, Dr. P. C. Robinson, a local physician, broke the bones of his right wrist while cranking his automobile, and because of the urgency of the call, had to wait until late yesterday afternoon to have the bone set.

MEXICAN FEDERALS ARE VICTORIOUS IN 2 HARD BATTLES WITH REBELS

General Robles, Leading Attack of Government Troops on the Embattled Zapatistas in and Around Santa Maria, Routing Enemy.

(United Press Leased Wire.)

Mexico City, Feb. 20.—According to a report received here today, 900 federal troops attacked 2000 rebels near Cuernavaca, routing the revolutionists. The rebels have regained control of Cruz de Piedra, Santa Maria and Huixtla. The rebels were commanded by a brother of Emilio Zapata. It is unofficially reported that 80 men were killed in the engagement.

The town of Alamo, Chihuahua, surrendered to the Vasquezites, without resistance. Forty conspirators were captured.

Mexico City, Feb. 20.—Reports here today say that a big battle was fought near Cuernavaca. According to dispatches, General Robles, in command of the federal forces, led an attack on Zapatistas entrenched in and around Santa Maria. He used artillery freely and drove the rebels from their positions. No estimate of casualties is given. A report received here says that the rebels also were defeated in a fierce fight near San Pedro, north of Torreon.

El Paso, Texas, Feb. 20.—In spite of his reported loyalty to President Francisco I. Madero of Mexico, Vasquezistas at Casas Grandes today issued a manifesto naming General Pascual Orozco, commander in chief of the revolutionists. No recent word has been received here from Orozco, who at present is in Chihuahua.

Reports today from Juarez say that a dozen arrests have been made there of persons charged with inciting mutiny. Another report says that hundreds of rebels are now operating near Juarez and an attack upon the city is feared.

DIAZ FINDS KEEN SATISFACTION IN WATCHING TROUBLES OF MAN WHO "STOLE HIS POPULARITY"

(United Press Leased Wire.)

Toulon, Feb. 20.—Porfirio Diaz, who is watching the revolt in Mexico with much interest, finds keen satisfaction in big belief that Francisco I. Madero, who succeeded him as president, and who drove him from power and "stole his hitherto untested popularity," is now paying dearly for his thirst for power.

The aged ex-president and his beautiful wife are living in seclusion at Cape Diaz. Long walks in the sunshine and the bracing air from the Mediterranean seem to have restored his health. When he received a representative of the United Press at his home today, Diaz was in excellent spirits and did not attempt to conceal the satisfaction he derived from President Madero's troubles. He insisted, however, that his greatest desire was that peace should be speedily restored in Mexico. According to Diaz, the followers of Madero believed when they made him president that hacendados would be partitioned among them and they would soon enjoy an era of great prosperity. When they found Madero would not do this, they became disgruntled and the present revolution resulted. If Madero attempted a dictatorship, Diaz said, both army and the people would forsake him. "However," said Diaz, "my peculiar position probably prevents me from forming a correct opinion. My dearest wish is that peace will be promptly restored. I have no desire to take a hand in Mexico's affairs. My reason for quitting the presidency when I had every facility for crushing my enemies, was my desire for peace, and my unwillingness to oppose the national will. If an living contentedly here with my wife, I do not know that I shall ever return to my native land, for which I still always have the greatest affection and love. I will be greatly pleased if Mexico succeeds in shaking off the yoke that beset her and in speedily restoring to the state of peace and prosperity which her people should be able to enjoy."

"DUMMY" UPHOLD IN GILBERT RULING; CONSERVATION HIT

Appellate Court Rules That Corporations May "Innocently" Employ Entrymen in Attempts at Land-Grabbing.

OPINION GOES AGAINST GOVERNMENT IN ACTION

Only Proviso Is That Timber Concerns Must Not "Know" Entries Fraudulent.

(United Press Leased Wire.)

San Francisco, Feb. 20.—The worst blow conservation of public lands to the actual settler has received in years.

This is the verdict of conservationists here today on a decision handed down by Judge W. B. Gilbert of the United States circuit court of appeals in the case of the Barber Lumber company, former Governor Frank Steunenberg of Idaho and others, for alleged conspiracy to defraud the government of large tracts of timber lands in Idaho. Judge Gilbert's decision practically allows the use of "dummy" entrymen by land grabbing corporations in unlimited numbers, this use to be limited only by the proviso that the corporation must not "know" that their entries are fraudulent.

Gilbert Gives Decision.

The decision handed down by Judge Gilbert came as an affirmation of a ruling of the United States circuit court in connection with the filing of applications of 210 entrymen on Boise basin, Crooked river and Big-Four lands in Idaho in 1901 and 1902. Investigating the entries, the government instituted proceedings against the Barber Lumber company, James T. Barber, Sumner G. Moon, William Sweet, John Kinkaid, Louis M. Pritchard, Patrick H. Dewans, Albert E. Palmer and Horace S. Rand, in which it was charged they had conspired to defraud the government by conspiring with former Governor Steunenberg of Idaho, John I. Wells and others to gain unlawfully large quantities of public lands by the use of dummy entrymen.

After a long hearing the United States circuit court decided in favor of the Barber corporation and dismissed the government's complaint on the ground that there was not sufficient evidence to connect its officers, Steunenberg and others named with the alleged conspiracy.

Suit Sent to Court of Appeals.

The government then appealed from the United States circuit court's decision to the United States circuit court of appeals and it was in a final finding for the Barber company, the appellees, that Judge Gilbert's decision was handed down.

The decision frankly upholds the right of corporations to use "dummy" entrymen for the acquisition of public timber lands, so long as they do not "know" the lands are a fraud on the government. Judge Gilbert said:

"The decision of the present case is ruled by the legal principles announced in the Budd case and the Clark case. Those decisions are authority for the proposition that a person or corporation desiring to acquire title to a large body of timber lands of the United

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1000 CHINESE BRIGANDS BEHEADED; 4000 REMAIN

(United Press Leased Wire.)

Tien Tsin, Feb. 20.—The town of Macheng, some distance in the interior, is besieged by brigands. Strong armed bodies are able to get in and out, but except when accompanied by escorts, running into the thousands, the citizens dare not venture outside the walls and are compelled to be continually on the alert to prevent the brigands from breaking in.

In the various attempts that have been made to stamp out the outlawry, the authorities have lately captured and beheaded nearly 1000 men, but it is estimated that fully 4000 brigands remain.

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