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WEATHER FORECAST. Fair tonight and Saturday.

CHARACTER TESTIMONY

Judge Bean Ruled That Estes' Reputation for Honesty May Be Impeached.

IN OTHER REGARDS DEFENSE LOST THEIR CONTENTION

Were Not Allowed to Introduce Testimony Which They Alleged Would Prove Much Discredit to Estes Aside From Mere Question of Honesty—Much Parleying and Debating Between the Attorneys, Who Argued Many Objections Pro and Con—Many Witnesses Examined.

In the McManus trial the defense has been continuing its testimony today, and from present appearances the case may not be ready for argument before tomorrow afternoon or possibly Monday. During the forenoon today most of the witnesses were called for the purpose of testifying as to the bad reputation of Bob Estes as to his honesty. However, none of them were permitted to go into details as to the life he led.

This afternoon the defense began by calling physicians to testify as to the probable attitude of Estes when shot. Motion Partially Sustained. The motion which had been argued for two hours yesterday afternoon, when it was attempted to admit testimony in regard to the character of Bob Estes, was ruled upon at 5 o'clock by Judge Bean. The judge held that the question as to character was too general and sustained the objection. He stated, however, that it would be proper to admit evidence more special in its nature and which would tend to show reputation as to honesty. The court then adjourned until this morning.

Deputy Marshal Short on Stand. Deputy Marshal Short was on the stand during the argument yesterday afternoon and again took the stand this morning. The officer said he had known Estes since 1894. Objections by the prosecution to all questions regarding the occupation of Estes were sustained. "I will ask you to state what the reputation of Bob Estes was in regard to being a dope fiend," said Judge Fee. The court would not permit this question to be answered. Judge Fee gave as his reason for asking this question that he intended to show by scientific experts that a man who was a dope fiend was also a thief.

Tilt Between Counsel.

The argument at this point between the counsel became somewhat heated and there was a lively tilt between Judge Fee and District Attorney Phelps. The controversy was brought on by Judge Fee wishing to make a statement of what he wished to prove, in order that it might go into the record. Mr. Phelps objected to statements as to the character of Estes, which the defense wanted to prove, being made before the jury and claimed that it was an attempt on the part of Judge Fee to get the information to the jury. On the motion of Mr. Phelps the court instructed the counsel that if he wanted to make a statement of that character for the record he could do so by withdrawing from the room or tender it in writing. To this withdrawal Judge Fee very strenuously objected. The court permitted the statement as to what the defense wanted to prove to be made in an undertone to the court reporter at one side of the room. Further questions were asked in regard to the character of the deceased and the court made clear his ruling of yesterday, holding that only testimony could be introduced which tended to explain some fact already in evidence. The court would admit only character evidence to prove what reputation Estes had for honesty and integrity in so far as it touched larceny.

Five Killed, Fifteen Injured.

Seattle, April 25.—A telephone from Black Diamond says an explosion took place in the Pacific Coast Coal company's mine this morning. Five are known to be dead. One body was recovered. The explosion was 1500 feet below the surface, while the day shift was descending, and the supposed cause was a cave-in during the night, resulting in an accumulation of gas. Fifteen are seriously injured.

R. S. Cayou of North Yakima, who had known Estes seven years ago, was asked the same questions that were put to Short. The same objections were sustained and the statement of what the defense wished to prove by the witness was again dictated aside to the court reporter.

"What was his reputation for being a law abiding citizen?" was asked the witness. The objection to this question was also sustained. Character Witness Plentiful. The defense had a long list of witnesses ready to prove the character of Bob Estes and they were summoned.

As many of the witnesses were not present in the court room when called, Judge Bean instructed the sheriff to have all the witnesses brought in and held until needed in order that periods of waiting might not occur.

A. W. Nye, Garry Judson, Frank Michael, Burt Huffman, James Beck, F. S. Curl, Judge Fitz Gerald and Thomas Thompson testified as to the honesty of Estes and all gave his reputation for honesty as being bad. The rules of the law did not allow any further statement of the reputation than the answer, "good" or "bad," when the question was made as to his reputation for honesty.

A. W. Nye smilingly stated that he had lived in Pendleton 33 or 35 years and had held various positions, being at the present time librarian in the Commercial association rooms; that prior to that he had been a county commissioner, on the police force and had been sheriff of the county.

Mr. Nye said that he was acquainted with Bob Estes and that his reputation in the community for honesty was bad. Mr. Phelps objected to the witness testifying as to what the reputation of Estes had been some time in the past as he might have changed, and used as an illustration that some preachers that were very good men now were bad men in the past.

Garry Judson of Pilot Rock had been around Pendleton and knew of the reputation of Estes, and verified the statements made by Mr. Nye. Frank Michael of the vicinity of Pilot Rock, said he had lived in that neighborhood for about 23 years and had frequently been in Pendleton and knew the reputation of Estes for honesty in the community was bad. The prosecution thought that the witness lived too far away to be competent, but Mr. Michael said he was very frequently in town, especially in the summer months, when he was running a threshing machine.

Frank Curl had lived in Pendleton off and on for about 20 years and

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DEVISE UNIFORM SYSTEM OF LAWS

FOR GOVERNMENT OF THE BUSINESS THIS COUNTRY.

Recommendations Will Be Presented to the Association—Chief Motive for Recommendation Was the Action of Certain German Companies After the San Francisco Fire Which Repudiated Their Policies—Will Meet in August to Discuss Matters.

Philadelphia, April 26.—The insurance law committee of the American Bar association, which has been in session here devising a system of uniform laws for the government of insurance business in this country, has adopted a series of recommendations which will be presented to the association as embodying its ideas of what such laws should contain. Following is a list of the recommendations, the elaboration of which will constitute the report: 1.—The appointment of state insurance commissioners for fitness and expert qualification for the position rather than as a reward for political services. 2.—That all companies created outside the United States make deposits in at least one state. The chief motive for this recommendation was the action of certain German companies after the San Francisco fire, which repudiated their policies. 3.—The repeal of the retaliatory tax laws. 4.—The repeal of the valid policy laws. The creation in each state of the office of fire marshal. 5.—The enactment of a federal statute prohibiting the use of the mails by wildcat insurance companies and by any company not authorized by the laws of the state of its origin. 6.—The apportionment and contingent distribution of deferred dividends surplus on policies now in force, as a precedent to the right to do business outside of the state in which the company is created. The American Bar association will meet in Portland, Me., next August, to discuss the suggestions.

Contest Over Butte Mayoralty.

Butte, April 25.—Jerry Mahoney, the defeated democratic candidate for mayor, has begun a contest against Mayor Corby, alleging frauds.

194 PEOPLE OWN HALF OF UMATILLA

Statistics From the Assessor's Office Show Large Land Holdings.

TWENTY-FIVE PEOPLE OWN 25 PER CENT, 8770 ACRES EACH

Forty-Six Per Cent of the Deeded Land of Umatilla County Is Owned in Tracts of 1000 Acres and Upward—One Hundred and Ninety-Four Companies and Individuals Own 50 Per Cent in Tracts Averaging 1765 Acres Each—List of Owners With Acreage Given Below.

That Umatilla county presents some interesting features of land ownership is shown by statistics compiled from the records of the county assessor's office through the courtesy and assistance of Assessor Charles P. Strain.

No other county in Oregon, perhaps, shows as large land holdings as Umatilla. In this county are 952,256 acres of deeded land of all kinds. Twenty-five companies and individuals own 25 per cent of it, or 8770 acres each. One hundred companies and individuals own 50 per cent of it, or 1765 acres each. Forty-six per cent of the deeded land in the county is owned in tracts of 1000 acres and upward. Ninety-three thousand, two hundred and forty-four acres are owned in tracts of from 540 to 1000 acres each.

Aside from the large holdings just mentioned, 3590 companies and individuals own 421,520 acres. These holdings represent only such tracts of land as are described in acreage. Platted townsites are excluded from the list. The following 194 companies and individuals own one-half of the deeded land in Umatilla county:

J. E. Smith company	38,858
Cunningham Sheep & Land Co.	20,632
Wm. Slusher	15,954
Joseph Vey	8,800
Antone Vey	5,950
Joseph Cunha	7,728
W. P. Reser	5,742
C. A. Johnson	4,238
R. N. Stanfield	3,404
Inland Irrigation Co.	11,432
J. Frank Watson	17,803
W. J. Furnish	22,158
W. P. Temple	3,529
E. L. Smith	3,514
C. J. Smith	2,573
E. F. Ogil	2,344
W. H. Reeder	2,850
Wm. Steen estate	2,340
W. W. Raymond	1,929
Fred Stine	2,020
Nels C. Nelson	1,800
A. Neppach	2,120
N. P. railroad (contracted)	4,572
Northwest Timber Co.	6,740
Oregon Land & Construction Co.	2,800
J. A. Owens	2,950
Manuel Pedro	4,008
A. Perard	2,050
Rust Brothers	1,620
Louis Schmuck	1,750
E. J. Sommerville	2,000
Clavis Plaqueot	1,640
J. M. Pruett and wife	1,520
Frank Roach	1,520
Donald Ross	2,540
Rugg Brothers	7,133
Mary E. Rust	2,245
Hans Strupe	1,550
John Timmerman	1,600
Jessie S. Vert	4,825
J. F. Adams estate	2,450
C. A. Barrett	2,557
Douglas Belts	4,463
Blue Mountain Flume Co.	4,350
Jacob Born	1,840
Jacob Bowls	1,850
Herbert Boylen	1,850
A. G. Buholts	1,520
Edwin Campbell	2,280
C. R. Cate	1,720
A. A. Cole	5,479
J. F. Connelly	3,320
A. L. Demaris	4,200
M. G. Edwards	2,550
M. L. Fix	2,050

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ONE EXCEPTION ONLY WAS TAKEN

\$125,000 Deemed Inadequate for a Gravity Water System.

AND ACTION POSTPONED TILL A FUTURE MEETING

To Refund Levee Bonds and Outstanding Warrants, to Extend the Sewer System, to Expend \$40,000 on City Buildings and Site, to Expend \$30,000 on the Street Indebtedness and Extension of Improvements Were Measures Endorsed as Explained in Detail.

At a meeting of the charter committee held at the council rooms last evening, the stamp of approval was placed upon all the changes suggested by the city council excepting that one authorizing the issuance of \$125,000 bonds for the establishment of a gravity water system. It was feared by the committee that the amount proposed was inadequate, and so action in the matter was deferred until the next meeting of the committee.

The following is the official report of last night's committee meeting: A meeting of the committee appointed by the mayor to meet with the members of the common council of the city of Pendleton to discuss, suggest and adopt changes in the charter of the city of Pendleton was held in the council chambers in said city at 7:30 o'clock p. m., April 25, 1907, pursuant to the call of the mayor.

The mayor being absent, the meeting was called to order by Mr. McCourt, city attorney. Whereupon Judge W. R. Ellis was placed in nomination for temporary chairman of the meeting and the nominations upon motion being declared closed Judge W. R. Ellis was declared temporary chairman of the meeting. W. L. Thompson being placed in nomination for temporary secretary, the nominations for temporary secretary were declared closed. Upon a vote being taken Mr. Thompson was declared temporary secretary of the meeting. The temporary officers were declared the permanent officers of said committee.

Thereupon, the chairman stated the purposes of the meeting and suggested that the proposed changes in the charter heretofore made by the common council be taken up and acted upon by sections.

Thereupon subdivisions 2 and 5 of section 2, section 3 and section 4 of said proposed changes to the charter were taken up separately and upon motion adopted; and thereupon section 5 of said proposed changes to the charter being the amendment of article 12 of the charter of the city of Pendleton was taken up and considered and the following suggestions and proposed changes by the common council were approved by the committee:

1.—Authorizing the issuance of bonds for the refunding of the excess of \$40,000 of levee bonds issued in 1886 over the sinking fund, and for refunding present outstanding warrants issued for maintenance and repair of the levee and for extending, maintaining and repairing the levee, \$67,000.

2.—Issuing bonds for extending the sewer system of the city of Pendleton in the sum of \$10,000.

3.—Authorizing the issuance of bonds for constructing and equipping a city hall and jail and procuring a site therefor in the sum of \$40,000.

4.—Authorizing the issuance of bonds to pay the present warrant indebtedness of the city for improvement of streets and for the further improvement of streets, in the sum of \$30,000.

The proposed amendment of the common council to article 12 of the charter authorizing the issuance of \$125,000 in bonds for constructing a gravity water system after discussion thereof was passed for further consideration at the next meeting of the committee. The proposed amendment of section 13 of article 13 of the charter was upon motion approved by the committee, and section 16 of article 13 as proposed by the common council on motion was approved. Thereupon on motion, the chair appointed a committee of three, consisting of Mr. McCourt, T. C. Taylor and Dr. C. J. Smith, to ascertain the probable cost of procuring a water supply by gravity system and to report at the next meeting of the committee. Thereupon it was determined upon motion that when the committee adjourned that it should adjourn to meet again on Tuesday, April 30, 1907, at 7:30 p. m. at the council chambers. There being no further business before the committee, upon motion adjournment was had.

AFTER HENEY FOR CRIMINAL LIBEL

Judge Hebbard and W. F. Herrin Roasted in a Speech at Stanford.

"RUEF AN UNDERSTUDY OF SOUTHERN PACIFIC"

Supervisor Gallagher of San Francisco Makes Sweeping Confession Which Is Published in Full in the Call of That City—Implicates Ruef and Schmitz and Telephone Officials—Call Subject of Investigation by Grand Jury—More Labor Troubles Ahead.

San Francisco, April 26.—Superior Judge Hebbard today applied for a warrant for the arrest of Heney on the charge of criminal libel. In a speech at Stanford university last night Heney referred to Hebbard as one of Ruef's henchmen, and also referred to what he termed Hebbard's unfitness to sit on the bench, intimating he was not always swayed by law in rendering decisions. In the same address Heney denounced W. F. Herrin, a Southern Pacific attorney, as being the real boss of San Francisco, declaring that Ruef is merely his understudy.

Hebbard Drunk and Threatening. The warrant was refused. Hebbard then went to police headquarters, where he flourished a revolver declaring he would kill Langdon if the warrant were not issued. He was taken to the chief's office and a guard placed over him. Langdon ordered him arrested if he made any further disturbance. Hebbard was drinking.

Gallagher Turns State's Evidence. San Francisco, April 26.—The publication in the Call this morning of the full text of the confession of the supervisors has created a great sensation, as the story of the corruption laid bare before the grand jury made it public, and on the day following the confessions. The verbatim statements as published today completely substantiate the unofficial statements published March 19.

The principal confession is that of Supervisor Gallagher, who swore that all the bribe money with the exception of that given by Theo. Palsey of the Pacific States Telephone company, was passed to him by Ruef, and he (Gallagher) in turn passed it to the supervisors. One interesting feature not before published is Schmitz's activity in the matter of the Home Telephone franchise. According to the confessions, he repeatedly urged the supervisors to vote for the franchise and both before and after the supervisors were informed there would be "something in it" for them. It is not unlikely the grand jury will investigate the manner in which a copy of the verbatim statements was secured by the Call.

Carmen's Strike Probable.

San Francisco, April 26.—Representatives of the carmen's union and officials of the United Railways went into a conference at noon to consider the demands of the men for \$3 per day and eight hours work. Preceding the conference President Calhoun of the railways, announced he would not grant the demands.

Conference Had No Results.

San Francisco, April 26.—The street car conference broke up this afternoon without a conclusion being reached and no arrangements for further negotiations. In all probability a strike will be voted.

Warrants Out for Trades Council Men

San Francisco, April 26.—Warrants for the arrest of Gus Bart, Geo. Russell, Gus Smith, Harry Sullivan, Jack Young, Jack Morris and M. H. Carmody, members of the electrical workers' recently expelled from the building trades council for ordering

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Vahliva Buried by Volcano.

Santa Dechile, Mexico, April 26.—Another volcano threatens to complete the havoc begun by the volcano Villavieja. It is pouring forth vast clouds of ashes which are fast burying all the towns in the district. Vahliva is now completely overtopped and under many feet of ashes and lava and dust. One hundred thousand homes are driven from their homes and are now living in open fields, subsisting on roots and wild fruits.

WHAT CAUSED CAYUSE WRECK

TWO SPRINGS RUNNING ONE-HALF MINER'S INCH

Undermined the Foundation of the Roadbed—Springs are About 15 Feet Apart—Another is Reported on the Farm of Judge Thomas Halley on the Branch Road—Officials Baffled Over Appearance of These Springs. The following statement embodying the cause of the Cayuse wreck, is taken from the Portland Telegram and undoubtedly has its origin in O. R. & N. circles at that place. It is of far more than local or passing interest: Two little springs, discharging a combined flow of half of a miner's inch of water, caused the wreck on the O. R. & N. main line near Cayuse station about two weeks ago. The water oozing from the ground beneath the fill undermined the foundation of the roadbed. While the destruction was not apparent to a track walker, No. 5 plunged into it just as soon as the weight of the train came on that portion of the track. The springs are about 15 feet apart. Another spring has been reported on the farm of Judge Halley, on the Walla Walla line, four or five miles above Pendleton, where before not a trace of water was visible. How to account for the presence of the spring is baffling to the railroad officials. To protect the roadbed against seepage from the high ground above the track where the wreck occurred, a ditch was dug for some distance on the hillside and it connected with a pipe line which carried the flow beneath the track and into the Umatilla. Measurements were taken of the flow at the mouth of the ditch, at the entrance to the pipe, and at the end of the pipe where the water flowed into the river, and they corresponded. To determine positively that the water was sinking into the hill a second ditch was dug, diverting the water by a roundabout course to the mouth of the pipe line, with the same results. As yet the company is operating around the sunken piece of track and a rock fill is to be made, and probably tiling used also, to carry off the overflow of the springs.

HERMANN CASE HAS GONE TO THE JURY

Washington, April 26.—The Hermann case went to the jury at 3:30 this afternoon.

The Closing Argument.

Accusing Hermann of destroying public records for illegal purposes, and alleged conspiracy with Mitchell, Benson, Hyde and Diamond District Attorney Baker closed the government's case today. Standing before Hermann, whose wife and daughter were beside him, and pointing his finger at the defendant, Baker characterized him as a felon. He charged him with knowl-

edge of the illegality of the Pater claims which he passed through the land office, and of being the paid tool of Mitchell while commissioner. Baker declared, "Hermann's purpose in destroying the 24 letters press books was to cover up his tracks, not because it would be expensive to ship them to Oregon. If any man of you was fired from your job under a cloud, would you have destroyed the records that would have proven your innocence?" Baker closed with a demand for a verdict of guilty and Justice Stafford then charged the jury.