

LAND FRAUD TRIALS OR GRAND JURY UNTIL FEBRUARY

Heny Wires That He Is Unable to Reach Portland January 1, As Expected.

GILBERT GETS THE NEWS

Judge is Notified Today of the Prosecutor's Intention Not to Return From Washington at Once.

BRISTOL THINKS PUTER IS HOME IN BERKELEY

District Attorney Makes Surprising Statement on Return From Mysterious Mission Which Has Occupied Him for Three Weeks—Investigated California Land Frauds.

Francis J. Heny will not return to Portland until the last of January, and the land fraud trials in Oregon will not be resumed until February.

It was the intention of Mr. Heny to return to Portland about January 1 and take up the land fraud prosecutions as quickly as a jury panel could be secured.

It was in accordance with this plan that William C. Bristol was appointed United States district attorney four weeks ago, the intention being that he should take charge of the presentation of evidence to the grand jury while Mr. Heny was engaged in the trials.

It is now unlikely that a grand jury will be convened before February.

District Attorney Bristol, who has been absent from the city for over three weeks, returned this morning.

"I have been in northern California looking into land fraud matters," he replied when asked about his trip. "But I can't tell you anything more at present. As yet I haven't had time to get back into the harness."

When asked whether he had seen or heard anything of S. A. D. Puter, Mr. Bristol replied: "I didn't see him, but I have my own opinion as to where he is."

When pressed for information on this point, the district attorney added: (Continued on Page Two.)

LANDS BARRED FROM ENTRY

General Land Office Takes a Hand in Walla Walla and North Yakima Enterprises by Withdrawing Area.

VIGOROUS EFFORT FOR MALHEUR PROJECT

Senators Fulton and Gearin to Make Hard Fight to Get Department to Go Ahead With Work of Reclamation in Malheur County and Elsewhere in State.

(Washington Bureau of The Journal.) Washington, D. C., Dec. 28.—The commissioner of the general land office today ordered withdrawn from settlement 299,520 acres of land in the Walla Walla district and 457,760 acres in the North Yakima district. The lands are to be used in connection with Washington reclamation enterprises.

Senators Fulton and Gearin do not intend to allow the Malheur irrigation project to be dropped without a vigorous effort on their part to have it taken up and consummated.

As soon as Secretary Hitchcock recovers from the illness which now prevents him giving personal attention to business, it is the intention of the senators to see him and urge him to make further efforts to reach an agreement with the private land owners under the project, so that work on it may be commenced.

It is believed that the misunderstandings which arose over the Malheur project have been largely removed, and that some of the most important objections urged by Secretary Hitchcock are no longer of any force. The concessions made in the case of the Umatilla project encourage the Oregon senators to hope for ultimate favorable consideration for Malheur.

A powerful argument and one of which they will make effective use is the fact that Oregon has received so little of the irrigation fund in proportion to the amount she has contributed. There is a manifest inconsistency in promoting irrigation projects in states which have contributed comparatively little to the fund, while Oregon, whose secretary Hitchcock's attitude toward Oregon is more favorable than it was.

J. C. FLANDERS, WHO MUST ANSWER CONTEMPT CHARGES, NOT SCARED

Injunction Issued Saturday, But Portland and Seattle Crews Worked Night and Day Sunday and Christmas Establishing Grade—Both Eager for the Fray.

"We are not greatly disturbed by the efforts of rival companies on the Peninsula to punish us for contempt of court. I did not go to Tacoma on that business, as reported," said J. Couch Flanders, local managing director of the Portland & Seattle Rapid transit, who returned this morning from a conference at Northern Pacific headquarters in Tacoma.

"Yes, I have been cited to appear in court January 3, on the charge of contempt. We will make our answer in court."

Prison bars that are said to threaten Mr. Flanders, evidently have no terrors for him. He gave no intimation as to the line of defense on the part of the Portland & Seattle, and had nothing to say as to the company's plan for future operations on the peninsula. He said he had no knowledge of the movements of men under employment there, and had nothing to do with that department of the work.

Injunction Secured. Late yesterday afternoon the O. R. & N. company secured an order from Judge Fraser, citing J. Couch Flanders to appear before him January 3 and show cause why he should not be punished for contempt in permitting a violation of the injunction issued last Saturday to stop construction work on the Portland & Seattle at a grade crossing on the College Employment association tract on the peninsula. The injunction was in favor of the O. R. & N. company, which seeks to secure a prior location of its grade establishing the site of said crossing.

The survey of the rival companies around the peninsula follows lines that differ four or five feet in altitude, and if the Hill people succeed in establishing the first grade it will determine practically the grade of the O. R. & N. company's entire Troutdale extension and cause it to raise its track for several miles at a heavy expense, to effect a crossing of the main line by which trains of the Northern Pacific and Great Northern are to run between the proposed bridges over the Columbia and Willamette rivers.

The Hill companies, on the other hand, are fighting to establish the grade according to their survey, to enable them to reach these bridges on a level track, and should the Hartman lines succeed in establishing the grade at the contested crossing the entire survey between the two bridges would have to be modified. The stake that lies behind the game on the peninsula is a heavy one in construction cost. It is claimed by the Hartman people that they had rights of way across the Maegly tract, owned by the College Employment association, prior to the date the Portland & Seattle secured title to its strip intersecting the said right of way. It is asserted that on the evening of December 21 the Portland & Seattle Railway company entered upon the premises with full notice that the O. R. & N. company was the owner and holder of a right of way by virtue of location and survey, and laid rails, which are said to be light in weight and such as are used for tram roads, and that said company threatens to excavate and construct an embankment for the purpose of a railroad.

Worked Night and Day. The service of notice on J. Couch Flanders last Saturday, enjoining the company from such construction did not stop the work. It is alleged a force of men under Foreman A. M. Dussault continued work night and day through Sunday and Christmas day following, and when a deputy sheriff, with injunction papers reached the ground Tuesday noon they had thrown up a light trestle and bulkheaded embankment, and laid a narrow gauge road a distance of about 100 feet.

Attorneys for the O. R. & N. Co. seek to offset the effect of this action in the establishing of the permanent grade of the rival lines, by showing that the work was done under the ban of the court. The state law provides that any railroad may cross the tracks of another railroad, but must do so at the established grade. To establish legally a permanent grade, it is said, there must be actual construction of a railroad track over the ground, at a designated altitude.



Mrs. Frank W. Brouwer, Believed to Have Been Murdered.

DEATH BY POISON WON'T PROSECUTE SUSPECTED J. R. WALSH

Wife of a New Jersey Doctor Dies Under Peculiar Circumstances. Secretary Shaw Says Depositors in Smashed Banks Are Fully Protected.

ONE PHYSICIAN STRANGELY MISSING

Certificate of Death Gave Bright's Disease as Cause, But Autopsy Shows Different Cause—Searching Investigation Under Way.

(Journal-Special Service.) New York, Dec. 28.—Unceasing efforts are being made to clear up the mysterious circumstances surrounding the death of Mrs. Carrie Brouwer, the wife of Dr. Frank R. Brouwer of Lakewood, New Jersey, whose relatives declare that she was poisoned. Mrs. Brouwer was the daughter of Isaac Hyer of Lakewood, where she was a school teacher in 1895, when she met Dr. Frank R. Brouwer, who had just been graduated from Jefferson Medical college in Philadelphia. They were married and moved to Tom's River, near Lakewood, where he established a practice. They lived happily until three years ago, when Mrs. Brouwer accused her husband of paying too much attention to a young woman patient. There was talk of a divorce, and Dr. Brouwer consulted a lawyer for this purpose, but proceedings were dropped.

Mrs. Brouwer died on September 25 last, after an illness of 11 days. Dr. Brouwer attended her part of the time. Dr. Henry H. Cate of Lakewood, who appeared about a month ago, was called in by Mrs. Brouwer. He had borrowed \$600 from Mrs. Brouwer a year ago, giving as security a bill of sale of his household and office furniture. Dr. Cate was not present when Mrs. Brouwer died, but he signed the death certificate, giving acute Bright's disease as the cause of death.

Statements made by two nurses after Mrs. Brouwer's death caused her brother, Y. E. Hyer, of Long Branch, to demand an investigation. The county authorities refused to grant his request, but he persisted and the case is now likely to be sifted to the bottom. Detectives of an insurance company, in which Mrs. Brouwer was insured for \$1,000, joined in the investigation. They discovered, it is alleged, that Dr. Cate signed the death certificate according to Dr. Brouwer's wishes. The sudden disappearance of Dr. Cate adds another element of mystery to the case.

The body of Mrs. Brouwer was exhumed and an autopsy held, which showed conclusively that she did not die of Bright's disease. The autopsy further showed that death was not due to spinal meningitis, appendicitis or aneurism, such as might have been indicated by Mrs. Brouwer's symptoms during her final illness. The examining physicians found an inflammation of the stomach and bowels and fatty changes in the liver, pancreas, lungs and kidneys. They failed to state in their official report of the autopsy what, in their opinions, had produced these conditions. Specimens of the organs were removed and will be submitted to an expert for chemical and microscopic analysis in order to determine the true cause of death.

FOUR SISTERS DEAD AND TWO MORTALLY ILL

Prediction of Aged Florentine Meuret Made Two Weeks Ago Coming True.

(Journal-Special Service.) Chicago, Dec. 28.—Fourth of the aged Meuret sisters, who prayed that they might die together, has died within a week, when Marlan Meuret expired yesterday. Pneumonia caused her death. Two other sisters lie mortally ill. The four sisters who have expired in the last seven days in a little cottage on Chestnut street, where their aged father Joseph, built a shanty years ago, when Chicago was a village, are: Jane, a spinster, aged 89, and known as the baby sister, died Wednesday; Magdalene, widow of a man named Quinn, aged 79, expired early yesterday; Florentine, a spinster, aged 72, died soon after Magdalene; Marlan, spinster, aged 78, expired today.

These are the sisters that are dying: Genevieve Dieter, aged 72, dying in Kosuth county, Iowa; Margaret Dieter, dying in West Chicago of pneumonia. The death of the entire family was predicted two weeks ago by Florentine.

John H. Phillips Dead. (Journal-Special Service.) Denver, Colo., Dec. 28.—John H. Phillips, aged 39 years, a well-known newspaper writer, died here today of pneumonia. Mr. Phillips was a native of Chicago and was well known in San Francisco, where he was engaged in newspaper work for some time.

PAYN IS AGAIN ON STAND

Ex-Superintendent Explains to Armstrong Committee Why He Employed Special Counsel.

DENIES THAT HE EVER TOOK FEE OR RETAINER

Brands Statement That He Received Forty Thousand in Connection With Mutual as Unqualified False—New York Life to Make Demand on Hamilton for Accounting.

(Journal-Special Service.) New York, Dec. 28.—Louis F. Payn, ex-superintendent of insurance for the state of New York, resumed the stand before the insurance legislative investigating committee this morning. Payn in reply to a question said that he had several times employed counsel, stating that he did not go to the attorney-general's office because one official could make but one opinion. A year later there would be a change and the new attorney-general would make still another, and that he went outside to secure counsel, where he personally knew that attorneys were honest and capable.

The investigation then touched upon the admitting of the Prussian companies to do business in the state. Payn said that President McCurdy called him up the day before the report admitting the Prussian companies was filed. Payn said he told McCurdy that he would send an attorney to see him, but that the report would be filed without change. He was interrupted here by Inquirer Hughes, who remarked that it was reported that Payn received \$40,000 in connection with the Mutual Reserve. Payn indignantly replied: "It is unqualifiedly false in every particular. The report grew out of the fight between Burnham and Wells. I was paid absolutely no money in that or any other matter. Any man who came to me with such a suggestion would be fortunate to get out of my office with his head on his shoulders. I never accepted money as a retainer, nor a fee in any shape from any insurance company."

Payn's attorney said that he called upon McCurdy, who was asked if there was any reason why the report should not be filed. The incident was closed, and no amount of money was mentioned.

In his testimony delivered yesterday evening in connection with the Mutual Reserve, Payn said that he had been opposed by President Burnham of the Mutual Reserve, and that he had tried to get him out, because he thought Burnham was crooked. He said that he went into the department he occupied for three years with no knowledge of the life insurance business, and when he left it, in February, 1904, but little more. He followed the precedent of the department, and left the direction of examinations to the chief examiner. Among the companies not examined during his administration were the Equitable, Germania, Home, Manhattan, Metropolitan, Washington Life and United States, but that, at the request of President McCurdy, the Mutual Life was examined.

Despite the assertions of Andrew Hamilton in his statement made yesterday that by defeating adverse legislation he had saved the New York Life company \$2,500,000, and that the total money received by him from the year 1892 to 1905 was \$720,550, the New York Life investigating committee, of which Thomas P. Fowler is chairman, does not accept the report on legislative expenditures satisfactory.

Before the report was given to the Armstrong committee the New York Life committee made a careful perusal of the report.

An accounting is to be asked from Hamilton by the New York Life committee, independently of the investigating committee, and if this method fails, President John A. McCall will be asked to make good his pledge to refund to the company the \$235,000 given Hamilton in 1904.

(Journal-Special Service.) Charlottesville, Va., Dec. 28.—No word has been received here today from President Roosevelt. The stenographers and secret service men are under orders to await the president here. The only line of communication to the Roosevelt plantation is a telephone line to an adjoining plantation, and it is closed to the public. It is believed the president has followed the morning to hunting rabbits with his son.

Twenty-Two Killed by Avalanches. (Journal-Special Service.) Lahore, India, Dec. 28.—An avalanche this morning fell on a camp of native soldiers under the command of Captain Knolly. Twenty-two of the soldiers were buried under the avalanche and killed. Captain Knolly had a narrow escape. He was caught in the fall, but was rescued by the guards.



Alice Roosevelt's Hand, Showing Her Engagement Ring.

STOOD ON HEAD TO SHOW COURT

Midshipmen Give Practical Demonstration of Annapolis Hazing.

TRIAL OF CADET COFFIN IN PROGRESS

One Cadet, Who Witnessed Hazing, Refused to Testify Until Told He Would Not Incriminate Himself—Defendant Not Identified.

(Journal-Special Service.) Annapolis, Md., Dec. 28.—Midshipman Tremors Coffin, Jr., third class, of Nevada, Ohio, Dec. 28.—An offer of \$100,000 for "The Education of Mr. Pipp" and a five-year contract with Digby Bell has been made to Daniel V. Arthur, the New York theatrical manager, by Mayor Tom L. Johnson of this city, according to the latter's close friends. It has been known for a long time that the mayor was anxious to star his daughter, Hattie, who is known on the stage as Elizabeth Flournoy, and a year ago offered George Hart a large sum if he would give up his opera-house here and manage her production, starting her. Johnson refuses to discuss the report. It is said Miss Johnson would like to take the part of one of the Gibson girls.

TOM JOHNSON ANXIOUS FOR THE ANGEL ROLE

Cleveland's Mayor Said to Want to Start His Daughter on a Starring Tour.

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FATHER GAPON GAMBLES TO SET RUSSIA FREE

(Journal-Special Service.) Nice, Dec. 28.—Father Gapon is at Monte Carlo, where for several nights he has been a constant patron of the gaming tables. It is reported that he has won large sums and that he states he will devote his winnings to the cause of the Russian workmen.

MEMPHIS VERY QUIET

Wants One Receiver Removed and Another Appointed to the Place. Memphis, Tenn., Dec. 28.—Nearly a ripple appeared in the financial circles this morning. A bill was filed asking for the removal of Receiver John P. Edmondson, appointed yesterday for the Merchants' Trust company, and requesting that another be appointed.

STANDARD OIL PLAYS A SURE-THING GAME

Controlling Most of Money in Banks of Country, It Is Safe in Anything, While Calling of Loans Merely Throws the Lambs Into Its Clutches.

(Journal-Special Service.) New York, Dec. 28.—Call money broke all records since December, 1899, this morning, when it jumped to 125. A loan of \$400,000 was made on this basis at 11:30 o'clock.

In 1899 call money reached 150. The demand for money today started within 15 minutes after the opening. A loan of \$100,000 was made early at 30 per cent. Immediately afterward bids rose rapidly. Requests at 40 and 50 per cent brought no response. At 60 per cent one loan of \$200,000 was made. A third loan was made at 70 and a number at 75. After touching 125 per cent the rate dropped back to 90.

From 90 per cent the market again became strong and went back to 100. Then it weakened very suddenly and dropped sharply to 80. Then to 60 per cent the rates dropped, and then back to 80 per cent. From 65 per cent the rates went at easy stages until 45 was reached again. A sudden weakness of this figure sent the quotation off to 50 per cent. Then the price broke to pieces and the bottom was reached at the close at 4 per cent.

Hot Battle on the Floor. Things were tropical in the stock market during today's session. There was an attempt made at the opening by the bulls to boost the figures, and early trades were at a sharp advance. Then something went wrong with the bull machinery and a sharp reaction sent the prices down about 1 1/2 points on an average.

Never was such heavy purchasing orders seen in this market as for copper stocks. The selling was very heavy, the total sales for the day amounting to nearly a million and a half sales. Despite all the offers, shares for as long as the timid ones, there was not enough of these to fill the demand—that is on the surface. The great buying of copper was the direct cause of the heavy advance in the money rates.

For the day Anacostia copper stock shows an advance of 23 quarter points, while the big company's issue—the Amalgamated—advanced 23. In line with these upward movements the entire stock market was boosted by the professionals and the closing was up several points all around.

The smelter and steel stocks were among the more prominent features of today's trading. American Smelter advanced \$2.75 in the common, and \$1.50 in the preferred. Virginia Chemical had the heaviest advance for the day, there being a rise at the close of over 25 over the closing of the previous session.

In financial circles there is a strong feeling that Secretary Shaw will place about \$25,000,000 at the disposal of the New York banks to tide over the present stringency.

The bullish opinion of Brooklyn Rapid Transit is said to be due to the fact that the company has made a report to the directors of the New York stock exchange that for the past five months the company was well able to pay 5 1/2 per cent dividends on its stocks.

Standard's Sure-Thing Game. New York's understanding of the money situation is that the bank of the reserves will be depleted by the loans made in the big bull stock market, and that the situation will continue until the reserves get down to the legal minimum—Standard Oil and its far-reaching influences control 40 per cent of the bank deposits of the country, and is in a position to take care of loans it makes to itself, but the outsiders are dependent on the banks. The calling of loans forces the outsiders to throw their stock holdings on the market. The action in running up the money market is claimed to be aimed at the followers of Lawson, but it is reported that Lawson so far is unharmed.

Lawson today continued to issue bulletins on copper. This morning he charged that the reports of new copper ore said to have been discovered in Arizona is a trick that is being played, and that the ore in Anaconda is ore that was carried into it through tunnels from the Amalgamated mine. He prophesies a sudden decline in Anaconda when the scheme becomes known, and adds that the same plan of transferring ore has been done before.