

CRIME IS RESTORED

Land-Fraud Trial Now Up to Defense.

LOOKS BAD FOR ACCUSED

Prosecution Closes With Convincing Testimony.

VERBAL BATTLE OF LAWYERS

Judges Bellinger and O'Day, Together With Mr. Heney, Engage in Spirited Argument Over Statements of Witness.

What is so pitiful as the shame of an honest heart, tempted and fallen? What so sorrowful as the spectacle of a strong man broken by guilt and shame? What so sight so sad as the hollow eyes, the stricken face, the furtive glance of the man who has sinned, and, uncovered, faces his sin?

Heldecke is Called. When the morning session opened Francis J. Heney called the name of J. A. W. Heldecke, the woodsman whose signature has figured so prominently on the affidavits made to the Government in the reports of C. E. Loomis and S. B. Ormsby, in which the mitigation of the various claims and the truthfulness of the proofs was affirmed.

The witness stated that he had been a resident of Detroit for several years; that he had served as an employee in the surveying party at the time the liner were run through the township now the center of battle, and that he was known in all of the settlements of that district. On the other hand, he denied that he had ever seen or known any of the fictitious entries who had secured lands in township 11 south, range 7 east, section 14, in 1882. He had been subpoenaed as a witness before the grand jury in March last, but not before. He mentioned the names of all of those who had proved up and lived on their claims, mentioning the names of Robert Pierce and his sister, John D. Daly, Wilson, Horn, Glenn Hunt, Bowman, Bushey, Walker, J. H. Smith and several others. He had made a preliminary to the bomb that was exploded in the camp of the enemy, however.

Mr. Heldecke had also known D. W. Tarpley and had learned to know him well. In answer to a question as to when he had met Tarpley the witness said: "I met Tarpley at Detroit in the Spring of 1891 as I was going to my house. He came up on the train, and he wanted me to go to Albany with him. I asked him what he wanted me to do, and he said not to mind, but that he would pay my expenses and allow me for my day's work."

The witness stopped in his story and was told to proceed by the attorney for the Government. "I went with him," he said. "I got into a car and sat on one side and Tarpley on the other. After the train had reached Albany we went to the hotel and in the evening Tarpley came and Tarpley introduced him to me. We talked for a few minutes and Tarpley said, 'Come up to my room.'"

"Did you go to the room?" questioned Mr. Heney. "Yes, we went up and Tarpley said: 'I and some of my associates have bought land in your country and some have made complaints. I've asked you if you knew anything about it, or if I knew who had made the complaint. He said that if he lost the lands he would buy no more timber up there.'"

"Did you see McKinley while you were in Albany?" asked Mr. Heney. "While Puter and I were talking McKinley came into the room and said, 'Are you going to Eugene?' Puter said, 'No, what is going on up there?' and McKinley said that there was a live corpse up there and then left."

"What happened next?" was the next question. "We went to a saloon. Puter asked for Dan Tarpley in one of the saloons and after I had had a beer with them I went to bed. The next morning Tarpley paid my hotel bill and Puter gave me \$5 to find out who had made complaint against the land. I went home and tried, but could not find out."

"Did you ever hear from Puter again?" questioned Mr. Heney. "I got several letters from him," answered the witness. "But after the thing turned out as it did I burned them all up."

"Did you see him again?" "Yes, I went to Eugene and met Puter at the Revere House. We went out on the street and sat on a box. He said that a special agent was going up to the land and that he wanted me to go up with Loomis. He said he would give me \$100 and a personal check for \$50 if I would go up with Loomis and get those things straightened out."

I told him that I would not do it and the conversation ended." "Did anything else happen?" asked Mr. Heney. "The next morning I went to the hotel to meet Puter and we went to the train. As the train was getting ready to start he pulled out a lot of money and put \$100 in my hand, saying to go the best that I could. He had set the date that Loomis was to be up there and when he came I met him at the train and told him that I was to take him out over the land."

"Then what did you do?" queried the examiner. "We went to Mud Lake and camped during the night. The next morning we went to Horn's place, and as we were going along Loomis said he had fallen and hurt himself. We had started to the timber place, but Loomis said we would not go over there. I asked him about the report, and he said that I knew about as much about it as he did."

"Next we went back to the Peasly place," continued the witness, "and I asked Loomis if he was going to examine any more of those claims. He said, 'You may as well put me to bed, but I told him yes, but that I didn't like it.'"

"Loomis said 'Mum is the word. I am a special agent and the Government is after me. I asked about Ormsby and the rangers, and he said that Ormsby had no kick coming.'" "What did you do then?" further questioned Mr. Heney.

"Loomis got a plat of the township and asked me where to put the cabins. I took a pencil and marked on the map where the cabins were to be. He said 'Did you do anything else on that trip?' was the next question of the Government."

Jacob's Signed Papers. "Loomis said he wanted to go to Eugene, and we started back to Detroit. We went to Jacob's store and Loomis said to me 'Jacob was going to sign some of the vouchers and while he was making them out some people came into the store. Loomis said that there was a crowd of an audience and we went into the back part. We were out two days and he gave me \$5. Afterwards he sent me \$10.'"

"Loomis told of a trip into the valley which wound up at Salem. "Who did you see there?" asked Mr. Heney. "I met young Ormsby on the street. He told me that there was a letter for me in the office at the State House. It was written in the care of S. B. Ormsby. Then I went down town and met Dan Tarpley. McKinley, I said to Dan, 'I have been waiting for Loomis and now I have got a letter from him, and he is in Detroit.' Tarpley said that McKinley could find him for me."

"After that I went into Talking-tail's saloon and found Tarpley, McKinley and Basil Wagner in a box there. McKinley told me to go to the Willamette Hotel. He said then to me 'I told you that I could find Loomis at Albany.' "Did you go to Albany?" questioned Mr. Heney.

"Yes," replied the witness, "and Loomis filed out a lot of papers and I signed them. He gave me some of them and asked me to get the Thomas boys to sign them. I said that the boys might kick and Loomis said that it was all right. He had taken the money and could tear off the ends if they didn't want to sign."

"Did you get the Thomas boys to sign?" asked the prosecutor. "Yes, they signed with a cross."

The witness then was shown the Loomis reports and identified his signatures on all of them. He denied each and every statement contained in them in regard to the cultivation and settlement of the land. He further testified that he had given the Thomas brothers \$10 each for signing the papers he had taken to them, after which he had sent them to Oregon City to Loomis.

The witness also told of having met Ormsby at Albany, at which time the Loomis report told him that the whole work of investigation had to be some other again and that he wanted Heldecke to help him. The witness stated that he had slipped off and gone to Independence in order to get away from Ormsby.

Got Letter From Puter. Then he told of having received a letter from Puter, in which it was stated that Tarpley would be up a little ahead of Ormsby, and that the witness had better go with them on to the lands. "Did you meet Tarpley?" asked Mr. Heney. "The witness said he had. 'I told him that I did not want anything more to do with the land, and he said that the best thing to do was to buy the thing and let it be all right. He pulled a draft out of his pocket, and said I could have it if I got the thing straightened up.'"

The witness told of having met Tarpley at Salem at a later time, when they went to the office of S. B. Ormsby and signed the affidavits in the Ormsby report. "Ormsby said, 'I want you to swear to these,'" said Mr. Heldecke, "and I told him that I did not want to do it; but I did."

The prosecution then read each and every one of the Ormsby reports to the witness, and he denied the truth of every statement relating to the cultivation and settlement of the lands.

At the opening of the afternoon session the court advised that the jurors who had been called by special venire, be present for service on December 12, as, in the opinion of the court, that would be the earliest day upon which the next case could be called. The Marshal was therefore ordered to notify all those who would serve under the extra call to be present on Tuesday of that date at 10 o'clock in the morning.

After this business had been transacted the case of W. H. Heldecke was resumed by the prosecution. The witness, continuing, told that Ormsby, the superintendent of the forest reserve, had held out inducements to him to enter into the scheme to make the false affidavits.

Heldecke on the Stand. "He said he had a letter from the department," continued Mr. Heldecke, "telling him that he had reasons to believe that there was timber cutting going on in the forest reserve and that they wanted Ormsby to recommend a competent man to see about it. He said that I could take it, and Ormsby sent blank applications to me, which I signed."

ANGRY AT HENEY

Mitchell Feels He Is Being Wronged.

TELEGRAMS ARE GARBLED

Senator Objects to Being Mixed Up in Land Frauds.

MAY HAVE BEEN DECEIVED

He Had No Reason to Question the Veracity of Puter, and Fails to See Why He Should Divulge Name of Attorney.

OREGONIAN NEWS BUREAU, Washington, Dec. 2.—Senator Mitchell was greatly surprised, and considerably angered, to read in the Washington Post this morning a dispatch from Portland containing garbled extracts from telegrams which recently passed between himself and Assistant Attorney-General Heney, one of the Government prosecutors in the land fraud cases. Senator Mitchell is indignant to think Heney would make public this correspondence, and doubly incensed because he believes those portions of the dispatches printed in Washington were so garbled as to reflect very pointedly upon him, and give the impression that he himself is mixed up in the pending land fraud cases.

It was first supposed that the dispatch printed here was an Associated Press story, but this proved not to be the case, and inasmuch as it was not sent by the Post's correspondent, the only assumption remaining is that the story was furnished by Secretary Hitchcock, who keeps in telegraphic communication with Special Inspector Greene, at Portland, to keep the progress of the land cases. There being no love lost between Secretary Hitchcock and Senator Mitchell, it is generally inferred that the Secretary has taken this means of striking a blow at the Senator.

Mitchell in His Own Defense.

In his own defense, Senator Mitchell today gave out a statement in which he quotes fully Heney's original dispatch of November 24, asking him to return to Portland to appear as a witness, his reply of November 25, Heney's subsequent telegrams of November 25 and 27, and his own telegram of November 26. Senator Mitchell's statement follows:

"I was for four months prior to leaving for Washington, on November 15, continuously in Oregon, and all of the time, with the exception of a few days, in Portland; and, furthermore, it was known to Hon. J. H. Hall, United States District Attorney, for more than a week before I left Portland—that I intended to leave for Washington at the time I did leave. Therefore, if my testimony was regarded as important to the land-fraud case, there was ample opportunity to secure my attendance by subpoena, or even had it been suggested to me, without subpoena, that my testimony in the case was desired, I certainly should have postponed my starting East, and would have gladly gone on the witness stand on November 15, or any time thereafter, to give my testimony, within my knowledge, bearing on the case."

I arrived in Washington late on the evening of November 23, and prior to that time I had not the slightest intimation from any source whatever that my testimony was deemed important, or that my presence as a witness was desired by the Government, or any one else. On November 25, the second day after my arrival here, I received a telegram from Hon. Francis J. Heney, special assistant to the Attorney-General, dated the evening of November 24, asking me to return to Portland.

The telegraphic correspondence between Senator Mitchell and Mr. Heney has already been published in the Oregonian. Why He Did Not Give Name of Lawyer. To Mr. Heney's dispatch of November 27, I made no further reply, and my reasons for not doing so are simply these:

If I were on the witness stand and the court should rule that it was material and competent for me to give the name of the prominent and reliable attorney referred to in my dispatch, I, of course, would do so, but I did not, and do not now, feel justified in voluntarily mixing up with this land-fraud business the name of a prominent citizen, who, so far as I am advised, has never been indicted, and whose name has never, in any wise, been mixed up in connection with the alleged land frauds.

The Government evidently knew for months past that I had transmitted to Commissioner Hermann the affidavits of Puter and Watson, which Puter had given me in this city about March 3, 1902. It was, therefore, known whether my testimony in the case was material or important, and so ample opportunity was given for subpoena, by my being in Oregon several months, and as I had not been subpoenaed or even told that my testimony was deemed material or important, or that my presence was desired in court as a witness, and as I had just arrived here in connection with my public duties as Senator, I did not

FALL IS FEARED

Slavs About Lose Hope for Port Arthur.

SUFFER ANOTHER REVERSE

Attempt Is Made to Retake 203-Meter Hill.

CZAR MAY ORDER SURRENDER

Reinforcement of Baltic Fleet by the Black Sea Squadron Is Again Agitated—Britain Would Raise an Objection.

ST. PETERSBURG, Dec. 2.—With the confirmation of the news that the Japanese have occupied 203-Meter Hill, and the report that the Russians unsuccessfully attempted its recapture, officials at the War Office are beginning to prepare themselves for the inevitable. Golden Hill and Liao Ti Hill are higher and dominate 203-Meter Hill, but the officials say if the Japanese succeed in mounting heavy guns up the latter, it probably will be only a question of days or weeks before the fortress falls.

Still there is not the slightest idea among General Stoessel's friends that he will surrender, even if he should be ordered to do so. It is hinted that it is possible if the fall of the fortress is shown to be inevitable, the Emperor may direct its surrender in order to prevent the unnecessary sacrifice of the remnant of his brave defenders; but it is believed by those who know General Stoessel best that he will make good his threat to hold out to the last man and last cartridge in Port Arthur.

Will Sink Rather Than Give Up Ships. The ships in the harbor, it can now be stated on high authority, are in no condition to attempt to break through the investing squadron. The guns of the warships were long ago landed, and the marmes and sailors have been participating in the land defense. Some of the ships also have been injured by shells. If the fortress falls, it is understood the ships will be taken outside and sunk in deep water in order to prevent the possibility of their ever being of service to the enemy.

British Might Make Trouble. The Novoe Vremya calls attention to the fact that Japan was not one of the signatories of the treaty closing the Dardanelles, and asserts if Japan had the power she might force an entrance into the Black Sea. Conversely, the paper continues, with the consent of the Porte, there is nothing in the treaty to prevent the exit of the Black Sea fleet to fight day appointed. Postmaster at Macklin, Wash., vice B. W. Owens, resigned.

Rural carriers were today appointed for Oregon routes as follows: Junction City route No. 1, James A. McFadden, regular; John A. Lawrence, substitute carrier. Monmouth route No. 2, Anthony F. Hubbard, regular; D. M. Hampton, substitute carrier.

Rural route No. 3 was today ordered established January 2 at Lebanon, Linn County, Or., serving 465 people.

Hermann Calls on President.

OREGONIAN NEWS BUREAU, Washington, Dec. 2.—Representative Binger Hermann today called on President Roosevelt to pay his respects. He took occasion to urge the President to recommend to Congress the enactment of good roads legislation.

Senator Foster was in Washington today, but went to New York tonight. He will return Monday.

Public Buildings for Idaho.

OREGONIAN NEWS BUREAU, Washington, Dec. 2.—The Treasury Department has recommended appropriations of \$50,000 each for new public buildings at Pocatello and Lewiston, Idaho. Senator Dubois will urge a like sum be recommended for Moscow.

TREMENDOUS RAINS IN CHILI

Downpour Unusual, and Crops Have Been Damaged Fifty Per Cent. SANTIAGO DE CHILE, Dec. 2.—There have been tremendous rains throughout the whole country, such as have seldom been equaled at this season of the year. The crops have been damaged 50 per cent.

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FAR SET ON FIRE

St. Louis Buildings Are All Endangered.

HIGH WIND FANS FLAMES

Blaze Is Started in Attraction Building on the Pike.

THREE BUILDINGS DESTROYED

Police Discover Light in Structure Nearby, and Entering Fire of Paper Has Been Ignited—One Arrest Is Made.

ST. LOUIS, Dec. 2.—A conflagration which gave the firemen a stubborn fight, and which, owing to the high wind, threatened the entire Exposition grounds, was discovered in "Ancient Rome" on the Pike, shortly after midnight. The flames spread with great rapidity and destroyed part of "Fairy Japan," all of "Quo Vadis" and "The Streets of Rome." Flying sparks also caused incipient blazes on the roof of the Varied Industries building, but they were extinguished without material damage.

In addition to the loss of the buildings, a collection of oil paintings, depicting scenes in the novel "Quo Vadis," valued at \$75,000, were burned. They were painted by Jan Styka, a Polish artist, and were brought to this country under a bond of \$50,000.

A first alarm was immediately followed by a second, third and then a general alarm. The firemen soon had many streams playing on the burning buildings, and the fire was extinguished before it spread further.

While Jefferson Guards were in the rear of "Hereafter," on the Pike opposite the buildings that were on fire, they saw a light, and pounded the door for admission. After considerable delay they were admitted and found a pile of lighted newspapers in the middle of the floor. They arrested the man that opened the door, after he had given what they considered unsatisfactory replies to their questions. He was taken to the World's Fair police station, where he gave the name of Arthur V. Dunn, and a charge was placed against him of "suspected arson."

When he was searched a hummeling watch and 11 ladies' handbags were found. It is stated by Jefferson Guards that the fire was of incendiary origin. The guards who first arrived on the scene declare they saw a man running away from the place where the blaze originated, but that they lost track of him in the darkness.

John McAnnan, employed as a watchman at the Moorish Palace, visited the police station and identified Dunn as the man whom he had seen run out of the "World's Fair" after the fire was discovered. McAnnan also stated that the man was accompanied by a woman, who ran in an opposite direction. The man, according to McAnnan, ran toward "Hereafter," where Dunn was arrested.

CLEARING AWAY EXPOSITION

Sound of the Hammer Is Heard Everywhere at St. Louis. ST. LOUIS, Dec. 2.—From a scene of enjoyment and festivity to the busy turmoil of packing exhibits and demolishing structures, the World's Fair changed in one night. Puffing switch engines shunted cars throughout the grounds today, conveying packing materials to the different exhibit palaces, and the sound of the hammer was heard everywhere.

Large forces of workmen were distributed over the grounds today. Every effort will be made to clear away the Exposition buildings and demolishing structures, which was one of the first installed. Director of Works Taylor stated tonight that the first of the Exposition buildings to fall before the onslaught of the wreckers will be the stockbarns. Of the exhibit palaces, the Horticultural building probably will be the first selected for razing, and as all of its perishable exhibits will be removed in a short time, it may be less than a fortnight before work on it is begun.

As for the other exhibit buildings, they probably will stand all Winter, as it will take fully 60 days before they are cleared of their contents. They will be turned over to the wreckers as fast as emptied.

Cost of Philippine Fair Exhibit.

WASHINGTON, Dec. 2.—According to a statement prepared at the Bureau of Internal Affairs, the net cost of the Philippine exhibit at the St. Louis Exposition to the Philippine government up to the end of November 25, was \$75,653. The total disbursements to that date were \$1,458,824, and the receipts, \$12,967, making the net cost \$1,383,167, of which \$138,423 is covered by an allotment from the Louisiana Purchase Exposition fund, reducing the cost to the Philippines to the figures named.

Russian Ships in Moroccan Port.

TANGIER, Dec. 2.—The Russian auxiliary cruiser Blon, formerly the Smolenski, and her two torpedo-boat destroyers have arrived here and are coaling. The Russian officers say they expect to sail December 7.

CLIMAX OF THE LAND FRAUD TRIAL REACHED

Prosecution Will Close Its Case Today—Timber Dealers May Be Involved in the Investigation Now Pending. The climax of the case has been reached, and this morning, with one more witness on the stand, the prosecution will close the case of the Government. Throughout all the length of the trial the testimony has been damaging, but yesterday the most of all. The old woodsman, J. A. W. Heldecke, broken by his guilt, told a story that could not be shaken by the skillful cross-questioning of Judge O'Day. From it many things are expected to spring. The name of N. Blackell Withee, the timberman of La Crosse, Wis., was connected with the case during the afternoon by the testimony of Ira P. Hewar, who told of having lent Horace G. McKinley \$12,000 on the George A. Howe lands, which were in turn transferred to Withee. From this hint many strange things are prophesied to happen, and it is rumored that many of the timber dealers of the United States will yet be more interested in the outcome of this case than it has been supposed they would.

The testimony of Heldecke told the story of the conspiracy practically from first to last, and could not be controverted. Upon it will hinge in great part the outcome of the case. All other testimony will circle round it and serve in part at least to corroborate it. The hand of the defense will have been shown by noon today.