

DEEDS REVEALED
PROSECUTION
Judge Hunt's Ruling Will Allow
Honey to Offer New
Evidence.

WAS SHUT OUT PREVIOUSLY

By Judge DeHaven's Ruling He Was
Not Permitted to "Get Beyond
the Front Door," Which Is
Now Swung Wide.

The sensational feature of the Williamson-Gesner-Biggs case yesterday was the admission by a line of testimony that had been excluded by Judge De Haven in the previous two trials, and who had also declined to permit United States District Attorney Honey to argue the distinctions existing between the various title papers. Reply to an inquiry from the court, Honey asserted Judge Hunt that he had not been permitted to get beyond the front door with any of his authorities bearing upon the admissibility of the evidence. The question came up in the course of the examination of Benjamin F. Jones, a Government witness. Attorney Bennett, for the defendants, made a vigorous effort to exclude the testimony, and took an exception to the ruling of the court. The indictment charges that the conspiracy was to induce a large number of persons to commit the offense of perjury by taking their oaths that they would depose truly that certain declarations and depositions by them to be subscribed were true, which in fact contained material matters of fact which were untrue, and which they did not at the time believe to be true, to the effect that certain lands which these persons would then be applying to enter and purchase in the manner provided by law, were so being purchased by them on speculation, but were being purchased in good faith to be appropriated to the use and benefit of those persons, and that they had not, directly or indirectly, made any agreement or contract, in any way or manner, with any other person or persons whomsoever, by which they might acquire from the United States in and to such lands should inure, in whole or in part, to the benefit of any person except themselves, when in truth and in fact such persons would be applying to purchase such lands on speculation, and would have made arrangements and contracts with Williamson, Gesner and Biggs to convey the titles obtained by them to Williamson and Gesner.

Judge De Haven's Ruling.

Judge De Haven ruled that the words "declarations and depositions," as used in the indictment, referred to the sworn statement which an applicant is required to file with the Register and Receiver to initiate his purchase, and under this ruling he further held that the purpose of the initiatory sworn statement was filed, and consequently that it was not permissible to prove that the applicants testified falsely when making final proof from two to six months after the initiatory sworn statement was filed, and that they were not to be held liable for the prosecution that De Haven's ruling prevented the Government from proving to many persons that they were not in good faith in its possession. The ruling made by Judge Hunt upon this question will permit all this additional evidence to be introduced in the prosecution expected to make out a case stronger case by this means than it did on former trials.

It was contended by the attorneys for the defense that perjury was not committed upon the final proofs in regard to the question as to whether or not the applicant was applying to purchase the lands in good faith, and that it was in good faith to appropriate it to his own use and benefit, because the statute authorizing persons to file on timber lands does not expressly require that it be given upon this question at the time of making final proof, and because the testimony on this point is required at a time of making final proof only by the rules and regulations of the General Land Office, and that perjury cannot be predicated upon false testimony which is given before the Register and Receiver, or a United States Commissioner, and which is required by the rules and regulations of the Land Office, but which is not expressly and specifically required by any statute.

Contention of Prosecution.

The prosecution contended that false testimony given under a rule and regulation of the General Land Office, which is adopted to enforce the office property of administer the land laws and the sales of lands as the guardian thereof for the people of the United States, is expressly declared to be perjury by the act of Congress which was passed in 1837, and which was inadvertently omitted from the Revised Statutes in 1875, and which has been overlooked by the courts in rendering decisions since the latter date, simply because neither the courts nor the attorneys representing the Government in those cases knew that the act of 1837 was ever in existence, and took the trouble to look up the question as to whether it had ever been repealed or not. The late Judge Bellinger, however, in deciding this express point, in cases tried before him prior to the commencement of the land-fraud prosecutions, to wit, in the case of the United States vs. Wood, contended that the act of 1837 was still being in full force and effect, and that it made such evidence perjury. Several other Federal Courts have declared it to be in full force and effect, and have decided the same things to constitute perjury. In the timber-culture act, which was enacted June 14, 1878, Congress itself recognizes the act of 1837 as still being in full force and effect, and declares that its provisions shall extend to all oaths, affirmations and affidavits required and authorized by this act.

Judge Hunt's Ruling.

It was also contended by the attorneys for the defendants that after the initiatory sworn statement was filed the applicant could immediately enter into a contract to sell the land as soon as he obtained his final receipt, upon making final proof and payment for the land. Judge Hunt promptly ruled that this was not the law, and that the purchaser could not, at any time prior to obtaining title thereto, make a valid contract to sell the land. In the case of the United States vs. Budd, 134 U. S. 382, the Supreme Court of the United States said: "The act does not, in any respect, limit the dominion which the purchaser has over the land after its purchase from the Government, or restrict in the slightest his power of alienation. All that it denounces is a prior agreement, the acting for another in the purchase, or, when the act is satisfied." In other words, the Supreme Court of the United States holds that the act is not satisfied if any-

TAKE THE REIN
Elected Commander of Grand
Army, First Ballot.

Benjamin F. Jones. After Francis J. Honey, for the prosecution, had finished his evidence, the defense, had made their opening statement to the jury yesterday morning. Benjamin F. Jones was called to the stand by the prosecution. He testified that in the Summer of 1897, he proposed that himself and wife take up a timber claim in proximity to the Williamson-Gesner sheep range, offering to pay all expenses and give them to each as a bonus for the land, after title issued. In conformity therewith, he said, he located the northeast quarter and his wife the northwest quarter of section 26, township 18 south, range 9 east, Willamette Meridian. The affidavits were made before United States Commissioner Marion Higgs, and recanted by the defendant in office in Prineville after several of the locators, who had gone in a body to inspect the lands, had returned from their trip.

"At the time I made final proof," said Jones, "Biggs did not say anything to me about making a note. Gesner spoke to me about the money proposition at the time I signed the affidavit, and he would furnish the money for myself and wife. That was in the same talk where he said he would pay me \$3. At the time I subscribed my name to the final proof, it was my intention to let Gesner have the land under our verbal agreement."

Where Bennett Objected.

It was at this point that Bennett objected to the line of examination, the court permitted Honey to introduce the evidence. The latter contended that the law of 1837 expressly covers the points at issue, and that if it did not, the whole system of recording would become a farce, and an applicant could swear to anything he pleased immediately after making his application.

Continuing the witness said: "After I had made final proof, I received two checks from the Dallas Land Office, dated January 25, 1894, for \$111 each, together with a letter from Anna Lang, the Receiver of San Francisco, was not named, who was alleged to be a Government detective. He did not know Snelling, who, it was thought to show, was also in the Government Secret Service, the evident intention of the defense being to prove that Jones had been offered immunity by the prosecution for testifying against defendants."

"I am not employed by the Government," he continued, "although I may have given them some information. I don't know that I have had telephone conversations with either Neuhausen or Burns about this case, or helped to herd the witnesses together. I didn't get any jobs by the Government. I saw Champ Smith after I returned home. Had several conversations with him, and he might have told him that there was a possibility of my getting a job with the Government as a detective or United States Marshal. Believe that Flood Powell spoke to me something about it right after he got home. He is one of the witnesses here."

The witness then detailed his trip to inspect the land, being accompanied by his brother, Gesner, and William J. Burns. He said Gesner told him they were having trouble with the cattlemen, and wanted witness to take up the claims so that they could get the grass for that season, and that he would be given the grazing privilege stand for the interest as long as he used the money. It being understood that witness was to receive the land, he was accompanied by the old vet, and churning and throwing their hats into the air. While Tanner and his escort were walking down the center aisle, the delegates made a rush for Tanner and burst into the hall, and then they were in a body and cheered for several minutes.

In a brief speech, Corporal Tanner thanked his men, saying, "There is one man," he said, "whose esteem and assistance it is necessary for the old soldiers to have. There are three men in the audience whom I will call in council in meeting President Roosevelt."

Greeting From Roosevelt.

Previous to the election a letter from President Roosevelt to the commander-in-chief, King, asking him to "extend my warmest congratulations to the comrades there assembled and to say to them how I regret that I cannot in person meet them and express the affection and regard I feel for them," was read and a telegram in reply was sent.

Recommendations in the Annual Report of Officers.

The recommendations in the annual report of officers were read by the newly elected commander-in-chief announced three appointments. Lieutenant Colonel John Tvedal, retired, was made adjutant-general and Algeo C. Bakewell, of New York, national patriotic instructor. Thomas G. Sample, of Allegheny, Pa., was continued as a member of the council of administration. Mr. Sample is reported as being appointed as adjutant-general of the department, and will call in council in meeting President Roosevelt."

Representation is based on membership of departments.

Each department of 250 veterans enrolled in each post in the state or a department. A vote is also allowed every past department commander of every department. The following were the nominees for the past National officers. Speeches of nomination for all candidates were limited to five minutes and second speeches to two minutes.

Next Convention City Chosen.

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No Red Stripes on Trousers.

The important announcement was made at police headquarters at 2:30 o'clock yesterday afternoon that red stripes would no longer be worn upon trousers-legs of Portland's patrolmen. This is regarded as one of the greatest reforms yet made by Mayor Lane since his inauguration. The detective staff has not yet been reorganized.

ARE YOU GOING EAST?

If so, learn about the Very Low O. R. & N. Rates. September 7, 8, 9 and 10 the O. R. & N. places on all very low-rate week-ends. Oregon, R. P. Motor Club, N. D. Corser, Salt Lake City; Washington, William Badger, North Yakima.

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WOMEN FIGHT FOR OFFICE
Mrs. Adams Elected President of Relief Corps After Contest.

DENVER, Sept. 8.—Mrs. Abbie A. Adams, of Superior, Neb., was elected president of the Woman's Relief Corps. There were originally five candidates, and the balloting continued for three hours. The contest finally narrowed down to Mrs. Adams and Mrs. Carrie E. Sparklin, of St. Louis. The decisive ballot was: Mrs. Adams, 36; Mrs. Sparklin, 18.

Spanish War Veterans Elect.

MILWAUKEE, Sept. 8.—Major Charles R. Miller, of Cleveland, Ohio, was this afternoon elected Commander-in-Chief of the United Spanish War Veterans. For senior vice-commander, Major John M.

War Department Orders Trial of Morris, Busch and Charlton and Requires Rigid Precautions Against Fraud.

WASHINGTON, Sept. 8.—The criminal prosecution of Morris Busch, contractor, and Robert Charlton, inspector, was ordered today by acting Secretary of War Oliver. This action is contained in a direction to Judge-Advocate-General Davis to prepare the necessary papers for this prosecution and submit them to the Department of Justice. Busch holds a contract with the Quartermaster's Department of the Army to furnish fur caps and gaiters to be delivered at the Schuykill Arsenal, Philadelphia.

Chinese War Veterans Elect.

NEW YORK, Sept. 8.—In the office of J. P. Morgan & Co., Sir Cheng Tung Liang Cheng, Chinese Minister to the United States, made the first payment of the \$5,000,000 which his government has agreed to give to reimburse the stockholders in the Canton-Hankow Railway. None of those interested would make known the exact size of the first installment.

China Makes First Payment on the Canton-Hankow Line.

Three months hence the final payment will be made, and then the concession and the 30 miles of railway built will revert to the Chinese, who, it is stated, on good authority, intend to complete the railway, which, traversing the most thickly settled part of the Chinese Empire, is to be 250 miles in length.

Will Extend Railroad

Sir Cheng Tung Liang Cheng came to this city from Amoy on Wednesday evening, and after the business was completed yesterday he returned at once to his summer home. With the Chinese Minister was John W. Foster, former Secretary of State, who represents China in the negotiations and in the office of Mr. Morgan was George L. Ingraham, representing the financier, and General Charles A. White, the president of the Canton-Hankow Railway Company.

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Gasoline Wrecks Building, Smashes Trolley-Car, Injures Many.

NEWARK, N. J., Sept. 8.—(Special.)—One woman was burned to death and six persons were seriously injured or burned as the result of the explosion of a can containing eight gallons of gasoline, tonight in the basement of the DeWay Company's drying and cleaning establishment. Dead: Mrs. Eugenia Noll, presser, burned to crisp.

Will Investigate All Depots.

The report of Major Strong regarding the conditions in the Schuykill Arsenal has led to a suggestion from the Inspector-General's Department which has been made an order by Mr. Oliver for an investigation of all depots of the Quartermaster's Department. The depots are located at New York, Boston, Philadelphia, Jeffersonville, Ind.; San Francisco and other places.

Prosecute Busch and Charlton.

The Judge-Advocate-General will prepare the necessary papers to the Department of Justice for the purpose of instituting criminal proceedings against Morris Busch, contractor, and Robert Charlton, inspector, for conspiracy to defraud the United States Government.

Daughters of Veterans' Officers.

DENVER, Sept. 8.—The Daughters of Veterans today elected: President, Miss Bertha Martin, Massillon, Ohio; senior vice-president, Miss Clara Hoover, Chicago; junior vice-president, Miss Mattie C. Leighton, Clinton, Mass.

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PRINTERS WILL DEMAND EIGHT HOURS IN ALL CENTERS. Struggle Extends to Indianapolis Today and to Other Large Cities.

Chicago, Sept. 8.—According to the officers of the International Typographical Union, the war between the United Typothetae and the International Typographical Union over the latter's demand for an eight-hour day to go into effect January 1 is to become general.

Precautions Against Fraud.

In future the commanding officers at all depots where supplies are furnished under contract shall be required to select personally the samples furnished to the Quartermaster, and at all such depots, and the Schuykill Arsenal, Philadelphia, the commanding officers shall personally and collectively supervise the inspection of all articles tendered to the Government.

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