CUSTOM PERMITS EVASION OF LAW

Doctrine Defense in Hendricks Land-Fraud Case Is Trying to Set Up.

GOVERNMENT RESTS TODAY

Oozen Witnesses Testify in Behalf of Prosecution and Coils Are Tightening Around the Defendants.

"Custom." as applied to the acquisition of the public domain, was the basis for an interesting legal tilt, yesterday afternion, between counsel in the case before Federal Judge Hunt, wherein the United States is seeking to punish Hamilton H. Hendricks for an alleged infringement upon the Revised Statutes in connection with subornation of perjury.

A sharp passage-at-arms took place on

A sharp passage at arms took place on the subject between Judge A. S. Bennett, who appears for the defendant, and Fran-cts J. Hensy, special assistant to the At-torney-General, who represents the Gov-ernment. Incidentally, Judge Hunt took a hand, giving a fine definition of what constitutes the distinction between cus-tom, so-called, and a direct evasion of the laws.

The debate occurred in connection with the testimony of Irvin Wilkes, who had been recalled for father examination, Judge Bennett-It was the custom throughout the country that going on a claim once in six months and claiming it for a bome was sufficient to establish a residence, was there not? Witness-Well, that seemed to be the

Judge Bennett-It was the general talk with everybody in the community that that was sufficient residence? Witness-Yes.

Mr. Heney-Provided you did not get caught at it-wasn't it the talk that if you were only sleeping on it once in six months you were liable to get into trouble if you got caught-wasn't that the talk? Vitness-Xes.

Judge Bennett-Isn't it true, Mr. Wilkes, that the general talk there was that it was all right and all that the Land De-Witness-Yes.

Mr. Heney-Then why did you swear that you lived continuously on the land? Why did they all swear that way when they went to prove up, and evade the question of having been on it only once in six months?

Witness—Well, I don't know. That is a kind of a sticker.

is a kind of a sticker.

Judge Hunt-Suppose it was the general custom of a person coming from a foreign country to imagine that it was legitimate to smuggle goods here; his ideas on the subject would not legalize such methods. not legalize such methods.

Members of Grand Jury Testify.

Seven members of the Federal grand jury that indicted Hendricks were placed on the stand yesterday fore-moon and told about the manner dis-played by Hawk at the time he appeared before the body to give evidence respecting his homestend entry. According to these witnesses, Hawk came primed with a story to the effect that he had located the land for his own use and benefit, and had used his own money in making all the payments, but that after Heney the subments; but that after Hency thd subjected him to a severe examination he broke down and confessed that he had

The grand jurors who testified yesterday were W. H. H. Wade, foreman of the body; John W. Jory, Foster Adams, F. G. Buffum, W. P. Dutton, F. J. Bolter and V. W. Robnett. A. Bettinger, another juror, was the last witness on the stand the day preceding. He also brought into the grand jury room a paper upon which were pencil memorenda calculated to refresh his memory as to dates and events connected with his final proof, and which he afterward stated had been given to him by Hendricks with the admonition that unless he stuck to his story as set forth in his faise affidavits incident to his final proof, that he would be prosecuted.

Government Elects One Count.

be prosecuted.

At the outset of the proceedings Special Assistant to the Attorney-General Heney announced that the Government had concluded to effect to stand on the subornation of Hawk as

Lumber Company, and who filed on a homestead for them, was the next witness after the grand jurors had fin-ished with their testimony. Wilkes is intelligent and gave his answers in a much more comprehensive manner than most of the witnesses preceding him, who were alleged to have been in-duced by the Butte Creek Land, Live-stock & Lumber Company to locate on stock & Lumber Company to locate on lands for them. Since last August he

hus resided at Condon, Or.
Wilkes referred to a memorandum,
which, it is declared by the Government, was furnished him by Hendricks for the purpose of coaching him before the grand jury. It reads as follows:

Tryin Wilks made proof on March 31, 1900.

He made deed to the land to the Butte Creek Land, Livestock & Lumber Company on April 19, 1900.

The cost of proof and filing same as Binma's, \$18 and \$212.

Emma's, \$15 and \$212.

Emma's deed called for \$337. Irvin's for \$500. The amount Mr. Zachary got for the land was \$400. And this was the price perhaps he paid you, but he had it put in the deed for less, so as not to make the taxes rup up too much. You did not notice at the time what the amount the consideration was that was written in the deed. But you state that you sold your land after proof some days and never talked of selling before proof was made, if it is a fact, and that is what you swore to when you made proof; that there had been no contract or agreement to sell

ine land.

Irvin Wilka' land was inclosed almost entirely by itself. It was doubtiese fenced on the east and south and north, and may have included a little of Zachary's land on the

I don't recollect what the testimony showed as to the cultivation or grazing of his own stock, but I believe he had some grazing there according to the testimony.

Mrs. Emma Wilkest wife of the preceding witness, was next called, and receding witness, was next called, and re-lated her experience in connection with the fraudulent entry of a homestead claim that was afterward sold to the Butte Creek Land. Livestock & Lumber Co., at the regulation price of \$300 net. Mrs. Wilkes was formerly Miss Emma Wicke, and married between the date of entry and final proof on her claim. She is a dashing brunette, and created quite a favorable impression by the straight-

Mr. Heney said it was the Government's purpose to show that the Butte Creek Laind, Livestock & Lumber Company had about 25,000 acres of Government land inclosed, and her claim was to be used in connection with a lot of other "dummy"

connection with a lot of other "dummy" locations in the formation of a link between the rim-rock of the country and other tracts belonging to the corporation upon which to erect a continuous line of fence and keep settlers out.

Mr. Heney sprung a sensation by asking the witness some questions relative to memorandum that had been furnished her by Mr. Hendricks at the time ahe was subpensed to appear before the grand jury. It appears that Mrs. Wilkes became suddenly ill at the time, and in order to secure her evidence before the body, it became necessary to send a Deputy Marshal after her sary to send a Deputy Marshai after her with a bench warrant. After the ad-journment at the noon hour, Mrs. Wilkes delivered into the hands of the Government prosecutor a memorandum, which it is claimed is in the handwriting of the defendant, and which it is alleged was given her for the purpose of refreshing her memory at the time she gave her testimony before the inquisitorial hody. The theory of the Government is that oractically every one of these persons who had fliegally taken up claims for the corporation were furnished with memoranda by which to answer the questions that would be asked them while in the grand jury-room. Following is a note Mrs. Wilkes delivered to Heney:

Suggested Conflagration.

Mr. C. B. Zachary is in Portland. Got there this morning (Saturday). He will be at the imperial or the Perkins. Try and see him. He will recollect the particulars. Copy your own memorandums and then burn these typewritten abeets.

Accompanying this pencil memorandua are the type-written sheets referred to, outlining in great detail what the witness

Railway Age Attributes This State's Deficiency to Natural Barriers.

COSTLY TO BUILD ROADS

Only One Mile of Rails to 54 Square Miles of Territory-Cure to Come From Irrigation, Says the Writer.

The current number of the Railway Age devotes two pages and a map to the railroads of Oregon and comments on the fact that a state of such large proportions boasts such a small com-parative railway mileage. Hs figures show that with 94,560 square miles of land surface, its railway lines aggre-gate only 1750 miles, or one mile to 54 square miles of territory. Washington,

DEFENDANT

HENDRICKS

nodity, with \$10 a car the minimum

A rate of 15 cents per 100 pounds has been given on box shooks from Parry, Oregon, to East Portland. Beginning August 1, tallow will be classified with hides and pelts from Boise to Portland. This will give tailow a rate of 34 cents in carloads. A rate of 70 cents will be published soon on breakfast foods in less than carloads from Portland to Marysville, Cal.

New Southern Pacific Publication. "Oregon Outlings," written by Rinaldo M. Hall, advertising agent for the Harriman lines, and issued by the advertising department, is the latest publication by the Southern Pacific that has just apthe Southern Pacific that has just appeared. It is a very attractive folder of 32 pages, profusely illustrated, and describes the many recreation places in Western Oregon. The summering places reached by the Southern Pacific and connecting lines are shown and pictured. The book is now being distributed by the passenger offices of the Southern Pacific.

PORTLAND BUSINESS MEN WILL LEAVE NEXT FRIDAY.

Representative Party to Make Trip to Southern Oregon, Which Will Occupy Six Days.

SUBMITS REPORT

Shows Receipts and Disbursements of San Francisco Relief Fund.

TOTAL IS OVER \$301,000

Cash Contributed Amounted to \$202 .-665, and Value of Supplies Donated Was \$50,761-Cash Balance, \$2560.

City Auditor Devlin yesterday sub-mitted to Mayor Lane his report into the accounts of the San Francisco relief fund. Auditor Devlin made a very ex-haustive examination into the affairs of the general relief committee and his re-port in full is as follows:

An excursion of Portland business men will leave this city on Friday | Honorable Harry Lane, Mayor of the City of Portland—Dear Sir: 1 have the bonor to report that, in pur-

Drs. Huntington, Mothit and Har-yey
Drs. Dammusch and other doctors.
Oregon Hospital ambulance supplies
and cash to nurses and doctors.
Drs. Equi and others at hospital.
Money order cashed (inclosed).
Drs. Starnberg and other doctors.
Individuals, relief expended by F.
W. Leadbetter in various amounts,
some of which will be returned....

CHURCH MEETING OPENS

EVANGELICALS CONVENE AT RIVER VIEW CAMP GROVE.

After Business by Conference Has Been Disposed of, Campmeeting Will Be Held.

The annual Evangelical Association Chautauqua convention and camp-meeting of the Oregon conference was opened last evening at River View Camp Grove, on the Oregon City electric railway, with a general raily held in the pavilion tent. Rev. William Plumer, president of the Convention and Camp-Meeting Agsociation, which has the management and control of the grounds was in charge, assisted by

grouds, was in charge, assisted by Rev. Eira Maurer and Rev. H. E. Hornschuch, presiding elders.

This morning at 9 o'clock the ministers of the Oregon conference will hold a "round table."

Sunday-school convention will open this afternoon at 1:30 o'clock, with praise service, led by Mrs. H. O. Hen-derson. Mrs. R. F. Jameson, president

the convention and campmeeting point for the denomination. Five acres lie on the level land above the river, and



Rev. William Plumer, President Evangelical Association of Oregon.

here the tents are scretched. The tract is heavily timbered, but the under brush has been cut away and avenues have been laid out. These five acres are platted in lots, many of which have are platted in lots, many of which have been leased for 99 years to members, who expect to build neat cottages. Three acres on the gentle slope extending down to the Williamette River from the level innd above are reserved for the great tabernacle, which is to be built in amphitheater form. None of this part of the tract will be sold for any purpose. A hotel is to be put up on the higher ground.

All ministers of the Oregon conference are expected to attend these meatings, and are not excused except for sickness or for some other good reason.

Will Meet to Discuss Fenders.

The special committee appointed by the Council to investigate various types of fenders will begin their investigations. Thursday afternoon. The representatives of companies which manufacture the various types of fenders will appear before the committee at 2 o'clock Thursday afternoon. Much information regarding fenders has been gathered by the committee, which is composed of Councilmen Whis, Rushlight and Wallace. the of \$50.000 were authorized, as shown by the minutes.

The Item of Individual relief, amounting to \$755.12, is receipted for by the persons receivine and disbursing the same. Four thousand dollars of this amount has been sent to Mrs. Baidwin since report to you of July 10. Reports are also being submitted from time to time by the disbursing persons and which show the progress of their work and the purposes to which the money is applied.

I will now refer back to the first statement in this report, which shows an expenditure of \$334.80 by The Oregonian Redief Bureau, and receipted for by Edgar S. Piper to E. C. Giliner, secretary of the finance committee of the Portland relief committee, May 1, 1905. Upon Invitation

Thursday afternoon. The representatives of companies which manufacture the various types of fenders will appear before the committee at 2 o'clock Thursday afternoon. Much information regarding fenders has been gathered by the committee, which is composed of Councilmen Wills, Bushlight and Wallace.

BUSINESS ITEMS.

If Baby Is Cutting Teeth,
Be sure and use that old and well-tried remedy. Mrs Winslow's Boothing Syrup, for child, softens the child, softens the child, softens the gume, aliays all pain, cures wind colleged to the progression and the purposes to which it was a sure and use that old and well-tried remedy. Mrs Winslow's Boothing Syrup, for child, softens the child, softens the committee, which is composed of Councilmen Wills, Bushlight and Wallace.

BIG INGREASE IN JULY CLEARINGS

Bank Transactions Total \$22.-664,636, Four Millions More Than in July 1905.

BAROMETER OF PROSPERITY

Clearing-House Bulletin for Month Just Closed Indicates That All Lines of Business in Portland Are Growing.

Of all barometers of business growtn, Of all barometers of business growth, there is none that so correctly indicates conditions as the statements of the clearing-house. The July builstin, just issued by the Portland clearing house and showing the transactions passing through the Portland banks during the month just closed, shows as nothing else can, that Portland is on the high tide of prosperity.

There is no particular branch of business that Portlanders can point to as having been responsible for the

as having been responsible for the large increase of last month over former similar months, but in all lines, there was a notable advance in cash transactions. The increase in all business speaks louder than anything else can of the prosperity of Portland and the whole state.

the whole state.

During July the banks handled transactions involving a total of \$22,-664,636.31. This is a lead over July, 1805, of \$4,310,886.29, the figures for the corresponding month last year being \$18,353,750.29.

ing \$18,353,750.29.

In addition to this remarkable increase in business of almost four and a haif millions. July had one week's business which came up near the record, although last October still holds the paim for a week's transactions. During the week ending July 14, the clearing-house banks effected business amounting to over \$5,00,000.

The healthy growth over last year shown in the clearances for the month just closed is due to a general increase in all lines with no particular emphasis on any one line of business.

WARDS OFF FOR OUTING Juvenile Court Boys Leave for Gear-

hart Park This Morning.

Thirty wards of the Juvenile Court will leave for Gearbart Fark this morning and there they will spend the next ten days, enjoying themselves as only care-free boys between the ages of 8 and 14 years can. The tenday outing will end all too soon, and the first detachment will return to the city, to be followed by a second lot, and that second by a third, until all the boys who are under the eyes of the Juvenile Court have had a vacation.

While the boys are enjoying their vacation they will also learn something that will prove useful to them in their after years. The camp will be under strict military discipline, and those guilty of infractions of the rules will be punished by being denied priv-ileges accorded to their fellow-camp-

Truant Officer White will accompany the boys to their destination, and ten days later he will make a second trip to Gearhart Park with another contin gent of boys, Marion R. Johnson, chief probation officer, went to Gearhart Park Monday to make arrangements for the reception of the boys, and he and Mrs. Johnson will look after the youngaters while they are in eamp. It is only through the generosity of local business and professional men that the officers of the Juvenile Court have been enabled to give the boys the outing. The Astoria & Columbia the outing. The Astoria & Columbia River Railroad Company makes no charge for transportation.

THREE NEW CORPORATIONS

Benson Lumber Company Will Tow Log Rafts to San Diego.

The Benson Lumber Company filed articles of incorporation yesterday with a capital stock of \$50,000. The incorporators are S. Benson, A. S. Benson and O. J. Evenson, of this city. The company proposes to operate a line of tow-boats to convey rafts of Oregon logs from the Columbia River and adjacent sections to its milis at San Diego.

The Wild Pigeon Mineral Springs Company proposes to exploit mineral springs in Oregon and Wassington. The incorporators are L. W. Wynkoop, S. F. Lee and J. V. Beach, of this city. The capital stock of the new company is claced at \$80,000.

The State Agent Company, with a capital stock of \$10,000, will do a general reality business in Portland. The stockholders are E. B. Simmons, E. C. Gamble and \$. C. Foster.

Milwaukie Country Club.

Rastern and Scattle races. Take Sell-wood or Oregon City car, starting from First and Alder streets. Pains in the back and kidney and liver roubles are cused by Hood's Sarsaparilla.

A lot of

people like

POSTUM

and it's liquid food that makes for

VIGOR

BENNETT. HENEY. JUDGE HUNT HORGAN, WITHERS.

PEN PORTRAITS OF A GROUP WHOSE ATTENTION IS NOW ENGROSSED BY THE HENDRICKS TRIAL IN THE FEDERAL COURT

Mrs. Cynthia E. Hamilton, proprietress of a notel at one time in Fossil, and who confessed to having resided in Oregon for a real papers of the surface of a notel at one time in Fossil, and who confessed to having resided in Oregon for a real papers of the general residence of a notel at one time in Fossil, and who confessed to having resided in Oregon for E. Years, and looks it, told how C. E. Zachary approached her upon the subject one pany, promising her the "resultation to the subject of the conference Sunday-School of the Conferenc confessed to having resided in Oregon for 62 years, and looks it, fold how C. B. Zachary approached her upon the subject of making a homestead entry for the company, promising her the regulation \$300. It appears that Mr. Zachary had a fine sense of feeling for her old age, however, as he only insisted upon her going upon the claim once while she was holders it with her filler. Her title was not because it with her filler. upon the claim once while she was holding it with her filing. Her title was not completed, and she relinquished the land, as did also John M. Morgan, a young man, who acknowledged a fondness for sporting propensities, and who was the last witness.

Mr. Heray appropriate

BAND CONCERT TONIGHT Programme to Be Rendered at the City Park.

The Park Band will render the following programme at the City Park tonight at 80 o'clock: March, "Coronation" from 'The Brophe

General Heney announced that the Government had concluded to elect to stand on the subornation of Hawk as the particular count in the indictment against Hendricks, and the case would be tried upon that issue.

Irvin Wilkes, formerly a range rider for the Butte Creek Land, Livestock & Lumber Company, and who filed on a Medical Company. pelia" Delibes
Medley of popular melodies Rossiter
Two-step, "Colonial Girl" (new)
Compliments Meler & Frank Co.
Charles L. Brown, Conductor.

PERSONAL MENTION.

CHICAGO, July 31.—(Special.)—The fol-lowing from Portland, Or., registered at Chicago hotels today: Auditorium—J. H. Vogt. Auditorium-J. H. Vogt. Stratford-J. C. Armfield

Great Northern-E. R. Corbett. NEW YORK, July 31 .- (Special.)-The NEW YORK, July 31.—(Special.)—The following from the Pacific Northwest registered at New York hotels today:
From Portland—Mrs. F. A. Austin, at the Park Avenue; Miss E. W. Ketchen, at the Holland.
From Haines, Or.—W. Ebel, at the Grand Union.

From Tacoma-R. J. Keown, Jr., at the From Spokane—J. G. Long, at the Gil-sey; S. W. Clark, Miss Welch, at the Manhattan. From Seattle-H. Silver, at the Herald

HARD TO BELIEVE

Anything better than U. S. bonds! Can you buy them on the installment plan with all unpaid installments can-Get particulars free. No importunity. PENN MUTUAL LIFE,

Isakson to Have Hearing Today. Oskar F. Isakson, the policeman who was discharged by the Executive Board, will have a hearing before the Civil Service Commission at 19:30 o'clock this

morning. Isakson is the one wao filed the complaint against Captain Bruin, which resulted in Judge Frazer ren-dering the decision that he had not been legally appointed. Zeno Lucas Is Arrested.

railroads.

"The Union Pacific and Southern Pacific interests own practically the entire railroad system of Oregon as it stands today," says the Railway Age. "What are they going to do about the development of the vast territory in that state which the railroad has not reached? Evidently these combined interests are moving forward on a defined plan to cover with a system of serviceable, inter-related railways the great region which in a transportation sense they may be said to possess.

"The absence of railroads along the 300 miles of Oregon Coast seems to give

"The absence of railroads along the 300 miles of Oregon Coast seems to give unfavorable testimony in regard to the western side of the state. With the exception of a little pleasure road at the extreme north end, the Coos Bay enterprise toward the south and the important undertaking waich was started water area to become a transcontinental tant undertaking which was started years ago to become a transcontinental railway from Yaquina Buy eastward, but was stopped at the base of the Cascade Mountains insolvent, no railway has broken the silence of the rocky coast from the Columbia River to Eureka, Cal.

reka, Cal.

"Why did not the ploneer Southern
Pacific, having connected Western Oregon with the world, reach out, long ago,
from the narrow Willamette Valley into
the vast, solitary regions of the state
stretching eastward to and over the
Cascade Mountains and on to the Idaho
line 500 miles away from its tracks? line, 300 miles away from its tracks? Because Nature forbade, The Cascades interposed a barrier costly to surmount, and beyond were great reaches of sage plains and lava beds, interspersed with occasional oases, but for the most part seemingly unfit for agriculture and

"But the outlook has changed, Sci-ice has learned that water can make se sandy desert fruitful and the state the sandy desert fruitful and the state has joined with the Nation in inaugurating great systems of irrigation which promise to convert large areas of Eastern Oregon into productive and populous lands. Irrigation and railways together will, in time, make many regions in Eastern Oregon much like the country that Nature and the railways have made along the western side."

Traction Magnates Visit Salem.

General Manager Fuller, of the traction department of the Portland Railway, Light & Power Company, and Manager Sykes, of the power department, returned vesterday from Salem, where they were in consultation with the city and county authorities in relation to the new bridge across Mill Creek, that will soon be built by the Citizens' Light & Traction Company, the Salem unit of the Portland organization. This bridge will afford a crossing for the Salem street-car lines. The Portland officials inspected the Salem property and tound it in good Salem property and found it in good

Changes in Freight Rates. Modifications of several tariffs are announced by the O. R. & N. freight department. Hereafter the rate on freight, not otherwise specified, in carloads, between Albina and East Portland and St. is a dishing brunctle, and created quite a favorable impression by the straight forward manner in which she told her story. According to Mrs. Wilkes, who admits that she is 25 years old, she was working as a waltress in Fossil at one of the local hotels, and was induced by C. B. Machary to file on a piece of land.

In offering the testimony of the witness,

the Klamath Palls Commission busy in and since arrival he has been busy in arranging all the details.

The date has been set, the itinerary

made up and a canvass is now being made of the city to ascertain who will be willing to join the excursion. Al-ready 15 or more names have been se-cured and by the end of the week a goodly-sized party will be made up.
Leaving the Southern Pacific at
Thrail, Cal., on Saturday morning the
party will take the Klamath Falls
Railroad for 24 miles to Pokegama. By
stage 24 miles thence to Kent and the
remaining 24 miles in to Klamath Falls by boat, arriving at the final destina-tion at 5 o'clock on Saturday evening. The next three days will be spent in the city and visiting the country thereabouts, particular points of interest be-ing the great Government irrigation projects under way nearby and the proposed grades for the several rail-roads which are heading toward Kla-math Falls. Leaving for Portland on Wednesday the excursionists will ar-vive home the next morning.

rive home the next morning.

Transportation, and berths in the sleeping-car will cost not to exceed \$55. The only other expense will be for meals.

WIRELESS STATIONS.

Chamber of Commerce Refuses to Indorse Merits of Corporations.

Within the next 90 days there will be a wireless telegraph station set up in Portland, if the hopes of the trus-tees of the Chamber of Commerce are realized.

Two companies backed by Eastern capital have signified their intention of putting in a wireless system in Portland, and it is understood that since both companies are anxious to make Portland the headquarters for a wireless telegraphy service in the Northwest that it will be a race between the two concerns which shall get on the ground first.

The board of trustees of the Chamber of Commerce yesterday considered both propositions, but since there seemed to be competition in the wireless field, it could not offer particular encouragement to either company. The trustees, therefore, merely in-dorsed the general idea of installing a wireless station at Portland.

Ad Men Guests at Oaks Tonight.

The Oregon Water Power and Railway Company, through D. C. Freeman, superintendent of the park department, has extended an invitation to the Portland Ad Men's League and ladies to visit The Oaks tonight. The Oaks Amusement Company, through S. H. Friedlander, its manager, has extended a like invitation. The Oregon Yacht Club, through Commodore W. A. Knight, has extended the use of its spacious verandas for meeting purposes. The ad men have accepted the invita-tions and will be out in force tonight.

subject to corrections.

The following is a statement of the cash expenditures as classified by the commit-Incidental
Oregonian
Santa Rosa
Individual relief
San Francisco Medical Society...
San Francisco relief and Red
Cross funds 59:000.00 Total expenditures Balance on hand