

# FIVE ARE GUILTY

## Jury Returns Verdict in Land-Fraud Trial.

### MARIE WARE IS ACQUITTED

#### Conspiracy to Defraud Government to Be Punished.

##### DELIBERATIONS ARE SHORT

S. A. D. Puter, Emma L. Watson, Horace G. McKinley, Frank H. Walgamot and Dan W. Tarpley Are Convicted.

**WHAT JUDGE BELLINGER SAID.**

Gentlemen of the jury: A conspiracy is formed by two or more persons, and when there is such an agreement, and one or more of the parties does any act to effect the object of the common design, they are guilty of the offense of conspiracy.

It is not necessary that the conspiracy should be proved by evidence of an express agreement between the conspirators, or by direct evidence of any agreement.

The acts of the defendants and each of them, prior to the 17th day of March, 1901, may be considered by you in determining the relations between the defendants, and the probability or non-probability of persons bearing such relations entering into the conspiracy alleged in the indictment.

The weight to be given the testimony of a witness whose opinion is based upon familiarity with the writing in question depends upon the opportunities which the witness has had to become acquainted with the writing to which he testifies.

I deem it unnecessary to refer to the testimony in the case. The time occupied in its production, and the many arguments made pro and con in your hearing as to its materiality and tendency, will enable you to give it due consideration in its relation to the several facts sought to be proved, without comment or suggestion from me.

The law presumes that the defendants are innocent, and the burden is upon the government to overcome that presumption by such a preponderance of the evidence as satisfies you of the guilt of the accused, and of each of them, beyond a reasonable doubt.

"We have, your honor."

Those words yesterday afternoon brought the blood in surging waves to the cheeks of Emma L. Watson, drove, in spite of himself, the mocking smile from the face of Horace G. McKinley, blackened still more the small, restless, puckered eyes of S. A. D. Puter into a steady gleam and forced back the blood from the face of Dan W. Tarpley.

The long trial had ended and has passed into history; the tired but patient jury has gone; each member to his distant home, but not until its composite hand traced the mark of guilt against the name of each defendant in the famous case.

The strife and contention of the government, the gutter resistance of the defense; the mass of evidence and the sweep of oratory, all has been weighed, sifted and judged and 12 men have decided that Emma L. Watson, S. A. D. Puter, Horace G. McKinley, Frank H. Walgamot and Dan W. Tarpley are guilty of the crime of having defrauded the government out of title to a portion of its public land.

It was noon yesterday when Mr. Heney had finished his address to the jury, and at 3 o'clock Judge Bellinger commenced his charge to the men in whose hands rested the fate of the defendants. It was ten minutes later when he had finished and Captain J. A. Sladen had administered the oath to the ballots of the court in whose charge the jury was to be placed during its deliberations. At 2:15 the 12 men filed from the courtroom out into the little room in which the fate of so many men have been decided.

The court announced a recess until such time as the jury should have come to a decision and the hum of conversation arose and filled the bare, comfortless chamber. Men were seen like halos of brooms, outside the lobby rail and laid wagers, over shoulder, with friends upon the length of the intermission. Women sat around the wall and the inner circle and exchanged excited whispers upon the outcome. The lawyers deserted their points where for 12 days they have clustered around the long table in earnest contention and in little groups discussed the outcome.

The defendants bunched together and talked in low tones as they awaited their fate. Ten minutes passed and the whispering groups were dissolved. Tarpley leaned against the clerk's desk alone; Puter sat twisting a fragment of paper, slowly, ceaselessly in his hands; McKinley leaned against a pillar, silent, his face no longer wreathed in smiles; Mrs. Watson waited, and with each swing of the pendulum the blood mounted to her face until her eyes, red and bloodshot, gazed out from a mask of purple red.

**Jury Returns Verdict.**

It lacked ten minutes until the hand had touched the time when the tread of the jury was heard along the hall and the hum of voices sank to silence. The men filed in and took each the place which has been his for 12 days and more.

"Gentlemen," asked the court, "have you agreed upon a verdict?"

A. Blevins rose from his chair in the back row and made answer to the question.

"We have, your honor." He sat down, leaving the aged bailiff to bear the verdict to the court, who passed it to the clerk.

"We, the jury," read the clerk, "empaneled to try the case of the United States vs. Emma L. Watson, S. A. D. Puter, Horace G. McKinley, D. W. Tarpley, Frank H. Walgamot, Marie L. Ware et al., find the defendants guilty of the

# WELL FOR JETTY

## Liberal Appropriation Seems Certain.

### MITCHELL MAKES CANVASS

#### Congressional Committees Are Friendly to Columbia.

##### GENERALLY FAVORS OREGON

The Dalles-Celilo Canal Project Is Assured of Favorable Consideration, and Other Subjects Will Not Suffer.

**OREGONIAN NEWS BUREAU, Washington, Dec. 6.**—That there is an excellent prospect of Oregon rivers and harbors receiving liberal appropriations is the firm belief of Senator Mitchell. He has thoroughly canvassed the situation, and today issued the following statement:

"In view of what I have learned since I have been here and what myself and colleagues have done, I am very much encouraged to believe we shall get very liberal appropriations for our rivers and harbors. Especially do I believe we shall be able to get in the sundry civil and river and harbor bills enough money to complete the jetty at the mouth of the Columbia.

"Seven hundred thousand dollars, approved by the Chief of Engineers, by which Major Langitt's estimate was cut from \$1,000,000, will without question go into the sundry civil bill, as it is covered by continuing contract. The Chief Engineer advises me he thinks \$100,000 out of the remaining \$600,000 of Langitt's estimate can be dropped without injury. This will leave for completion of the jetty but \$500,000 to be carried by the river and harbor bill. This, I feel, with careful work upon the part of ourselves and friends, we will be able to get into the bill before it becomes a law.

"I also feel satisfied that we will get the amount recommended by the Chief Engineer for the Dalles canal. It is covered by continuing contract. The Chief Engineer advises me he thinks \$100,000 out of the remaining \$600,000 of Langitt's estimate can be dropped without injury. This will leave for completion of the jetty but \$500,000 to be carried by the river and harbor bill. This, I feel, with careful work upon the part of ourselves and friends, we will be able to get into the bill before it becomes a law.

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### SETTLERS CANNOT GET LANDS

#### Eastern Oregon People Must Be Content With Pay for Improvement.

**OREGONIAN NEWS BUREAU, Washington, Dec. 6.**—Based upon a report sent to Congress today by Secretary Hitchcock, the Oregon delegation in Congress will undertake to secure legislation to reimburse settlers in Sherman County, Or., for losses which they sustained by being dispossessed of homesteads within the limits of the Grant to the Dalles Military Road Company and the Northern Pacific Railroad.

Secretary Hitchcock reports that the Eastern Oregon Land Company, successor of The Dalles Road Company, and present owner of the lands which are being leased to the original settlers, is not anxious to sell, but if the government will purchase not less than 18,000 acres it can be had in quarter-section tracts at the uniform price of \$40 an acre. While this price is high, the company says the lands

# NEEVES FAIL HER

## Mrs. Chadwick Faints in New York Hotel.

### NOW IN SERIOUS CONDITION

#### Moves From House Where She Has Been Guest Some Time.

##### SECRET SERVICE MEN FOLLOW

Expected Conference Between Carnegie and Federal Officer to Examine Signatures to Notes Is Not Held.

**NEW YORK, Dec. 6.**—The expected did not happen tonight in the Chadwick case, and all the predictions proved at fault when, at a late hour, it was announced that no conference between Federal officers and Andrew Carnegie had been held at the latter's home.

This turn was surprising, for Mr. Carnegie had announced in the course of the day he would be glad to receive a Federal officer, and it was supposed that F. F. Oldham, representing the Controller of the Currency, would meet him tonight, and that the matters of the notes alleged to have been given to Ira Reynolds, of Cleveland, and said to bear the name of Andrew Carnegie, would be discussed.

As unexpected as the news that no conference was held was the departure of Mrs. Chadwick from the Holland House, where she has resided, for the New Amsterdam Hotel. She was accompanied by her son and a maid, and took with her some baggage. Secret Service men who have been at the Holland House for several days followed Mrs. Chadwick. It was about 10 P. M. when Mrs. Chadwick, with her son and maid, left an elevator in the Holland House and took a cab. She walked slowly, and her actions indicated that she was not fully recovered from her recent indisposition. As soon as Mrs. Chadwick's cab left the hotel, Secret Service men took other vehicles and drove after her.

**Mrs. Chadwick Faints.**

At the New Amsterdam Hotel she was helped into the women's reception-room, where she fainted. After some five minutes the woman was able to walk again, and, clinging to her son, she went to the elevator and was shown to a room on the first floor. She did not register, nor did her son, nor the maid. The hotel managers declined to give information as to how long the rooms were engaged for.

The son and maid carried Mrs. Chadwick's baggage. The son returned to the reception-room for the baggage after he had taken his mother to her room, and the Secret Service men held him in conversation for some minutes and then let him go. He went back to his mother. The detectives refused to say what they had asked. The son engaged the rooms for his mother's party.

Shortly before midnight Mrs. Chadwick's son went to the public telephone and called up Dr. Albert A. Moore. He asked the physician to hurry to his home, and his mother, who, he said, was very ill. Dr. Moore said later:

"Mrs. Chadwick is suffering from nervous prostration, the result of her removal from the Holland House to this hotel, and being followed by Secret Service men and reporters."

The coach used by Mrs. Chadwick, her son and the maid, was driven to Gramercy Park after leaving the party.

**Against Orders of Physician.**

Mrs. Chadwick changed her hotel against the orders of her physician, Dr. A. A. Moore, who visited her at least twice today. After his evening call, the physician said Mrs. Chadwick was in a serious condition, and he believed her at the verge of nervous prostration. He

# SHIPS OFTEN HIT

## Japanese Train Gunson Port Arthur Fleet

### ONE BATTLESHIP IS SUNK

#### Others Must Put to Sea or Suffer Irreparable Damages.

##### ATTACKS FROM METER HILL

Russians Realize the Great Advantage of the Position, and Are Making Nightly Attacks to Recapture It—Many Men Lost.

**TOKIO, Dec. 7.**—(Noon.)—It is officially announced that the Russian battleship *Poltava* has been sunk in the harbor of Port Arthur as a result of the Japanese bombardment, and that the battleship *Retvizan* has been seriously damaged.

(The *Poltava* was an armored turret ship of 12,000 tons displacement and 11,250 indicated horsepower. She was built in St. Petersburg in 1894, and went into commission in 1898. Her cost of construction was nearly \$4,000,000. Her armament consisted of four 12-inch, 12 5.3-inch and 24 smaller caliber breech-loading rifle guns of the Russian Krupp pattern. She had a crew of 700 men. She had a speed of 15 1/2 knots.

The *Retvizan* is a battleship of 12,700 tons displacement and 10,000 indicated horsepower. She was built in Philadelphia in 1902. Her armament consisted of four 12-inch, 12 six-inch, 20 three-pounder and six one-pounder guns of Russian Krupp pattern. Her speed was 18 knots per hour.)

**SEVERAL SHIPS SET AFIRE.**

**Japanese Attack Russian Vessels From 203-Meter Hill.**

**TOKIO, Dec. 6.**—The effective bombardment of the Russian battleships in Port Arthur, which began Saturday last, was one of the results of the capture of 203-Meter Hill. Up to that time the warships had been able to seek shelter from the Japanese fire under Petyu Mountain, but the capture of 203-Meter Hill, November 29-30, enabled the Japanese to train their guns on the Russian vessels, with the result that a number of them have been set on fire and the others must either put to sea or suffer irreparable damage. The Port Arthur besiegers report as follows:

"On Saturday, December 3, our naval guns bombarded the Russian ships, the *Pobeda* (battleship), was struck six times; a vessel of the *Retvizan* (battleship) type, was hit eight times, and on other ships 15 shells took effect.

"On the following Monday the *Pobeda* was hit seven times, the *Poltava* (battleship), 11 times, and the *Retvizan* 11 times. At about 3 o'clock in the afternoon one of our shells struck a magazine south of Petyu Mountain, causing a heavy explosion. The conflagration that followed was not extinguished for two hours.

"The same day our heavy guns were directed at the enemy's ships. The *Persiv* (battleship) was struck twice, and two more shells were lodged in other ships. A vessel of the *Poltava* type was observed to be on fire for one hour, sending up a great volume of smoke.

"The attacking operations against the Sanghu Mountain forts eastward are carried on day and night. Two 36-millimeter quick-firers were captured Sunday in a half-moon fort, on Ribung Mountain.

"The Russians are nightly attacking 203-Meter Hill in a determined endeavor to retake the summit of the ground in contention.

"The Japanese are increasing their defenses on the position and have succeeded, so far, in repelling all the assaults. The Russians have suffered the heaviest losses, and it is estimated they have sacrificed 300 men in their effort to recapture the ground, which the Japanese are confident in their ability to hold.

Observations indicate that the garrison is feeling the shortage of men.

The works against Sanghu Mountain and the forts to the eastward are progressing steadily, and all indications point to an early general assault, although the date when it will begin is kept secret. It is expected that the next general assault will prove successful.

# DEFENDANTS IN THE LAND-FRAUD TRIAL FOUND GUILTY BY JURY OF CONSPIRACY

## EMMA L. WATSON, DAN W. TARPLEY, HORACE G. MCKINLEY, S. A. D. PUTER.

### THE FOLLOWING ARE SHORT BIOGRAPHICAL SKETCHES OF THE DEFENDANTS FOUND GUILTY OF CONSPIRACY IN THE LAND-FRAUD TRIAL:

#### EMMA L. WATSON.

The following are short biographical sketches of the defendants found guilty of conspiracy in the land-fraud trial:

Emma L. Watson is between 25 and 40 years of age. Her maiden name was Sutton and she was born and grew up in Cincinnati. About 15 years ago she was married in Indiana to a man named Watson. They went to Chicago and it is said were implicated in a

#### DAN W. TARPLEY.

came to Oregon in 1890 and has been dabbling in timber lands ever since. He is said to be an expert timber cruiser and in this capacity he selected some of the best timber land in the state for his co-conspirators and various corporations. He is unmarried, having been divorced from his wife some time ago.

#### HORACE G. MCKINLEY.

operated in Oregon lands for the past 20 years and is known as a very daring and energetic speculator. He has a wife and two daughters living at Berkeley, Cal. It is believed that he and Mrs. Watson got the largest portion of the profits arising from the conspiracy. As nearly as can be determined at this time the entire of timber thieves secured lands worth in an aggregate more than \$500,000. The theory of the government is, however,

#### S. A. D. PUTER.

that most of the money realized from these operations has gone into the coffers of certain lumber syndicates and that Puter and his associates have squandered most of their illegitimate earnings.

Dan W. Tarpley is a young lawyer of Salem, where he was born and has lived all his life. He is about 30 years of age and was apparently taken into the conspiracy some time after its formation.



# GERMANY PREPARES FOR TROUBLE

## GENERAL OKT'S HEADQUARTERS

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**BERLIN, Dec. 6.**—A dispatch to the *Tagblatt* from Kiel says the Admiralty has determined to double the strength of the detachment of marine artillery at Kiaochow, the German port of the Shan Tung Peninsula, and to add four companies, numbering 700 men, to the garrison, also sending out an experienced officer from the General Admiralty staff.

### SETTLING DOWN FOR WINTER

#### Japanese Preparing for Long Stay in Front of Mukden.

**MOSCOW, Dec. 6.**—A special dispatch from Vladivostok says that a steamer which has arrived there from Shanghai reports that the Japanese armored cruiser *Aduma* has been blown up and sunk by a mine.

**SETTLING DOWN FOR WINTER**

**Japanese Preparing for Long Stay in Front of Mukden.**

**GENERAL OKT'S HEADQUARTERS, via Pusan, Monday, Dec. 5** (special transmission).—In the villages near the actual Japanese line houses are being built and repaired, scores of wells are being dug, villages are being demoted of trees and fuel is being carried. Every indication points to the intention to remain on the present line during the winter. The cold weather is not affecting the Japanese, although the temperature has already fallen to a few degrees above zero. There are only a few sick men.

**Germany Prepares for Trouble.**

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