

HENDRICKS CASE UNDER WAY

Jury Is Easily Secured and Prosecution Calls Its First Witness.

TELLS OF DEAL ON CLAIM

George W. Hawk Asserts That He Filled on Land Under Agreement to Transfer It to Hendricks for \$150.

- THE HENDRICKS JURY. W. E. Kandle, farmer, Clackamas County. William Merchant, farmer, Yamhill County. Hute Johnson, liverman, Washington County. J. E. Jack, merchant, Clackamas County. Arthur E. Kyrk, pressman, Clackamas County. Julius Kramer, real estate agent, Multnomah County. F. A. Mangold, merchant, Marion County. Elmer Dixon, farmer, Clackamas County. Thomas W. Ferry, carpenter, Yamhill County. Case Gibson, farmer, Polk County. Bedford Laughlin, hotelkeeper, Washington County. Albert Brownell, nurseryman, Lane County.

A jury was secured without much difficulty when the case of the United States against Hamilton H. Hendricks was called in the Federal Court yesterday morning. The defendant had waived the reading of the complaint and had entered a plea of not guilty at the outset of proceedings, so that when the noon hour arrived the panel was complete. United States Attorney Bristol outlined the Government's position in the case, declaring in his opening statement to the jury that Hendricks, who is secretary and treasurer of the Butte Creek Land, Livestock & Lumber Company, while a United States Commissioner at Forest Wheeler, Oregon, had committed perjury in giving testimony before the Federal grand jury in connection with his homestead entry. Hendricks is also accused of a similar offense in the case of the homestead entry of Clyde Brown.

It appears that on October 3, 1896, Hawk made homestead entry No. 645, The Dalles Land District, on the southeast quarter of the southeast quarter of section 2, east half of northeast quarter of section 11, and southwest quarter of northwest quarter of section 12, in township 7 south, range 22 east, Willamette meridian. The application was made before Hendricks in his official capacity as United States Commissioner, and final proof on the entry was made before the same officer March 2, 1900, for the purpose of commencing it to a cash entry. Hawk was an employee of the Butte Creek Land, Livestock & Lumber Company at the time of the application and the land to the corporation upon the issuance of final certificate.

Neighbors Are Interested. In order to make final proof, it was necessary for him to swear that he had been an actual settler upon the land for a period of 14 months, and had made no contract or agreement to sell the same. Charles Fox and John Meyers, residents of the neighborhood, were witnesses for Hawk, and testified before Hendricks according to the final proof papers admitted in evidence, that he had cultivated the land continuously since the date of his application.

A. S. Bennett, of The Dalles, attorney for Defendant Hendricks, in his presentation of the land to the jury, suggested that the crucial question for the jury to decide was whether Hendricks induced Hawk and Brown to appear before the Federal grand jury and swear falsely to the manner in which they had taken up their homesteads, and intimated that they were trying to convict Hendricks in order to protect themselves. Hawk testified on the stand yesterday that he had formerly been in the employ of the Butte Creek Land, Livestock & Lumber Company, having been employed there from 1888 to 1900. He identified his homestead application for the land, and it was admitted by Judge Bennett as part of the records of the General Land Office at Washington, D. C. Continuing Hawk said:

Was to Receive \$150.

"One day while I was driving a team for the company Hendricks came to me and said: 'How would you like to fill on a homestead and work for us five years?' I answered: 'Bully.' Nothing further was said at the time, but that night after supper I met him in his office at the millhouse, and, as near as I can recollect, he handed me the homestead application No. 645, together with the homestead affidavit, and said: 'Sign these papers.' This I did, and he promised to give me \$150 if I proved up within 14 months, he to pay the filing fees." The witness was very concise in his answers to questions from Mr. Bristol, and Judge Bennett, attorney for defendant, said it was evident he was withholding a statement which he knew to be false.

Mr. Heney objected to Judge Bennett discussing this view of the situation before the jury, and suggested that he wait until the conclusion of the case before making any argument. The witness was so slow and deliberate in his answers that it became necessary for Mr. Bristol to ask him leading questions, and this provoked another protest from Judge Bennett. In only one instance was the woman older than the man. In that case a woman of 46 married a man aged 45.

SEVENTY FIVE THOUSAND CUBIC YARDS OF EARTH REQUIRED TO MAKE FILL



VIEW OF MONTGOMERY SLOUGH, IN LOWER ALBINA. Councilman R. E. Menefoe, of the Ninth Ward, will urge that the filling of Montgomery Slough, on Goldsmith street, in Lower Albina, to take the place of the narrow roadway that is used by vehicles and street-cars, be expedited. The contract was let to the Pacific Bridge Company, and Councilman Menefoe says that the company will get nearly all the earth required for the fill from the block of ground of Captain W. H. Foster, at the north end of the bridge, and from the high ground on Mississippi avenue, between Goldsmith and Russell streets. The Foster block alone will furnish 20,000 cubic yards of earth. It stands between 25 and 50 feet above the surrounding streets, and as it is located close to the slough it will be quick work to tumble the dirt down into the ravine. It will take 75,000 cubic yards of earth to fill up the space occupied by the old elevated roadway, which is about 300 feet long.

I filed my homestead application. The description thereof was furnished to me by Hendricks, and the latter was the only person with whom I had any dealings on the subject. It was understood the time when I filed that I was to make the deed to him. "I had never seen the land until a short time before making final proof. Hendricks instructed me to go over there, fell some trees for a fence, and sow some grain, so I could prove up. All I did was to throw four trees in a square, sow some grain, and build a small cabin. The only time I built on my claim was two nights just before proving up the same. I had no other dealings with Hendricks. They were between two and three hours. The cabin is 10x12, and was built of old lumber. Hendricks gave me the deed to the Davis place. I do not know whether I was on the land or not, as I know nothing about section corners. Hendricks told me it was time to build the cabin.

ADEPT AT SURGERY

Japanese Progressing Wonderfully in This Science.

WAR GAVE IT AN IMPETUS

Dr. W. K. Bouton Discusses the Adoption of European and American Methods in Hospitals of the Far East.

MRS. MCKINLEY WILL PLEAD

To Appear Before Judge Hunt This Morning.

Mrs. Marie Ware McKinley, wife of Horace G. McKinley, will plead to indictment No. 287 before Judge Hunt at 10 o'clock this morning. This indictment was returned by the Federal grand jury December 23, 1904, and charges her with having conspired with Franklin P. Mays, S. A. D. Puter, Horace G. McKinley, Emma L. Watson, D. W. Tarpley and Robert Simpson, to defraud the Government out of title to its public lands in township 24 south, range 1 east, Willamette meridian. Mrs. McKinley departs for San Francisco this evening, returning here about September 1.

61 July Bridegrooms Are Past 30

Interesting Statistics Gleaned From Marriage License Blotter in Office of County Clerk.

The marriage license register in the office of the County Clerk shows that the percentage of men and women above the age of 30 years who have taken out licenses in July is far greater than during any other month in the past two years. Since July 1, 1905, licenses to wed have been issued from the office of the County Clerk. Of that number, 61 were issued to couples where the man was over 30 years of age. In the marriage licenses issued to men between the ages of 30 and 40, it is shown that the women range from 2 to 12 years younger than the men. Over that age those who mated were also better matched as to years. Thirty-eight men between the ages of 30 and 40 years took out licenses during the month, 12 were between the ages of 40 and 50, and 8 between 50 and 60. Thirty-one of the brides were under 30 years of age, 18 under 40, 11 under 50, and one had just passed the half-century mark. One woman of 55 years married a man of equal years. The oldest man applying for a license during the month owned up to 65 years, and he married a woman of 49, this being the greatest discrepancy in ages shown on the license record during the month. In only one instance was the woman older than the man. In that case a woman of 46 married a man aged 45.



HAMILTON H. HENDRICKS, DEFENDANT IN LAND-FRAUD TRIAL.

kind is at Tokio. There the surgeons in charge are as capable as any I have ever seen work. I have in mind Dr. Kinoshita, professor of gynecology at the Imperial University Hospital, and Dr. Sato, professor of general surgery at the same institution. I saw these two men perform a number of delicate operations. Their work is wonderful. They are quick, deft, clean and certain about their actions when operating. The methods, too, at the Imperial University Hospital are up to date, and the operating-rooms are modern in every way. "There is only one hospital in Japan where beds are used for the patients throughout. This is at the Red Cross Hospital at Tokio, which has been erected since the close of the great war. A few of the other institutions have cots, but as a general rule the patients prefer to lie upon the floor on mats. The Red Cross Hospital is also the only one in Japan which people are permitted to enter without first removing their shoes.

"There is practically no surgical work done outside of the larger cities. In the country even now surgery is almost unknown. It is there as it was nearly everywhere before the war. The people as a rule are too poor to afford surgical operations, and, as a result, not much had been accomplished along that line until the war began.

"This stage between the two nations has opened the eyes of the people of Japan in more ways than one. At present they are progressing rapidly in the matter of surgery. More attention is being paid to the modern way of operating upon a human being than ever before.

"The Japanese are not original; they are imitative. Their ways in the operating-room are more after the system in use by the surgeons of Germany. American ways are fast being introduced, however, and in the principal operating-rooms American instruments are used. I visited the libraries of some of the great Japanese surgeons, and was astonished at the large number of books on American surgery which occupied the shelves.

"At Kioto, the second largest city in the country, and at Yokohama as well, I talked with surgeons and inquired as to their methods. They referred me to the hospitals at Tokio. They said that if I wished to see a really wonderful operation I would have to go to the hospitals in that city.

"System Is Spreading. "But the system of modern surgery is spreading rapidly, as I have said before. There is no question about it. The people have awakened after a long sleep, and are now endeavoring to make up for lost time.

"There are other capable surgeons in Japan besides those whom I have mentioned—a number of them. But the two at the Imperial University Hospital are the ones who impressed me most with their skill.

"The Japanese are energetic and enterprising. They make great surgeons. But modern surgery is practically a new idea which they are utilizing. I dare say the next few years will show wonderful developments in the country, and that surgery will, one might say, assist in the evolution of the nation.

"The advantages of surgery will undoubtedly spread during the next few years from one end of the country to the other. There will be hospitals with operating-rooms in all the cities, instead of the system now in use, where the hos-

LESLIE GIBSON THE MAJOR TODAY

Secretary McPherson Finishes Investigation of Irregular Appointments.

HE NAMES 177 EMPLOYEES

If Mayor Lane Declares Vacancies, Examinations Will Have to Be Held in All Departments of City Government.

It has been found after a thorough investigation that exactly 177 employees of the various departments of the city government are affected by the decision of Judge Frazer relative to the appointment of Patrick Bruin as captain of detectives. The list of the men who were appointed after an examination in which the two weeks' notice rule was violated was completed by Secretary McPherson, of the Civil Service Commission, yesterday afternoon, and will be turned over to Mayor Lane today.

The result of Secretary McPherson's investigation through the records, it has been ascertained that the Fire Department has been most severely jarred by the recent decision, having 75 employees who are affected. Among them are Campbell down to truckmen. Fifty-two members of the Police Department are on the list, and 15 employees of the engineering department. The remaining departments are represented on the lists of illegal appointments as follows: Water department, 5; street-cleaning department, 8; City Auditor's office, 5; City Hall, 1; and Treasurer's office, 1.

May Be Many Vacancies.

The names will not be handed to the Mayor until Secretary McPherson has again checked them up to see that no errors have occurred in compiling them. The instructions of the Mayor are to make a complete and accurate list, and it is very evident that he desires it for some other purpose than to satisfy an anxious waiting public. The Mayor will only be surprised, as the Mayor will not discuss it, but report is very general that all of the positions which come under the classification are to be declared vacant.

Action of this kind may be taken by the Mayor today, and, if it is, the present employees will probably be appointed to serve until examinations can be held. It seems likely, however, that the Mayor will take more time to consider the situation before he takes any action. It is stated that the Mayor will take advantage of the decision rendered yesterday by Judge Gantman and endeavor to fill all of the vacancies through its own power. This would mean an open war between the Council and the Civil Service Commission, and if the former won, it would be a knock-out blow to the municipal civil service system in Portland.

The names of city employees who now hold positions through irregular examinations follows: The Complete List. Fire Department—Chief, David Campbell; assistant chief, M. Lunden; battalion chiefs, J. E. Young, L. G. Holden; captains, F. D. Adams, J. D. Simpson, W. H. Campbell, G. F. Roberts, W. M. Hanson, R. Canuto, Z. S. Elliott, C. F. Neal, D. M. Ryan, E. J. Smith, H. M. Butt, L. N. Riley, James Dilane, Fred B. May, A. Turnbull, George W. Stokes, Everett V. Jordan, L. J. Gardner, C. E. Wood, T. J. Moulton, W. D. Beeson, Joseph C. McMahon, W. D. Heath; engineers, R. L. Correll, Fred W. Krull; hosemen, laddermen, Charles E. Gantman, E. M. Tackberry; stoker, A. B. Crow.

Police Department—Captains, Patrick Bruin, Hugh Glover; patrolmen, O. F. Jackson, R. W. Barst, C. R. Hill, E. G. Anderson, Joseph Burke, C. E. Baly, William Carr, E. W. Cole, L. A. Circle, G. E. Croxford, D. Endicott, L. J. Frank, J. H. Hord, Louis Hirsch, C. H. King, Thomas Kay, J. C. Maloney, Sig Myers, O. Nelson, E. S. Nelson, Jefferson Ogg, John Quinton, W. E. Robinson, M. F. Swan, R. M. Stutz, J. S. Scott, H. E. Smart, G. F. Smith, J. M. Thompson, W. F. Tovean, A. C. Welch, W. R. Vest, J. L. Wendler, Stephen Wheeler, H. L. Carlson, G. E. Richards, George Adams, W. P. Courtney, E. L. Crute, H. C. Wilson, Francis Seymors, Charles Porter, M. E. Lillis, S. D. White, H. Gabeath, M. P. Murphy, J. C. Meach, H. C. Bales; linenman, F. L. Gifford. Engineer Department—Deputies and clerks, W. D. Smith, M. A. McCaheen, Joseph S. Hutchinson, William S. Lotan, Fred S. Pierce, Water Department—Clerks, Halvor Rasm, G. L. Kirkland; pump engineer, Edgar E. Colbine; hoisting engineer, P. H. Mulholland; laborers, Thomas Lilla, John Holm, William Crow, A. H. Bauman, Peter Skeels. Street-cleaning Department—Laborers, Patrick McDonald, H. F. Raymond, Giuseppe Bagno, Luigi De Cicco, William W. Linn, Andrew Alexander. City Hall—Engineer, D. E. Smook. Park Department—Watchmen, Joseph M. Donnell, Harry Morgan; gardener, G. H. Haack; laborers, Henry Hinck, Charles Pasig, F. C. Killian. Treasurer Department—Typewriter, Caroline M. Alexander.

Chinese Hold Reception

Entertainment at Mission in Honor of Bishop Moore.

Bishop David Moore, of the Methodist Episcopal Church of Oregon, was tendered an elaborate reception Thursday night by the members of the Methodist Chinese Mission, at the headquarters, 247 1/2 Stark street. There was a large number of guests present, including such Chinese and Americans. Dr. W. B. Hollinghead, presiding elder of this district, and Rev. Charles Sing Kal, pastor of the mission, assisted in the reception. Bishop Moore, in his address, expressed his appreciation for the hospitality and the work of the mission. He predicted that China will some day become one of the leading Christian nations of the world, and made an eloquent plea for the free school for girls which was organized in Canton last January by Mrs. Sing Kal. The young men of the mission

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CURES KIDNEY DISEASE,

When the kidneys are diseased the urine acid is not carried off, and this causes Gout, Lumbago, Rheumatism of the Joints, Rheumatism of the Muscles, Rheumatism of the Bones, Rheumatism everywhere. In Bright's Disease the bowels are often constipated and the liver torpid. Warner's Safe Pills quickly relieve this condition, and no ill after effect is experienced.

TRIAL BOTTLE FREE. To convince every sufferer from diseases of the kidneys, liver, bladder and blood that WARNER'S SAFE CURE will cure them, we send a TRIAL BOTTLE FREE, postpaid, to any one who will write WARNER'S SAFE CURE CO., Rochester, N. Y., and mention having seen this liberal offer in the Oregonian. The free bottle will also contain a booklet containing descriptions of symptoms and treatment of each disease and many convincing testimonials free to every one.

CHILD MAY LOSE FEET. Careless Driver Crushes Limbs of Little Robert Barrow. A reckless garbage-wagon driver ran down an 8-year-old boy yesterday afternoon, and as a result the child may lose both its feet. The driver did not pause to see the result of his criminal carelessness, eye-witnesses of the accident.

At the Baker Theater. Tomorrow night will close the engagement of the San Francisco Pantages Company now exhibiting Miles Brothers' famous moving pictures of the earthquake and fire which destroyed the great City of San Francisco. These pictures are the only authentic view, and the opportunity of seeing for the last time the havoc wrought by fire and earthquake and scenes of the disaster as they really were should not be missed. A matinee at 2:15, and evenings at 8:15.

SAYS WIRES ARE A MENACE. City Electrician Recommends That They Be Placed Underground. Charles Savarian, superintendent of the fire alarm and police telegraph system, filed with Mayor Lane yesterday, at the request of the latter, a report upon the condition of the overhead wiring throughout the city. He held that the large number of wires bearing high voltage currents are a constant menace, and recommended that measures be inaugurated to compel that they be placed underground.

At the Grand. Those who have not seen the capital vaudeville bill at the Grand which has been running all week today and tomorrow in which to visit the theater. The show tomorrow will be at the usual Sunday hours. The comedy of Edith Dornay and company in "Her Last Chance" and "Charisma" the romantic drama by Cora Beach Turner and company, are above the average sketches seen in vaudeville theaters. These are surrounded by a galaxy of bright vaudeville stars.

M. B. Curtis at Pantages. Today and tomorrow that old-time favorite, M. B. Curtis, in a revival of his famous "Sam" of Posen," will be seen at Pantages for the last time. When Curtis was here before, old-timers will recall that it cost a couple of dollars for the best seat. Now as many times will do the trick, as Curtis is a big star, and his salary is not affected by the box office receipts. There is a long list of other

CHEAP RATES EAST. On August 7, 8, 9, September 8 and 10, the Canadian Pacific will sell special round-trip tickets to Eastern territory at very low rates. Tickets good going via Canadian Pacific, returning same line, or via any direct route, with stop-over and long-time limit. For descriptive matter and full particulars regarding rates, etc., call on or address F. R. Johnson, F. and P. A., Portland, Or.

Women, from their sedentary habits, are often subject to headache and constipation. These are quickly removed by Carter's Little Liver Pills.

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A food expert has prepared a crisp, dainty and delicious food for the express purpose of quickly and surely rebuilding the brain and nerve centers, and has given it the name of GRAPE-NUTS. It is toothsome and fully cooked at the factory.

Ever

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