VOL. XLIV.-

PORTLAND, OREGON, WEDNESDAY, DECEMBER 7, 1904.

PRICE FIVE CENTS.

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 when two or more persons agree together to do an unlawful act; and one or more of the parties does any act to effect the object of the design, they are guilty of the offense

It is not necessary that the conspiracy hould be proved by evidence of an express agreement between the conspiratoes, or by direct evidence of any agree-

The acts of the defendants, and each of them, prior to the 17th day of March, 1901, may be considered by you in de termining the relations between the de fendants, and the probability or non probability of persons bearing such reations 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 be acquainted with the writing to which

I deem it unnecessary to refer to the testimony in the case. The time occupled in its production, and the many arguments made pro and con in you caring as to its materiality and tendency, will enable you to give it due eral facts sought to be proved, without

The law presumes that the defendants are innocent, and the burden is upon the Government to overcome that presum; tion by such a prepond evidence as satisfies you of the guilt of the accused, and of each of them, betdrob alderoneer a brook

"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, puckered still more the small, restless black eyes of S. A. D. Puter into a steady gleam and ferred back the blood from the face of Dan W. Tarpley.

into history; the tired but patient jury has gone, each member to his distant 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 sullen resistance of the defense; the mass of evidence and the

The long trial has ended and has passed

sweep of oratory, all has been weighed, sifted and judged and 12 men have de-Horace G. McKinley, Frank Horace G. McKinley, Frank cided that Emma L. Watson, S. A. D. Frank H. Walgamet and Dan W. Tarpley are gulity of the crime of having defrauded of its public land. It was noon yesterday when Mr. Heney

at 2 o'clock Judge Bellinger commenced his charge to the men in whose hands rested the fate of the defendants. It was minutes later when he had finished and Captain J. A. Sladen had adminis-tered the oath to the balliffs of the court in whose charge the jury was to be placed during its deliberations. At 2:15 the 13 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 stood, packed like bales of brooms, outside the lobby rall 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 out-come. The lawyers deserted their posts' where for 12 days they have clustered around the long table in carnest conten tion and in little groups discussed

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

Jury Returns Verdict.

It tacked ten minutes until the hand had touched three 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?" Blevins rose from his chair in the back row and made answer to the ques-

"We have, your honor." He sat down, leaving the aged balliff to bear the ver-dict to the court, who passed it to the

'We, the jury," read the clerk, "empanneled to try the case of the United States vs. Emma L. Watson, S. A. D. Puter, Horace G. McKinley, D. W. Tar-Frank H. Walgamot, Marie L. Ware

crime of conspiracy to defraud the Gov-ernment out of a part of its public lands situated in township 11 south, of range

'We, the jury, find Emma L. Watson guilty, as charged in the indictment. We find S. A. D. Puter, Horace G. McKinley. D. W. Tarpley and Frank H. Walgamo guilty as charged in the indictment. We find the defendant Marie L. Ware no

guilty as charged."
"Is that your verdict, gentlemen?"
asked the court. "It is," was the reply of the foreman, and the long trial was a thing of the past.

Mr. Hall asked that the defendants be

placed under additional bonds in this case, as he did not consider the existing bonds, which also bound the defendants to the coming trials, to be sufficient, no that conviction had been secured. T offense was not an extradictable one, and as the bonds were for only \$4000 the Gov-ernment did not desire to run the risk of forfeiture in this case and consequent loss of trial in the cases yet to come. The esurt decided that a bond of \$4000

for the case convicted would be ample and therefore ordered that such security be given. This will place the defendants each under \$5000 bonds, with the exception of Tarpley and Walgamot, who are in one case only, and whose mds are \$4000 each.

The case has been a long and stub-bornly contested one, both for and against. No pains or time or expense has been spared by the Government to accom-plish its purpose. Special Inspector A. R Greene has woven around the defendants a net so compact, so close and unbreaka-ble that there was no means of escape. John H. Hall, the attorney who has been laboring for months on the case, has gathered together the loose ends of evidence until nothing was overlooked or forgotten; special prosecutor Francis J. Heney has guided the conduct of the trial and has buried the mass of evidence at the defense until the other side has stopped aghast at the onslaught and been

Appeal Will Be Taken.

There is no doubt but that an appeal will be taken. The attorneys for the de fense are now preparing their motion, and will in all probability present it at the opening of the next case, on Tuesday, De-

Mr. Heney closed the case for the Gov rnment, and spoke from the opening of the morning session until a little after noon had struck. His argument was a detailed one, and covered the ground of the prosecution from first to last. There was not a point left untouched or a loop-hole left unguarded. From the time of the first filing until the speech of Judge O'Day nothing was forgotten.

"I feel," he said in opening, "that we ought to congratulate ourselves that the disgusting spectacle of yesterday, in which a whole day was spent in vilification and abuse, has passed and is gone, I will not spend more time in following this line of argument other than to answer the inge of Judge O'Day. .The Govern ment is not called upon to present the de fendant's side of the case. In olden times the defendants used to be tried by the witnesses before the jury. In olden times the people of Portland, those before whom Puter and Walson flaunted their vice, would have tried the defendants. Now we try to get those who know nothing of the

Judge O'Day is Answered.

"Yesterday Judge O'Day had the ef-centery to laud Mr. Burns as a great etective and me as a great attorney, and then in the next breath to accuse us of being here for money alone to prosecute some of the lesser thieves while we leave the corporations and the money powers alone. Since the opening of the trial Judge O'Day has been trying to inject into the case another issue. He has tried to get me to attack Senator Mitchell. You all know why I wanted the Senator to You all remember the lett that I read, which he had written to Mr. Hermann, but which the latter had forgotten and which had a bearing on the connection of the Defendants Puter and Watson in this case. You all know that the actions of the Senator were simply those of a public officer serving one of his constituents who had been recommended to him. And if on that evidence I had tried to bring Senator Mitchell into this case I would have been open to the censure which Judge O'Day has heaped upon

"And they have charged me with bringing another thing into this case, and it comes with iii grace from the lips of the defense to accuse me of wanting to drag the name of any woman into a criminal case, when they have dragged from his grave the name of old Joel Ware to con-nect it even by reference with this trouble. I say that old Joel Ware is now looking down from his home in heaven de-manding vengeance from Horace G. Mc Kinley, that vile and depraved being there for having dragged that child down into the mire of crime. It is said that to spare the humiliation of the wife and children Puter should have some unchildren Puter should have gone un-scathed, he who has had so little care for the humiliation of wife or the disgrace of children, he who has gone defiantly in open adultery with this woman Watson. There is another thing that I want to resent and that is the imputation of Judge O'Day that the majority of women are as this Defendant Watson is. In my

sarrow circle of acquaintance, thank

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 Projects Will Not Suffer.

OREGONIAN NEWS BUREAU, Washngton, Dec. &-That there is an excellent prospect of Oregon rivers and harbors securing liberal appropriations is the firm belief of Senator Mitchell. He has thoroughly canvassed the situation, and today ed the following statement:

"In view of what I have learned since have been here and what myself and colleagues have done, I am very much en couraged 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, ap proved by the Chief of Engineers, by which Major Langfitt's estimate was cut from \$1,300,000, 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 Langfitt's cetimate 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 smount recommended by the Chief Eneineer for The Dalles canal. "Of course, other river and harbor ap-

propriations will not be neglected." Senstor Foster and Representative Jones, who are members of the committees which handle river and harbor legis lation, have both pledged themselves to do everything in their power to secure liberal appropriations for the Columbia at the outh of the river as well as The I Cellio canal and the upper river. They are confident, with the backing of the delegations from Oregon, Washington and Idaho, they can ultimately secure all the money that can be expended on these various projects up to the time the next river and harbor bill is framed.

SETTLERS CANNOT GET LANDS

Eastern Oregon People Must Be Con tent With Pay for Improvement.

OREGONIAN NEWS BUREAU, Wash ington, 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 Rail- Portland amateur photographers represent

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 10,000 acres it can be had in quarter-section tracts at the uniform price of \$60 an acre. While this

are exceptionally fertile and well located. To the value of the land the company has ied the expense which it has borne in litigation defending its title,

Inasmuch as there are over 22,000 acres

involved, it would cost \$1,300,000 or more to buy up this land and present it to the This figure is too great to be considered by Congress, so the delegation will take the other alternative and seek to secure an appropriation of a few hundred thousand dollars to pay settlers for the improvements which they lost at the time they were dispossessed, and give them the right to make entry elsewhere on the publie domain. The exact form of the bill

Result of Chehalis Election. CHEHALIS, Wash., Dec. 7 .- (Special.) behalls city election resulted in the sucess of the following: Mayor, David Stewart: Treasurer, A. S. Cory, Clerk, W. A. Westover, Health Officer, E. H. Dow; Attorney, W. E. Bishop: Council-men, two years, C. B. Quick, Dan Wisner, George L. Young; Councilman at large, George Walker.

that will be pressed is yet to be deter-

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

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 anno 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. 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 mald, left an elevator in the Holland House and took a cab. She walked slowly, and her actions indicated that she has not fully recovered from her recent indispos soon as Mrs. Chadwick's cab left the hotel, Secret Service men took other ve hicles 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 min utes 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. Albertus A. Moore, He. asked the physician to hurry at once to his mother, who, he said, was very fil. Dr. Moore said later:

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

The coach used by Mrs. Chadwick, her on and the maid, was driven to Gramercy Park after leaving the party. Against Orders of Physician.

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 on

case continued much longer, Mrs. Chadwick would break down entirely.

Shortly after the physician left the Holland House, Mrs. Chadwick made her preparations for her departure, and carried them out without the knowledge of

The Secret Service men have taken rooms near Mrs. Chadwick at the New

Amsterdam.

The officers had hertofere denied that their mission was connected with the Chadwick case, but their actions tonight served to confirm previous reports that the Secret Service had officially taken cognizance of the case.

The management of the Holland House said tonight Mrs. Chadwick left there of her own volition, and that she had settled her bill up to last Sunday.

Despite reports to the contrary, Philip Carpenter, attorney for Mrs. Chadwick, stated to the Associated Preza tonight that Ira Reynolds, who is reputed to have come here from Cleveland with securities valued at \$5,000,000 belonging to Mrs. Chadwick, had not seen his client today. Will a warrant for Mrs. Chadwick's

Carpenter replied: "I do not think any warrant will be issued at all." Secret Service Man Informed.

arrest be issued?" was asked, and Mr

When asked why Mrs. Chadwick changed hotels, Mr. Carpenter declined to state, but added:

"There was no secrecy about the change. She went out of the main entrance, and the fact that the Secret Service men had a cab in waiting would alguify they had been informed in advance of the contemplated move.

Andrew Squire, a Cleveland attorney, representing ira Reynolds, made the annauncement tonight, after several conferences with Receiver Lyon, Mr. Oldham and others, that he believed there would be no further developments in the case before tomorrow and also said that Mr. Oldham had returned to Washington. This announcement was the first indication that there would not be a meeting at Carnegie's home tonight.

Stories of a possible arrest in the case were still current this evening, but so far as known no warrant has been issued. Lawyer Carpenter, one of Mrs. Chadwicks' counsel in New York, declined to give the results of the numerous confer ences today. Percy W. Carver, counsel for Herbert D. Newton, in an interview with an Associated Press representative, said that the Newton claim had not been paid, and that no new assurances had been given as to its payment, and George W. Ryall, associated with Mr. Carver, gave no new information besides confirming the story that he had been in conference with Mrs. Chadwick today. As the subject of their talk he declined to make any statement.

Mr. Squire, of Cleveland, had a long conference with Mrs. Chadwick today. When seen at the Waldorf-Astoria to night he declined to tell the results of his interview, merely saying things would come out at the proper time.

From présent indications every effort will be made by Mrs. Chadwick's friends tomorrow to settle the case. It was said tonight by one interested in her affairs that Mrs. Chadwick has at the present time much more than enough to settle worth over \$1,000,000.

MRS. CHADWICK VERY ILL. Another Physician Is Called in About

Midnight. NEW YORK, Dec. 7 .- Dr. Moore, who was called to attend Mrs. Chadwick after she arrived at her new apartments, called in Dr. J. P. Ferguson about midnight, and they were in consultation late into the night. Dr. Moore said that Mrs. Chadwick is very ill, but declined to go

into the matter further. A gentleman intimately connected with the Chadwick case was asked tonight why Mr. Reynolds had come to New York with Mrs. Chadwick's securities, and he stated it was for the purpose of raising money so that a settlement might be effected without further legal complications.

As to stories of possible arrests, he said: "So far no complainant has appeared. If the notes said to bear the name of a well-known man are forgerles they must be so declared, and until he has seen them

othing can be done." The gentleman was asked if some ficial of the Oberlin bank could not be The answer was returned: "It must first be shown that the bank

Japanese Train Gunson

ONE BATTLESHIP IS SUNK

Port Arthur Fleet.

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 buttleship Poltava has been sunk in the harbor of Port Arthur as a result of the Japanese combardment, and that the battleship Retvizan has been seriously damaged.

(The Poltava was an armored turret ship of 10.900 tons displacement and 11,255 indicated horsepower. She was built in St. Petersburg in 1894, and went into ssion in 1898. Her cost of construction was nearly \$6,000,000. Her armament consisted of four 12-inch, 12 5.3inch and 34 smaller caliber breech-loading rifle guns of the Russian Krupp pattern. She had a crew of 700 men. She

had a speed of 16.2 knots. The Retvizan is a battleship of 12,700 tons displacement and 16,000 indicated horsepower. She was built in Philadelphia in 1902. Her armament consisted of four 12-inch, 12 six-inch, 20 three-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 202-Moter 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 those claims which have been made up to have been set on fire and the others must this time. Her counsel said today that she either put to sea or suffer irreparable darmage. The Port Arthur besiegers re

port as follows: "On Saturday, December 3, our naval gons bombarded the Russian ships. The Pobleda (buttleship), was struck six times; a vessel of the Retvizan (battleship) type, was hit eight times, and on other ships 16 shells took effect.

"On the following Monday the Pobleda was hit seven times, the Poltava (battleship), 11 times, and the Retvizan 11 times, At about I o'clock in the afternoon one of our shells struck a magazine south of Pelyu 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 Persviet (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

Sungahu Mountain forts eastward are carried on day and night. Two 36-millimeter quick-firers were captured Sunday in a half-moon fort, on Rihlung Moun-The Russians are nightly attacking 363-

retake the summit of the ground in con-The Japanese are increasing their defenses on the position and have succeeded, so far, in repelling all the assaults, The Russians have suffered the heavlest osses, and it is estimated they have sacrificed 3000 men in their effort to recup-ture the ground, which the Japanese are

Meter Hill in a determined endeavor to

Observations indicate that the garrison is feeling the shortage of men. The works against Sungshu Mountain and the forts to the eastward are pro gressing speedily, and all indications point to an early general assault, al-though the date when it will begin is kept secret. It is expected that the next neral assault will prove successful.

confident in their ability to hold.

Japanese Cruiser Blown Up by Mine. MOSCOW, Dec. 6 .- A special dispatch from Vladivostok says that a steamer which has arrived there from Shanghai reports that the Japanese armored cruiser Adsuma has been blown up and sunk by a mine.

SETTLING DOWN FOR WINTER Japanese Preparing for Long Stay in Front of Mukden.

GENERAL OKU'S HEADQUARTERS, via Pusan, Monday, Dec. 5 (delayed in transmission).—In the villages near the actual Japanese line houses are being built and repaired, scores of wells are being dug, villages are being denuded of trees and fuel is being carried. Every main 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 There are only a few sick men.

Germany Prepares for Trouble.

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

has been swindled, and until this fact can Liberal arts building at Lewis and Clark be ascertained, great caution must be exprice is high, the company says the lands the verge of nervous prostration. He ercised.



EMMA L. WATSON. The following are short biographical sketches of the defendants found

guilty of conspiracy in the land-fraud

Emms 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

case of forgery in that city just before

gaged in the logging business.

the Columbian Exposition. Shortly after that time Mrs. Walson came to gon, where she met S. A. D. Puter engaged in timber land speculation with him. She has shown herself to be a cunning and resourceful woman. Horace G. McKinley is about 25 years of age. He is a native of West Salem. Wis., and comes of an excellent fam-ily, his father being extensively en-

He

came to Oregon in 1830 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

S. A. D. Puter, generally recognized as the leader of the conspiracy, is between 45 and 50 years old. He has

HORACE G. M'KINLEY. operated in Oregon lands for the past

29 years and is known as a very dar-ing and energetic speculator. He has 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 deter-mined at this time the coterie 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 equandered 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