## CAPTAIN ORMSBY LAYS PLOT BARE

Star Witness for Government Continues Testimony in Land-Fraud Case.

#### CONFESSES TAKING BRIBE

Gift of Certificates Influenced Action in Fixing Limits of Reserve and Helping Mays to Promote Scheme.

By slow degrees, and despite the strenuous objections of the sextette of lawyers osing the counsel for Defendants Mays, Jones and Sorenson, in the Blue Mountain Forest Reserve case now on trial in the Federal Court, the Government is forging a chain of evidence around the accused that seems almost perfect in design. The witnesses that testified yesterday generally told their stories from the stand reluctantly. With

stories from the stand reluctantly. With one exception they were of the unwilling variety, and only escaped indictment themselves by reason of a half-hearted willingness to turn on their pals.

Ex-Forest Supervisor S. B. Ormsby completed his testimony early yesterday afternoon, and Dan W. Tarpley, who bids fair to become one of the star witnesses in the case, is yet to be cross-examined. The attorneys for the defense examined. The attorneys for the defense were not ready to enjoy him when his direct examination had been completed. and ag it lacked only a few moments before the hour for adjournment, and as Witness C. A. Jones, of Baker City, was anxious to get back home, Tarpley was taken from the stand and the testimony of Johns sandwiched as an accommoda-tion. In the meantime all the lawyers for the three defendants will have an overnight sharpening of knives for the Tarpley feast, which is to begin early

The drift of the defense, as evoked by repeated questions from attorneys, is in the direction of the stand-pat theory that the creation of the reserve was not only a public necessity, but has since been confirmed by executive action, and was proper in all its details. They stand upon the bold presumption that the policy of forest reserves is a pet hobby of Fresi-dent Roosevelt's, and that in this re-spect it is a case where "the king can o no wrong."
Fully half a hundred Government wit-

nesses are being carefully guarded on the third floor of the Federal building, and it is thought this number does not begin to represent the total of those who will be called upon to testify

#### Ormsby Resumes Testimony.

Captain Ormsby resumed his testimony at the opening of court. He testified that after he returned to Salem from his trip into the Biue Mountains, May 24, 1902, he commenced preparing his maps and report to the Commissioner of the General Land Office, Binger Hermann, on the advisability of creating the forest reserve.

In making these statements the witness referred to a small pocket-memo-randum book, similar to the one he had used on the stand the day before. No-ticing this fact, Mr. Fenton cross-ex-amined the witness as to the manner in which these memorandum books were kept. Witness said he kept the books as a diary of all his official doings on instructions from the General Land Of-

from Mr. Fenton that he was 71 years of age, and had been appointed to the office of Forest Supervisor on recommendation of Binger Hermann.

Mr. Fenton announced that he had no objection to the witness using his memo-randum-books, and Mr. Hency's examin-ation in chief continued. Witness said that he had his maps pre-

Witness said that he had his maps pre-pared and wrote his report between June 8 and July 3, 1902, on which date it was forwarded to the General Land Office. Witness testified that he had made one of the maps, while his son had prepared another. The finished map which accom-panied the report was drawn by J. C. C. Lewis, a Salem draughtsman.

Mr. Hency questioned the witness very losely regarding Lewis, asking particu-arly where Lewis lived now and whether when Lewis made the map witness told him what it was for. Witness fenced a triffe, but finally asserted that Lewis "knew that the land was for a reserve." Mr. Fenton asked Mr. Heney whether he intended to call Mr. Lewis as a wit-ness. Then the reason for Mr. Heney's close questioning became apparent.

#### Hency Will Call Lewis.

"Yes, I am going to call him if I can get hold of him," replied Mr. Heney. "The fact of the matter is, I never heard Mr. Lewis myself until a few minutes

Captain Ormbsy told Mr. Heney that Lewis' family is now living in Port-land, and that he thought Lewis himself was in Southern Oregon. Continuing his testimony as to what

other persons knew of the preparation of the reserve maps and reports, wit-ness said that the defendant Jones was in Salem while the work was in progress Jones talked little; was reticent, as wit-ness usually found him; merely asked witness how he was getting along and

looked over the maps.

Pressed as to whether any other persons saw the maps he was preparing, witness said that William La Porce saw them. La Force came up from Portland on one occasion and told witness that Mays was complaining because "some of his lands had been cut out" in the map of the reserve, and demanded that the lands be restored.

why I had cut out those lands, which was because there were settlers in there; and that I was not taking dictation from anybody and for him to tell Mr. Mays

Witness said he did not know whose

#### Mays Wants to Exchange Land.

Witness continued that later he re-ceived a letter from La Force in which the latter stated that Mays wanted to exchange one or two of the school-land certificates which Mays had given to La Force for witness. In the letter La Force said that Mays merely wanted to get his own school land into more com-

Witness testified further regarding his son's work on the forest reserve maps. His son was not a regular employe of the Forest Superintendent's office, but did odd jobs for his father, the Superin-

Witness was shown a letter and identified it as the one he wrote to Commission-er Hermann June 21, 1962, recommending the withdrawal of the lands in the pro-

in like manner witness was shown and identified his favorable report on the proposed reserve malled to Commissioner fermann on July 3, 1902, and it was of-

At this point Mr. Fenton interrupted Mr. Hency, inquiring whether he was try-ing to show that Captain Ormsby was in

LEAVES FROM HARRY MURPHY'S SKETCH BOOK-HE ATTENDED THE MAYS-JONES-SORENSON TRIAL YESTERDAY



the conspiracy. Mr. Heney waxed sar-

Ormsby Spared to Be Used as Witness "In the conspiracy? Was Ormsby in the conspiracy? Yes, he was in the con-

spiracy, and was left out of the indict-ment to be used as a witness." ment to be used as a witness."

There was a commotion among the attorneys for the defense, and there was a sharp exchange of courtesies regarding the professional ethics of Mr. Heney's action in not indicting Capitain Ormsby. Judge Pipes renewed his old objection.

"If the grand jury thought that Capitain Ormsby was a consultant with Alda". Ormsby was a conspirator, why didn't they name him or indict him?"

Mr. Heney retorted that that matter was one he had thoroughly considered, and that he had satisfactory reasons for

The examination of the witness continued. Witness said he never told Mays that he had recommended the withdrawal of the forest reserve lands. On June 27 he wrote to Mays, in answer to a letter of inquiry, telling Mays that he hoped to have his report ready by July 1. On July 10 witness wrote another letter to Mays stating that he had made his report. Witness was uncertain whether he told anybody other than Mays that he was making a report on the Blue Mountain reserve prior to the date of the temporary withdrawal of the lands, July 23, 1902. He presumed, however, that he told a good many persons after he had sent the report to Washington. He did not think that he told anybody what lands were to be included in the reserve. He did not give Mays a description of the lands, either in the letter of June 27 or in that of July 10. If Mays knew what lands were included witness did not know where

he got the information. Never Informed of Withdrawal.

Witness was never officially informed of the withdrawal of the lands, a fact that he thought somewhat strange. Mr. Hency asked the witness if prior to his trip into the Blue Mountains he had ever heard of the Geological Survey making an examination of the same territory. Witness knew nothing about the matter until long after the withdrawal; did not know that the survey ever went into the same district he visited.

Mr. Heney then went back to the certificates of purchase of two sections of
school lands which had been given La
Force by Mays to be held for witness.
"In his letter to you telling you that
Mays had given him the school land certificates for you, did La Force say any-thing about a 'siring' on the lands?" asked Mr. Heney. The witness answered in the negative, also stating that he had lost LaForce's letter.

scribe the certificates in any way, stating that he was laying the foundation for the introduction of the certificates in evidence. Witness appeared to be unable to identify them, and Mr. Heney dropped the matter. He asked, however, what witness did with the certificates after they were delivered to him by LaForce, as he had testified the day before, about July I, 1903. Witness said he gave the certifi-cates to Dan Tarpley about April I, 1904. Judge Pipes objected on the ground that his transaction occurred after the con-ummation of the alleged conspiracy, in February, 1904. Mr. Heney asserted that Judge Pipes was mistaken; that the Gov-ernment claimed the conspiracy was still n progress up to the date that the grand indicted the conspirators and put an to it. Mr. Pipes asserted that Mr. Hency was mistaken, but the court overruled the objection.

#### Tarpley Paid for Certificates.

Witness continued, saying that he gave the certificates to Dan Tarpley to be dis-

Yes, Tarpley gave me \$620-\$640 for Heney asked whether

sigred to give Tarpley anything for his services in disposing of the certificates, but Judge Hunt ruled out the question, and after considerable sparring, the court also struck out the witness' testimony regarding the amount he received.

Witness was asked whether before he went out to inspect the Blue Mountain lands he told his son about his proposed trip. Witness thought not. Further pressed by Mr. Heney, he said that the day after he received his letter from Hermann ordering him to inspect the pro-posed reserve he went to The Dalles, leaving the letter from Hermann on his

desk in his office at Salem.

Mr. Heney wanted to know if witness at any time prior to leaving on his trip. taiked to his son about the creation of the reserve. Witness said he did, once, about a week after his return from The

Dalles, on March 27.
"My son told me he had heard there was going to be a reserve established in Eastern Oregon, I said yes, re was going to be a reserve."

"When did you next have a conversa-

on with your son about the reserve? Well, that was a long time afterward after the petitions were circulated and everybody was talking about the reserve and knew that there was going to be a

"Now, see here," interrupted Mr. Heney,
"You know as well as I do that the petitions were circulated before you made
your inspection. And what do you know
about what everybody was talking about
in Existen Washington? What do you
know about what the neurile thought about what the people thought

about it?
Witness hurriedly corrected himself and said that the second conversation must have been some time after his report was filed, July 3, 1962. He did not remem ber the details of the conversation. "Did your son have access to your desi while you were up to The Dalles?

Yes. "On June 21, when you wrote Commis-sioner Binger Hermann recommending that the lands be withdrawn from entry, did you know that your son had any in-terest in any school lands to be included in the reserve?"
"No, sir."

"Did you on July 3?"

Defense Takes Witness.

This closed Mr. Hency's examination

Huston, of counsel for Jones, for cross-examination First, Judge Pipes had a motion to make. He moved to strike out motion to make. He moved to strike out all the witness' testimony in regard to the certificates, on the ground that there was a fatal variance between the proof and the pleadings, the indictment alleging that in March, 1902, the defendants turned over to Ormsby two sections of school lands frandulently acquired from the State of Oregon, while the proof showed that the witness merely received certificates for school lands to school lands, in lands.

which were not school lands or deeds to school lands, in July, 1804; further, that there was no evidence that the school lands were obtained by fraud. The Court could not see the materiality of the motion.

Cross-examined by Mr. Husten, witness said that he was mistaken when he testified on direct examination that he got his blue print map of the proposed reserve at the United States Surveyor-General's office. On thinking the matter over, he believed the map was mailed to him at Salem, and that he got it there before making his trip.

He did not remember the exact dates that Mr. Lewis made the maps for him, but it was prior to June II, 1902. Asked regarding his office at Salem, he said that he had desk-room with Judge Gantenbein, who was then adjutant-general. The office was a public office and many people called there daily. At least six persons had keys to it. The maps were scattered about his table all the time. When Jones called to deliver the plats he remained but a few minutes; did not ask to see the map; witness would not swear that he saw the map of the proposed reserve at all:

"When you gave Mr. Lewis the data to prepare the map, did you tell him what it was for?"

"Oh, yes. I told him what it was

"Oh, yes. I told him what it was for; that it was for a forest reserve in Eastern Oregon," witness hastened to

"When did you first learn that your son had lands included in the proposed re-

#### Berve? Question Confuses Witness.

The witness stammered, grew confused and made several false starts. "I did not know that he had lands up thereis, that he owned lands-that is,

Answering affirmatively and negatively Answering affirmatively and negatively a long series of leading questions from Mr. Huston, witness said that he never promised to do anything for Mays in return for the gift of school land certificates; that he never promised Mays that he would do anything; that he never agreed to make a favorable report on the reserve, or to expedite the creation of the reserve, in return for the certificates; that when he made his report on the reserve he used his best judgment, did what he thought was just and right. did what he thought was just and right and if he had the same thing to over again, would not do differently. Witness was asked whether he

peared before the grand jury in this case. He said he did. Mr. Huston wanted to know if he told the sume story in the grand jury-room that he told on the wirness stand. Mr. Heney objected, unless the defense was laying a foundation for the impeachment of the witness. Mr. Huston said that was the idea. The

uestion was stricken out and Mr. Hus-on took a new tack.
"Did Binger Hermann ever make any intimation to you in any manner that he wanted either a favorable or unfavorable report on the Blue Mountain reserve, or did he ever give you any instructions at all, other than contained in his official letter to you?

Witness declared emphatically that all Hermann's correspondence with him had been purely official. Witness also denied that either Senato

Mitchell or Congressman Williamson had ever attempted in any manner to influ-ence his action in recommending the re-"Are you so unfortunate as to be un

der indictment in these land "Yes." responded the witness.

other case, not this one." he added, re-plying to a further question. "Have you ever at any time, either directly or indirectly, been promised any immunity or leniency in return for your taking the stand for the prosecution in this case, or have you any hope of such immunity of leniency?"

### Had Hopes of Leniency.

"Well. I have, that is I had, hopen fo some leniency, but I don't expect it." The unkind audience smiled out loud. "You have talked with Mr. Heney and Mr. Neuhausen and Mr. Burns about this case frequently, have you not? They have cross-questioned you pretty thoroughly haven't they?"

oughly, haven't they?
"They have asked me a great many direct questions, yes," parried the witness. "I want to explain here," he added, after a momentary pause; "Mr. Heney sughly, haven't they? and Mr. Neuhausen have treated me very well in my talks with them. They never told me I was a liar. But I didn't get along very well with Mr. Burns, the ret service detective who helped Mr.

Heney. "I want to say that I have testified here without any compulsion. I have been treated right by these gentlemen

Answering another question, the wit-ness stated emphatically that he had never consulted with any of the defend-ants, or the attorneys for the defend-ants, since the trial began, nor had the

ants, since the trial began, nor had the slightest communication with them.

Mr. Fenton cross-examined the witness on behalf of Mr. Mays. Witness said regarding his call at the United States Surveyor-General's office to see Mr. Rowland about the map, that he was strongly of the opinion that he told Rowland what he wanted the map for; that he was going over to Eastern Oregon to examine a proposed forest reserve. He did not going over to Eastern Oregon to examine a proposed forest reserve. He did not remember telling anybody else in the office the same things, but made no attempt to keep the matter secret. "In other words, you dealt with the people there as one public official dealing with another; in entire good faith?" "That was it, exactly."

That was it, exactly, "When Mr. Mays made that remark to you in presence of Mr. Jones about the school land certificates, did you feel that

iaw and thought that you could not hold any more school lands?"

"I did not at that time. I did not think on behalf of his clients for the manner then that I was being influenced. I did in which he had established the forest not understand the law; that's what I asked Mr. LaForce to go see Mr. Mays

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Mr. Fenton developed by further cross examination that at two different times witness had held a mortgage on proper-ty belonging to LaForce's wife, and had finally been compelled to foreclose and take the property. He had never heard, however, That LaForce was claiming that the certificates had been turned over o him as collateral.

Before Mr. Fenton could go further. Captain Ormsby said be wished to make a further statement. In substance he said, speaking with manifest hesitation, but apparent frankness;

Admits Influence of Certificates.

"I want to say, gentlemen, that those school land certificates did influence me, in a way they did. I thought the school lands were going into the reserve and I knew that I had a chance to get lieu lands for them. It is true I didn't know where the school lands were; I didn't

lands for them. It is true I didn't know where the school lands were; I didn't know that they were in the proposed reserve, as a matter of fact, and when I cut out lands in my map I didn't know what lands I was cutting out.

"But the certificates had some influence. They made me feel like making a favorable report. I want to be fair here; I want you to understand that. I am going to make a clean breast, of everything. In the first place I wanted to make a favorable report, In the second place was the fact that Mr. Mays and his people and all the people up there seemed to be in favor of the reserve, and to want it established. And in the third place, I honestly believed that it would be a good thing for the public. "That is to say," queried Mr. Fenton, kindly, "in spite of the fact that you had the certificates, you would not have done what you did do it, you had not thought that you were doing justice to everybody and performing your official duty fully and houestly? If you had not believed that what you were doing would be of benefit to the general public you would not have recommended the creation of the reserve?"

"Yes," answered the witness, simply."

"Yes." answered the witness simply.
Further questioned, witness stated that
his official title had been Forest Superintendent, that he was under a salary of \$2000 a year and held office at the will of the Secretary of the Interior. At this point the noon recess was ta-

#### Afternoon Session of Court.

Four witnesses gave testimony at the afternoon session of court, that of Captain Ormsby being concluded at 3 o'clock. Dan W. Tarpley will be cross-examined the first thing this morning He left the stand to give place to C. A. Johns, of Baker City, who was anxious to give his testimony and return home W. M. LaForce was the

B. Ormsby was continued in the after

I left Salem May 5, 1902, and re turned to headquarters on the 24th," said he. "I was in the performance of service during my entire absence, and was 12 days examining the exterior bounds of the proposed Blue Mountain forest reserve. I kept a diary on the trip, but think I must have lost it. It contained memorands concerning each settler I met during my trip. I en-countered a number of settlers who did not wish to be included in the reerve, although they had no other ob-

to cut out each settler's place, as I had to proceed along township lines; con-sequently, when I found that one-half of a township was occupied by them. I excluded the whole. My orders were to make a compact reserve. I made the pencil notations on the map while in the field. My report of July 23 was based on what I found in the field. It ontained the substance of what was

n the diary.
"I do not know Dr. Alonzo Cleaver,
of Baker City, but have heard that he or baker City, but have heard that he represents the mining interests. I excluded certain lands on his representations, Have not talked with Senator McBride, Mr. Simon or Dr. Cleaver about the matter. I had no instructions from the department to exclude mines. Mineral lands can be located in a forcest reserve, and it was not zero. mines. Mineral lands can be located in a forest reserve, and it was not gen erally understood that a claim would be interfered with. Under the fores reserve laws, the veins must be con tinuous, and the claims contiguous order to take timber off from one for use on another, even though owned by the same company, and for that reason the miners did not want the claims

"The prime object of forest reserves is to preserve the timber from fire, and my instructions were to make every-thing subservient to that idea. The grazing feature also cut considerable

on re-direct witness told Hency that he had refused to talk further in Jones' presence when the Mays offer of two sections of school tand was made to him because he did not want Jones to hear anything that passed between them with regard to the certificates of

"If I had gone to the Surveyor-Ger eral's office on April 14 to get the blue print," he continued, "my diary would have shown the fact. I only had the one blue print on the trip—at least I do not remember seeing any in King's office."

#### La Force Called to Stand.

W. M. LaForce, who is alleged to have been the go-between in all mat-ters affecting the negotiations for the transfer of the two school sections from Mays to Ormsby as a reward for the latter's services in securing the establishment of the reserve, was the next witness. He is a local attorney, with an office in the Chamber of Comwith an office in the Chamber of Com-merce building, and is a typical "Sunny Jim" in appearance. He has known Mays about ten years, and Captain Ormsby 37 or 38 years, clothing his task of officiating as mutual friend with a great many inviting possi-bilities.

reserve, and for me to go to Mays and find out about it. I called on Mays, and I I remember correctly, he asked me many questions about ormsby, and I told him the extent of my acquaintance with

"Mays told me to take two sections of school land and keep them in my pos-session, and if the forest reserve was es-tablished, to deliver them to Ormsby, and if it was not established to return the sections to him. The certificates of sale did not come into my possession until about 50 days after this conversation, which occurred the last of May, 1902. They were delivered to me in four envel-

They were delivered to me in four envelopes by Mr. Mays in my offlice without comment. On the end of each envelope was the description of a half-section of land. Each contained three papers: certificate of location, certificate of sale, and assignment. I put the documents in a pigeonhole, and afterwards told Ormsby about it in my office while he was on one of his customary trips from Salem.

"Later W. N. Jones asked me if it made any difference if two other half sections were substituted for two already in the envelopes, saying they had been inadvertently included. I hesitated to make the change at first, and told him I would write to the Captain about it and get his permission. That is probably the get his permission. That is probably the letter the Captain refers to as notifying him that I had received the certificates. Ormsby did not reply, but the next time I saw him, he said I could do as I pleased about it. I thereupon opened the envelopes and examined the field notes of the half sections they contained and then velopes and examined the field notes of the half sections they contained, and then examined the field notes of the two half-sections Jones proposed to trade, and as I could see no difference, I made the change. Later Captain Ormsby told me he wanted to pay interest on the deferred payments, and asked me for the certifi-cates. I may them to him with the cates. I gave them to him with the understanding that if the reserve was not established he was to return them to me. The Captain claims I mailed them to him, but my recollection is that I gave them to him personally. I retained the envelopes, giving him the contents.

#### Obtained Information for Mays.

"On July 3, 1902, I held another conversation with Mays."

Here witness claimed the privilege of attorney and client in his relations with Mays in this connection, but Judge Hunt ordered him to answer Heney's question. "He employed me to see Captain Ormaby," continued the witness, after his claim of personal privilege had been denied, "and get certain information from him in connection with the forest reserve. One was to see whether or not Ormsby

serve, and whether Captain Ormsby given out certain information regarding it For this service I was to be paid my ex-penses and receive a contingent fee, de-pending in amount upon the success or failure of my mission. I got a small fee for what I did, as my trip was barren of

'I went up to Salem and saw Captain Ormsby, July 4, 1802, at his office in the State Capitol building. We went over the details together relative to my get-ting the desired information, but he as-signed arbitrary reasons for not giving me the information, claiming it was an official matter that should be kept within the private knowledge of the department I do not think Mays urged a change of lines in the boundaries of the reserve, and if the Captain says so, I think he must be mistaken. I will not swear whether Jones told me that Ornsby was running nes so as to leave out certain lands be

longing to Mays.

"I reported to Mays on July 5, telling him of the futility of my trip and saying I could not get anything definite from Ormsby. Three or four months afterward I had a talk with Jones relative to the change to the bulf-sections in which the I had a talk with Jones relative to the change in the half-sections, in which the question of dispute between Mays and Tarpley came up, and I tried to adjust the difference. Jones gave me a list of lands, and I went to Tarpley with it at Jones request. Tarpley made certain concessions which I reported to Jones, and subsequently told Mays about it. The latter intimated that he had lost in

The latter intimated terest in it."

This was the dispute in which it was alleged that Mays had threatened to "checker-board" the Tarpley-McKinley locations unless they divided them with the Mays syndicate.

#### Dan W. Tarpley Testifies.

Dan. W. Tarpley, whom it was claimed by Mr. Heney in his opening statement, had been reprimanded by Mays for "but-ting in" when himself and McKinley had located 17,000 acres of school land in the proposed reserve ahead of George Sor-enson, was then called to the stand, and related the whole transaction covering the methods employed by him in ob taining knowledge that the reserve was first obtained information concern

"I first obtained information concerning the proposed reserve in April, 1992, from Captain Ormsby's son, Merritt, in his father's office at Salem." testified Tarpley. "It was contained in a letter from the Commissioner of the General Land Office to Captain Ormsby. After reading it, I took steps to secure the school sections in the limits of the new school sections in the limits of the new reserve as described in the letter. I first made a map of the country, and then went to the State Land Board and looked up the vacant sections, inding about 20,900 acres in that condition. I reported these facts to McKinley here in Portland and he told me about a man named R S. Hyde, from Wisconsin, who was stop S. Hyde, from Wisconsin, who was stopping here, and who agreed to put up \$4000 in getting hold of the school sections. The next day McKinley, Hyde's son and myself went up to Salem and purchased 15,000 acres of this amount, paying \$\overline{\text{Sonts}}\$ cents an acre down, the majority of the certificates of sale being left in Hyde's hands as security for the money he had advanced."

Witness here identified a large number of certificates as the ones embracing the tracts he had located.

"After acquiring these certificates,"

"After acquiring these certificates," continued Tarpley, "on April 21, I met George Sorenson in the State Capito building. He was up there for the pur-

were interested in, and the other 1600 acres McKinley and myself owned between us. About May 1, 1902, I was told that Mays wanted to see me. When I called at his office, he told me that he understood that I had bought some lands in the Blue Mountain forest reserve. I told him I had, and he said they were some he expected to buy, and demanded that I should give him one-half of my certificates, I asked him why, and he replied that it was be-cause of the expense of getting the re-serve through. I answered that there were about 200,000 acres of school lands within the limits of the pro-posed reserve, and if each section was assessed upon the same basis as our lands, the cost of getting it through must have amounted to about \$500,300. Offered LaForce 50 Cents an Acre.

"Later I met La Force in the Cham-ber of Commerce building, and he in-formed me that Mays wanted to see formed me that Mays wanted to see me again. I told Mays that I would give him a sufficient number of certificates of sale to amount to 50 cents an acre on all the land I owned, or about \$8500. This conversation must have been before the withdrawal I made this offer of 50 cents an acre without consulting McKinley. "Sometime during 1904 I received some certificates of sale from S. B. Ormsby covering two sections of

some certificates of sale from S. B. Ormsby covering two sections of school land. I knew they were within the limits of the temporary withdrawal. These I sold to George Sorenson, who told me they were for Deputy City Attorney J. J. Fitzgerald, of Portland."

By consent of counsel, the cross-examination of Taralley want over until this ination of Tarpley went over until this morning, and C. A. Johns, of Baker City, was placed on the stand. He told about coming to Portland October 25, 1902, with a delegation from Eastern Oregon for the purpose of seeing Senator Mitchell and protesting against the establishment of the reserve. Among those who accommised Johns on this occasion were: J Rand, Joint Senator from Baker, Malheur and Harney Counties; J. H. Robbins, a member of the Legislature from Baker County, and connected with the First Na-tional Bank of Sumpter: N. C. Richards, an attorney of Sumpter; Emil Melzer, of the North Pole mine; Clark Tabor, Mr. Muller and Judge Fassett.

Witness testified that he telephoned to

Senator Mitchell, making an appointment with him, and that the delegation met him in he reception-room of the Hotel

Portland.

"We urged upon him the necessity of having the order creating the reserve revoked." said Mr. Johns. "but the Senator replied that he did not have much faith in being able to do so, as the creation of reserves was a pet hobby of President

having received a petition; which he had presented to the General Land Office, asking for the creation of the reserve. We asked him for a copy of the petition but he never sent it to us. As I remem ber, he did not express any personal opin

William E. Valk, M. J. McVean and J. F. Casey, three clerks in the Genera Land Office, arrived last night from Washington, D. C., and will testify at the

pending trial.

In all probability S. A. D. Puter will be called to the witness-stand within the next day or two, as his name played a prominent part in Tarpley's testimony at one stage, although Heney quickly with drew the question after Tarpley had an awered that he had held a conversation with Puter about the school sections Mays

was going to "checkerboard."
"Withdrawing evidence," said Judge
Pipes, mournfully, when the Government prosecutor asked to withdraw a question that Tarpley had already answered, " like ringing a bell-you can never recal

The case goes on at 9:30 this morning,

### HONOLULU JURIST HERE Judge Humphreys Says Portland's

Trade Opportunity Is Good.

Judge A. S. Humphreys, of Honolulu, is in Portland, a guest of Francis J. Heney, special assistant to the Attorney-General of the United States. Judge Humphreys and Mr. Heney are old per sonal friends. Judge Humphreys wa formerly on the bench in Honolulu, where

e served three years. He is very much interested in the un dertaking to establish trade relations be-tween the merchants of this city and those of his home.

"There is no reason why the business men of Portland should not get their share of trade from Hawaii." Judge Humphreys said yesterday, "and from present indications I believe that they will. For years Honolulu people have been purchasing goods at San Francisco and now that a steamship line has been put in operation between Portland and the islands. I think a great deal of merchandise will be purchased and shipped

chandles will be purchased and shipped from here.

"Within a few days one of our best known and largest merchants will arrive in Portland to buy a bill of scods. This gentleman is A. Blom, of Honolulu, and I suppose he will buy in the neighborhood of \$30,000 or \$40,000 worth of goods. Our country is improving wonderfully. Thousands of people are employed the year around on the sugar plantations. year around on the sugar plantations, and we are developing every other in-dustry, including the cultivation of pine-apples, bananas and other food products, on an equally large basis. Hawali is prospering as never before in its his-tory, and now is the time for the Port-land people to establish and people to establish a trade that will remain with them forever." Judge Humphreys will remain in Portland some time. He is registered at the

#### NEW FALL MILLINERY

Is now being shown in many of the new est shapes at Le Palais Royal, 375 Wash

ington street.

an attempt was being made to influence with a great many inviting possiyour official actions unduly, or was your
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# **GOES TO INSPECT** WOODEN MAINS

Engineer Clarke, of Water Department, Examining Systems in Sound Cities.

#### MUCH DEPENDS ON REPORT

If Wooden Mains Are Recommended, They May Replace Castiron Piping Here at a Great Saving to City.

First steps to bring about the adoption of wooden water mains for the City of Portland have been taken by Engineer Clarke, of the Water Department, who has left upon a trip to examine conditions in other cities. Mr. Clarke is now in Scattle examining the wooden water mains which are in use there, some of which have been laid for years. He will visit Tacoma before he returns to Portland Monday. Mr. Clarke left Portland

Thursday. Upon the report of Mr. Clarke is thought to hinge whether or not the day of the castiron pipe in Portland is over. Members of the board are much interested in wooden water mains, and have expressed themselves as favoring their installation If it can be demonstrated that they are as serviceable as cast-iron pipes. Wooden mains can be had for less than half the cost of metal pipes, and it is asserted that their life is fully as long, if not longer. Mayor Lane is an enthusiast on the subject of wooden piping, and will not be satisfied until a satisfactory test has been made. He has had but little practical experience with wooden pipes, but he is hungering for information and is extremely desirous of finding out whether wooden

## pipes are all that has been claimed for them.

Opposed by the Mayor. The Mayor is of the opinion that they can be installed in the streets of Portland at a decided advantage. He has been conducting an investigation for the past few months, and has just about reached the point where his mind is made up that

wooden mains are very desirable.

'I do hope that wooden water pipes are found to be practical for use here, and I rather believe that they will,' said the chief executive yesterday. 'If they are, we shall be able to give the people much better sayles. Wooden mains east less than the people was a sayles. we shall be able to give the people much better service. Wooden mains cost less than half that of the metal pipes, and if they are as good we could make great improvements in Portland. We could put in more and larger mains, and consequently provide better and more satisfactory service."

At nearly every meeting the Water Board awards fat contracts for the furnishing of castiron mains to give additional service and to replace pipes that have worn out. The city is confronted

have worn out. The city is confronted with pressing improvements of the water system which will aggregate thousands of dollars. To make the changes recom-mended in the report of the National Board of Fire Underwriters, about \$110,000 will have to be expended for castiron pipes alone. This is not taking into con-sideration the expensive construction

#### High Cost of Iron.

The estimate of about \$110,000 to carry out the recommendations of the under-writers is a conservative one made by Engineer Clarke. That the price of cast-iron is rapidly advancing was painfully apparent at the Wednesday meeting of the parent at the Wednesday meeting of the board when a contract for castiron pipe at \$39.50 a ton was awarded to the Oregon Iron & Steel Company. Last year the city procured a large order of steel pipe for \$35.75. There is an unprecedented demand for castiron throughout the United States, and as a general thing the foundries are so rushed that they are away behind on their orders. This may cause the price to advance still more.

the price to advance still more.

There is no question but that all the improvements favored by the underwriters will have to be made in time. Consequently, if wooden pipes can be installed instead of metal mains the city will be asked a large appoint. will be saved a large amount of money. It is believed that if the city decides to install water mains that a local industry could be created here. Those who have made inquiries say there is no reason why he mains could not be manufactured in Portland just as well as in Seattle, Ta-coma and other cities.

As to the life of wooden mains, they are said to last fully as long as castiron pipes. If the wood is kept saturated it is said that they will be preserved indefinite-ly. The water acts as a preservative, and decay cannot set in unless the water is withdrawn. Where the pipes are allowed to dry the wooden mains waste very rap-idly. But in Portland there is no reason

why the mains should not be kept full all the time. When Engineer Clarke has returned to Portland he will make an exhaustive and thorough statement for the benefit of the nembers of the board, which will be submitted at the next meeting. There are several mains in Seattle which he is examining with particular interest. are large mains which have been in op-eration for a great many years, and are said to be about as good now as they were when first lald.

#### LOSES HIS WAY IN CITY

I. L. Cole, Cornelius Druggist, Finds Family With Ald of Police.

I. L. Cole, of Cornelius, who says he is 70 years old, the fastest runner on the coast, the best police officer San Francisco ever had, a doctor by profes-sion and a chemist who makes his own medicines, last night lost his wife and children in the maxes of the city. The doctor had come to town with his wife in a large covered wagon to make a few purchases for use on the farm. Leaving his spouse he set out to visit the drug store of Woodard, Clarke & Co. This he found without difficulty, but for the life of him he could not retrace his steps. For an hour or more he wended the streets of the city, covering all the terri-tory from the heights to the waterfront and from Lovejoy street to the Plaza block. Naturally on his continued pil-grimage he grew thirsty and stopped many times "just to wet his whistle." With each drink he grew more confused, and at last his wandering footsteps took him to the police station. Here as he was telling his tale the phone rang and

guided hubby. The doctor and Mrz. Cole were happily reunited by Officer Wanless at Third and Yamhiil streets, where the wagon had en standing all the time.

#### NERVOUS WOMEN

Take Horsford's Acid Phosphate quiete the nerves, relieves nause headache and induces refreshing