

POLITICS FIGURE IN HALL TRIAL

Henyey Makes Opening Statement.

TELLS A SENSATIONAL STORY

Federal Official Used Club to Elect Senators.

MITCHELL AND FULTON TOO

Ex-United States Attorney Accused of Using That Office to Secure Reappointment—Winked at Lawbreaking.

In his opening address in the Hall-Mays conspiracy trial yesterday, Francis J. Henyey charged that:

Hall wanted reappointment as United States District Attorney and sought election of Senators Mitchell and Fulton to that end.

He forced State Senator W. W. Stelwer to vote for Fulton in February, 1902, by threatening Stelwer and others with criminal prosecution (Hall then being United States District Attorney) for illegal fencing of public lands.

Fulton was a party to this deal with Stelwer and used his influence in Stelwer's behalf to cause Hall to institute civil proceedings against Stelwer instead of criminal.

Brownell wanted to succeed Hall, and had pledged support from Mitchell and Fulton. Hall forced Brownell to retire and so to notify Mitchell and Fulton, by threatening Brownell with prosecution for acknowledging forged land papers, for which Brownell later was indicted through Henyey.

Hall threatened Herrmann, Williamson and Mitchell with land-fraud indictment if they did not secure his reappointment.

Hall had agreement with Stelwer, Zachary and Hendricks by which he allowed them to maintain their illegal fences, this being the alleged conspiracy.

Progress of Trial.

Hall says he and Mays will both take the stand in their own defense.

A. R. Webster, attorney for Hall, said that when his client first learned of the illegal fences in 1901, he notified Stelwer et al. that they must not fence Government land. Webster denied that Hall was actuated by ulterior motives, political or other.

Witnesses Putnam and King testified that they informed Hall by letter of the fences as early as March, 1900. The fences were not removed until 1905, after trial was ousted from office.

In his opening address yesterday in the United States Court Henyey fired his first fusillade in reply to United States Senator Fulton's demand that he substantiate his charges of corrupt acts by Oregon's Senator. Henyey alleged that Fulton exerted his influence with Hall, when the latter was seeking reappointment as United States Attorney, to cause a civil instead of a criminal prosecution to be brought against W. W. Stelwer, then State Senator, H. H. Hendricks and Clarence K. Zachary, on the charge of illegally fencing Government land.

Henyey reviewed in detail the conditions surrounding the election of both Senator Mitchell in 1901 and Fulton in 1902 and the part played by Fulton, Hall and the three co-defendants of the ex-United States Attorney, who have been named. Henyey asserted that Fulton owed his election in 1902 to Stelwer, who on the last night of the session deserted T. T. Geer and cast one vote that elected the Clatsop County man. It was this obligation Fulton owed Stelwer, alleges Henyey, that prompted Fulton to intercede with Hall to the end that Stelwer be prosecuted only in a civil suit, possessed of the knowledge of Stelwer's illegal participation in the fencing of public lands. Hall sought to control Stelwer's vote for both Mitchell and Fulton, says Henyey, threatening to prosecute the State Senator criminally if he failed to support them for United States Senator.

Used Whip on Brownell.

Henyey further pointed out that Hall, having learned that George C. Brownell, of Clackamas County, had the promise of Senators Mitchell and Fulton for District Attorney, succeeded in securing evidence that Brownell had acknowledged some public land documents to which the signatures had been forged. With this information, it was represented that Hall had gone to Brownell and forced him to withdraw from the race for District Attorney and at the same time to address a letter to Fulton releasing him from his promise to support Brownell. Hall informed Brownell, it was declared by Henyey, that if he did not drop out of the race, he, Hall, would have him indicted and prosecuted.

Afterward Hall went to Washington, further to consult with the delegation as to his reappointment, asserted Henyey, and on returning to Oregon in 1904, told Herrmann, Williamson and Mitchell against whom he also had evidence of complicity in the land-frauds, that if he was not reappointed he would have them all indicted.

Tells of His Probing.

indictments. He said the Government would try to prove that Hall, for at least two years, had an understanding amounting to an unlawful agreement or conspiracy with Stelwer, Zachary and Hendricks by which they were not prosecuted and they were allowed illegally to maintain the fence complained against in the indictment.

It was claimed by Henyey that the Butte Creek Land, Livestock Lumber Company was organized in 1889 by W. W. Stelwer, H. H. Hendricks and Clarence B. Zachary. The company bought out a number of the smaller stockmen and by causing a number of claims to be taken up at various points, so that fences constructed thereon connected with rim-rock and a natural bluff, succeeded in enclosing several thousand acres of government land in a range which was used exclusively for their own benefit.

Settlers' Pleas Ignored.

Individual settlers, it was charged, complained of the illegal fencing and wrote letters repeatedly to Hall, who was then



E. Benjamin Andrews, Who Has Resigned the Nebraska University Chairmanship.

Chancellor E. Benjamin Andrews, of the University of Nebraska, who has placed his resignation in the hands of the regents of the university, has been at the head of the university since April, 1906. He was formerly president of Brown University, and for nearly three years was superintendent of the Chicago public schools. When the fence agitation was at its height he was one of the most prominent writers and speakers in behalf of silver coinage.

District Attorney, but no relief was secured until about four years later, when the federal stockmen took their complaints direct to Washington and before Secretary Hitchcock.

Henyey said that the Government would first undertake to show that a conspiracy was entered into among Stelwer, Hendricks and Zachary and that it would afterwards be shown that Hall became associated with the conspiracy, knowing its purposes and participating in its benefit.

County Judge Webster followed Henyey and insisted that Hall was not notified of the alleged illegal fence until 1901, and that the law provides that such fences can be removed either through a civil or a criminal prosecution. In electing to proceed against Stelwer et al. in a civil suit, Judge Webster denied that Hall was actuated by political or any other considerations; that under the law it was optional with him whether the suit should be a civil or a criminal proceeding.

Hall Acted Promptly.

In answer to the Butte Creek Company's contention that it had the right to fence its own lands, he said Hall had notified its officers that they could not do so if such a fence would include government land also. He also said that Stelwer, representing the company, had informed Hall that if any of the fences had been unlawfully constructed, they would be removed.

Attorney Wilson finished the opening address, speaking for his client, Edwin Mays, who was a deputy under Hall. He said that as Deputy District Attorney, Mays had acted under the instructions of Hall and that his only connection with the fence case was that he had acknowledged the receipt of a few letters bearing on the subject. Following these addresses court adjourned until 2 o'clock.

Evidence Is Constructive.

The testimony offered by the prosecution is constructive in its character and is destined by Henyey to establish the foundation on which the conspiracy charge will be built. By the introduction of letters between Hall and settlers in Wheeler County, it is intended by the Government

(Concluded on Page 7)

HUGHES BOOMERS RAISE A STORM

New York Committee Stifles Them.

BUT THEY ROAR AND FIGHT

Majority Refuses to Allow Vote on Question.

CHEERS AND HISSES MINGLE

Parsons Prevents Action on Indorsement Amid Exchange of Personalities—Paige Says Hughes' Enemies Are Alas'd.

NEW YORK, Jan. 16.—An attempt to force consideration of the tabled resolution indorsing Governor Charles E. Hughes for the Republican nomination for President was defeated tonight at what was, probably the stormiest session in the present history of the New York Republican County Committee. After nearly three hours of debate, characterized by bitter invective, an adjournment for one month was taken, nothing more than routine business having been transacted.

A vote on the straight question of indorsing Mr. Hughes or any other Presidential candidate was never had. There was no doubt of the veiled issue, however, and the outspoken supporters of the Governor lined up squarely against those who are either friendly to the candidacy of Secretary Taft or opposed to an indorsement by the committee at this time.

Scheme to Kill Boom.

At its meeting in December the committee tabled a resolution indorsing Mr. Hughes as a candidate before the Republican convention. It was then understood that, while its opponents believed the launching of the Governor's candidacy, if not ill-advised, at least premature, definite disposition of the resolution would be made tonight. Preceding the session this evening, the executive committee met and a line-up showed an opposition to Mr. Hughes of 22 to 12. At this meeting it is said that an agreement was reached not to take up the Hughes indorsement at the session of the whole committee. It was agreed that after routine business a motion to adjourn should be immediately moved. As it had been figured out that the whole committee stood 42 to 37 against a Hughes indorsement, it was predicted that the meeting of the original body would be short.

Row and First Fight Followed.

The details of this plan, however, were hurriedly made known to the Hughes men and from the moment that Congressman Parsons, the chairman, called the whole committee to order there was trouble. William Halpin demanded that the Hughes resolution be taken up at once.

Mr. Parsons declared Mr. Halpin out of order, and the latter appealed. Events followed rapidly, and before the issue was settled, there had been a fist fight in the rear of the hall. During this time there were mingled cheers and hisses for President Roosevelt, Hughes, Taft and Foraker. Personalities were exchanged, and the excitement was general.

After the roll was called, the vote was announced as 32 yeas to 22 nays, a majority of 10 to lay the appeal from the chair on the table.

Afraid to Meet Issue.

When unfinished business was reached, ex-Assemblyman Ezra Francis moved adjournment to the regular February meeting. Senator Paige moved to amend, making the adjournment for one week. Speaking on his amendment, Mr. Paige said he wanted early action on the Hughes resolution. "Why are you afraid to meet that issue," he said, "if there is another man, for heaven's sake, name him." This challenge was greeted with cries of "Taft, Taft."

Mr. Paige's amendment was eventually

lost and the motion to adjourn for one month was carried.

SUSPEND HOSTILITIES IN OHIO

Various Factions Will Recognize "Regular" Committee.

CLEVELAND, Jan. 16.—Temporary peace prevails today among the Taft, Foraker and Roosevelt followers. Secretary of State Thompson and the state central committee decided that the best policy would be to recognize the "regular" committee for the time being. All of the convention calls will be withdrawn by agreement and a new call issued by the "regular" committee.

No Election in Kentucky.

FRANKFORT, Ky., Jan. 16.—Balloting for United States Senator in joint session resulted as follows: Beckham, 66; Bradley, 64; scattering, 4; absent, 3.

Irish League Elects

DUBLIN, Jan. 16.—At a meeting of the



Regis L. Post, Confirmed by Senate as Governor of Porto Rico.

WASHINGTON, Jan. 16.—The nomination of Regis L. Post, to be Governor of Porto Rico, was today confirmed by the Senate as were all the other Porto Rico territorial nominations.

United Irish League yesterday, John E. Redmond was elected president. A report was submitted showing that more than 1200 evicted tenants had been reinstated during the last three years.

CONTENTS TODAY'S PAPER

The Weather. YESTERDAY'S—Maximum temperature, 30 degrees; minimum, 42 degrees. Rain; southwest winds. TODAY'S—Rain; southwest winds. Foreign. Japan denies there is any secret about location of fleet. Page 4. National. Taft discusses Canal affairs with Senate Committee. Page 6. Portland leads Pacific ports in wheat shipments. Page 5. House Republicans stand firm against amendments to penal code against political corruption. Page 6. Revenue cutter ordered to mouth of Columbia. Page 5. Harriman ordered by Federal Court to answer disputed questions. Page 1. Politics. Roosevelt will fight Senators to finish on rejected appointments. Page 1. New York County Commission has not sight on Hughes boom. Page 3. Domestic. Nevada Legislature adopts petition for retention of troops. Page 6. Mrs. Metcalf tells her wrongs suffered from Hamill. Page 6. Wool growers elect officers and criticize Roosevelt's land policy. Page 4. Letter written by Thaw's mother in his hospital, shows she feared insanity. Page 7. Well-known Sphorishian man wounds Des Moines attorney. Page 5. Pacific Coast. Revenue cutters go in search of British ship Harfield, reported wrecked off Vancouver coast. Page 12. Halsey woman caught shoplifting in Albany. Page 12. Girl of 15, dressed as a boy, elopes with hired man. Page 12. Commercial and Marine. Portland and Tacoma wheat quotations. Page 17. Wheat closes strong and higher at Chicago. Page 17. Violent reaction in stock market. Page 17. Schooner Queen from Tillamook for San Pedro, in distress 100 miles southwest of San Francisco, aided by the Thyra. Page 12. Portland and vicinity. Oregon politics figure in Hall case, according to Prosecutor Henyey. Page 1. Columbia River salmon fishermen in bitter strife. Page 10. Portland grocer captures Salt Lake murderer. Page 12. Louis J. Wilde offers \$50,000 to assist merchants National Bank to reopen. Page 10. Owls will remodel constitution and by-law. Page 11. Colonel rates assured for next Spring. Page 11.

ROUSED TO ACTION FROM ITS SLEEP

Railroad Board of California Awakens.

WILL INVESTIGATE REBATES

Even Boss Herrin Is Called On to Testify.

PRODDED BY THE PEOPLE

Creatures of Harriman Try to Shirk Inquiry Into Railroads' Crimes, but Attorney-General Sweeps Away the Only Excuse.

SAN FRANCISCO, Jan. 16.—(Special.)—After 29 years of quiescent obedience, the State Board of Railroad Commissioners flew full into the face of the Southern Pacific Railroad today and ordered a searching investigation into the rebating proclivities of the Harriman lines, the Santa Fe and the Salt Lake road. At the same time the board, with the assistance of Attorney-General Webb, passed the responsibility for efficacious action to the door of Governor Gillett. It lies with the chief executive to authorize the expenditure of the money that such an investigation will cost, and Mr. Gillett has no alternative but to choose squarely between the people and the railroads.

Put Herrin on Carpet.

The sudden awakening of the board has developed a unique situation. The State Railroad Commission has always been the object of tender care on the part of William F. Herrin. Now the Commission has suddenly decided to put Mr. Herrin and his associates on the carpet.

The impetus for the investigation came from Colonel H. D. Loveland, the newly-appointed member of the board. The long list of rate discriminations on state business developed at a recent hearing of the Interstate Commerce Commission has been placed before the state board.

The evidence against the Southern Pacific is conclusive. The constitution of the state provides a fine up to \$20,000 for each violation of the anti-rebate law and also provides for the imprisonment of the officers of the railroad who arranged the rebates.

Prodded Into Action.

Public opinion has prodded the Commission to the point where it was forced to act, reluctant as it was to do so. In an attempt to shift the responsibility, the Commission stated that it did not fully understand its powers and that it had no money with which to go ahead.

Attorney-General Webb was called on for an opinion and today sharply criticized the board for its inaction. He informed the Commission that it had full power to go ahead. The funds for the investigation, he said, could be voted by the State Board of Examiners.

HARRIMAN MUST MAKE REPLY

Federal Court Upholds Inquiry Into His Stock Deals.

NEW YORK, Jan. 16.—Judge Hough, of the United States Circuit Court, handed down today an opinion directing Otto H. Kuhn, a member of the banking firm of Kuhn, Loeb & Co., to answer all questions propounded to him by the Interstate Commerce Commission. E. H. Harriman was directed to answer all

questions except those relative to the purchase of Union and Southern Pacific stocks in connection with the dividend of August, 1906.

While the exceptions were regarded as important quotations by the Government lawyers who were investigating the Chicago & Alton Railroad organization, they constituted only a small proportion of those that Mr. Harriman refused to answer.

The clash between the witness and the Commission occurred February 23 of last year. For several days the investigators had been endeavoring to get at the bottom of Mr. Harriman's manipulations connected with the Chicago & Alton. The question that marked the beginning of the controversy was this: "Did you own any of the Chicago & Alton preferred stock sold by the syndicate to the Union Pacific?"

Why Harriman Kept Silent.

Immediately the railroad president's lawyer, John G. Milburn, contended that the inquiry was not within the scope of



Rev. Algernon S. Crapsey, who will meet M. M. Mangasarian in Religious Debate.

Rev. Algernon S. Crapsey, who has agreed to defend in debate with M. M. Mangasarian on the night of January 21, the reality of Jesus as a historical character, was for 25 years rector of St. Andrew's Episcopal Church in Rochester, N. Y. In November, 1906, he was suspended from the church by the ecclesiastical court of review until he should recant his views, which were pronounced heretical. Dr. Crapsey holds that the founder of Christianity did not work miracles, had a human father and rose to heaven in the spirit only, not in the flesh. He is 51 years old, of simple tastes, an ardent student and a worker among the poor and sick.

The rejection by the Senate of Presidential appointments in Ohio at its investigation of Senators Foraker and Dick have brought the patronage question to a focus. If Messrs. Foraker and Dick want war, they are to have all they desire of it from now until they get tired, which may be until after the Republican National Convention in June. If Senators in other states want the same kind of war, they can have it. There are indications that the Ohio situation may be repeated in some other states, particularly in New England, where certain Senators insist that appointees to Federal positions shall be opponents of the President and his administration.

Roosevelt Conveys Hint.

The President discussed the ethics and the practical side of patronage with several callers today. To his visitors he stated that he does not consider the sole qualification of a man holding Federal office to be the fact that the man is an opponent of himself and of his policies. This subtle allusion to the position taken by Messrs. Foraker and Dick was quickly appreciated by White House callers. The news penetrated to Capitol Hill in short order and caused Senators Gallinger and Burnham, of New Hampshire, and some others to sit up and take notice.

It became known that the President has plans in mind for engaging in the fight inaugurated by the Ohio Senators. The plans have not been divulged in detail, but in a general way may be stated as follows:

President's Line of Action.

First—Men of the President's choice will be nominated to replace the appointees turned down by the Senators.

Second—if those appointments are rejected, still other persons who belong to the Taft faction will be named.

Third—if the Senators persist in their war, it will lead to the compulsory removal of Foraker partisans from Federal positions.

Fourth—if the war be prolonged, the executive power to make recess appointments under Congress adjourns will be invoked.

Fighters Who Give No Quarter.

Two fighters that neither give nor take quarter—President Roosevelt and Senator Foraker—are pitted in a fight that may make the preceding battles between them seem decidedly tame.

Before the patronage war has proceeded much farther, the eyes of the country may be turned toward New Hampshire, Messrs. Gallinger and Burnham have been rigging their state against the Roosevelt policies, the same as Messrs. Foraker and Dick have done in Ohio.

WALSH JURY STILL OUT

No Prospect as Yet of Verdict in Chicago Trial.

CHICAGO, Jan. 17.—Ten hours after the jury which is considering whether John R. Walsh was guilty of misappropriating funds of the Chicago National Bank, had retired, no word had come to the waiting attorneys and court attaches that a verdict was in prospect.

Need Not Advance Expenses.

WASHINGTON, Jan. 16.—The House committee on military affairs, which is considering the Army appropriation bill, today gave attention to the prevailing system of expense allowances under which officers on duty in Alaska frequently are compelled in obeying orders to pay out of their own pocket the bulk of their traveling expenses. Chairman Hull gave assurances that this would be corrected.

HARRY MURPHY FILLS A FEW PAGES OF HIS NOTEBOOK AT THE HALL-MAYS TRIAL

