LAYS FOUNDATION FOR PROSECUTION

Heney Is Moving With Much Caution.

BUILDS UP HIS CASE SLOWLY

Hall and Mays Trial Making but Little Progress.

DEFENSE FIGHTS EACH STEP

Few Witnesses Examined and Session Largely Given Up to the Reading of Letters Said to Show Conspiracy.

The Government yesterday continued laying the foundation of the case against John H. Hall and Edwin Mays. Hency introduced some 50 letters, written from June, 1900, to September,

1902, by Hall, Mays, Loomis, Stratford and Putnam. More such letters will follow today.

Hall objected seriously to only, one letter, written by Secretary Hitchcock to Special Inspector A. R. Greene, di-Greene to investigate the Heney's purpose is to show that this investigation was prompted by settlers, who had appealed valuly to Hall to act against the fences, Hall objects to the letter because a copy and not the original letter has been offered and because it is irrelevant. Judge Hunt will decide the question this

Unlike Hall, Mays raised numerous objections in the course of the day. The steps in the Government's evidence of conspiracy will be about as

First-Te prove Hall and Mays had frequent knowledge from protesting settlers of the fences as early as March, 1900.

Second-That Stelwer, Zachary and Hendricks caused various persons to file on land for their company, in order to complete the company's enclosure of public land.

Third-That Hall and Mays took no steps to prosecute the offenders, though they had full knowledge of the fencing and the conspiracy for more than three

At this stage, Stelwer is expected to testify about the alleged understanding by which Hall and Mays were not to prosecute him and his associates. One of the terms of this alleged agreenent was Steiwer's vote for Fulton.

George Brownell is expected to testify that Hall promised him immunity from land-fraud prosecution for his withdrawal from the contest for Hall's

In the Hall-Mays conspiracy trial Judge Hunt this morning will rule on the admissibility by the Government of a letter from Secretary Hitchcock, of the Interior Department, to A. R. Greene, then Special Inspector, in which Greene was instructed to proceed to Wheeler County and make an investigation of the alleged illegal fencing of the public lands W. Steiwer et al. Just before court adjourned yesterday afternoon Hency sought to introduce this correspondence, but Judge Webster, attorney for Hall, seconded by H. F. Wilson, attorney for Mays, objected vigorously for the reason that the letter offered was a copy of the original.

In the opening addresses to the jury in this case," replied Heney, "counsel for the defendants said it would be shown that the investigation of the llegal fencing in Wheeler County was ordered by the Interior Department on request of Hall. I propose to show by the introduction of this letter and by subsequent testimony that the investigation was secured solely through forts of Mr. Putnam and Mr. Walters, (Government witnesses) who labored to that end during 1900, 1901 and 1902. It se men brought about the sending of Special Agent Dixon, who made the only honest investigation and eport that was made. That is the only thing I desire to establish by the letter."

Judge Will Investigate.

Judge Hunt remarked that the letter night be offered in rebuttal, but since there was no evidence of that character before the court he questioned the admissibility of the letter then, Before finally deciding the question, however, he said he would investigate it further and announce his decision this morning. In order to establish the charge of a conspiracy against Hall and Mays, Hency has been obliged to introduce consider beginning of a conspiracy among the different defendants & While the letters and documents that are being introduced appear to be directly connected with the two defendants on trial, they are considered important by the prosecu as tending to show that Hall and Mays, together with their co-defendants, Loomis and Stratford, at that time special agents for the Interior Departent, who are named in the same indictment, were advised early in 1909 of the alleged violation of the fencing law both by letters and personal visits from settlers. The letters will be of further settlers. The letters will be of further value, it is claimed by Heney, in showing that while the defendants had knowlenge of the violations complained of, they edge of the violations complained of, they took no active steps either to abolish the

parties. The significance of these letters as relating to the case will be further shown by the Government when it proceeds to show the relations between Hall and the indicted Special Agents.

Another Link in Chain.

The second sten towards forging the col spiracy chain will be furnished in the testimony that will be given by various persons who entered on lands bordering on the Butte Crock grazing lands, which were afterwards acquired by Steiwer's company for the purpose of completing the inclosure of Government land. These witnesses are expected to testify that they settled on the lands not for their own use and benefit, but at the instance of Steiwer at a lof the Butte Crock of Stelwer et al. of the Butte Creek Land, Lumber & Livestock Company, to whom they sold their land as soon as they had received their patents in accordance with a pre-arranged under-standing with the officers of the corporation. In this way the conspiracy charge will be established against Steiwer, Hendricks and Zachary. When this has been accomplish

Government expects to associate Hall and Mays with the conspiracy by proving that while they had full knowledge of the unlawful fencing for more than three years, they took no steps to prosecute the offenders criminally. It will further be shown that the fences complained of were not removed until after the settlers had taken their complaint by petition to Sec retary Hitchcock, of the Interior Department, who assigned Special Agent Dixon to make an investigation. In this connec tion it is probable that Steiwer will take the stand to testify as to the existence of an understanding that existed between him and his associates on the one side and Hall and Mays on the other, by which they were not to be prosecuted criminally for violations of the land laws. George C. Brownell may also be called as a witness in support of the charge that Hall delined to prosecute him for his conr tion with the land-frauds of the State in consideration of his retirement from the race for the appointment of District At-

Much Preliminary Testimony.

Because of the large amount of preliminary testimony that must be produced by the Government before the material evidence against Hall and Mays can be presented, nothing sensational has yet developed in the trial. Witness Putnam, the Wheeler County rancher who labored untiringly for several years before breaking up the combination, remained on the stand all day, and when Court adjourned until 19 o'clock this morning Hency had not completed his direct examination of the witness. Putnam's testimony related entirely to correspondence that passed between himself and Hall or Mays or between himself and Special Agents Loomis and Stratford. Over 50 of these letters have already been introduced and Heney has a large number yet to offer.

In a letter bearing date of June 4, 1900, which was introduced Putnam wrote to Hall and informed him that various persons were about to make final proof on homesteads in violation of the law. He charged in his letter that the entrymen not only failed to reside on their claims, but had made no improvements other than the erection of a shack 12x14. which was uninhabitable, and the construction of a fence which completed the enclosure of the grazing land complained

Mays was connected with the alleged conspiracy yesterday for the first time by the introduction of correspondence between himself and Putnam in which Mays had replied that the complaint would reelve "early and careful attention in an effort to strainghten it out in a manner satisfactory to all concerned." In one of these letters to Mays, Putnam had written that "there is stronger evidence of these homestead entries (referring to those inspired by the Butte Creek Company) than that on which Durrant was hanged." In a later letter, dated March 4, 1901, written by Putnam to Mays, the writer complained, that unless the smaller stockmen in the vicinity of Fessi were granted some relief soon from the existing monopoly of the grazing land. they would either have to sell their cattle or go elsewhere.

Falled to Investigate.

After having had considerable corremondence with E. D. Stratford, a spe cial agent, who had promised on a number of occasions to visit Fossil and had as many times failed to put in an appearance, Putnam on September 22, 1901, again wrote to Hall potifying the District Attorney that Stratford had not made the investigation and urging that the matter be hastened along, for the res that the weather was getting bad and unless the work was done soon it would have to be abandoned for another year.

"The land sharks (referring to the of ficers of the Butte Creek Company) claim to have 'seen' one Government agent who has refused to come to Fossil at all," wrote Putnam in this letter. "One of my neighbors, who had been asked to go in with the others and file on some of the land across which fences were to be constructed by the Butte Creek Com pany, told them he was afraid the law would get after him, but they had as-sured him that they had fixed the agent from the Land Office, and nothing was

from the Land Office, and nothing was to be feared. If they are in the busi-ness of buying eff agents, let's give them a chance to buy by the wholesale."

In his answer, Hall informed Putnam that he had turned Putnam's letter over o the Interior Department and would have to wait until they had acted before he could do anything. Hall also referred Putnam to Special Agent Stratford, wh was then connected with the Roseburg Land Office.

Hall Asks for Names.

Replying to a later letter of a similar character from Putnam, Hall asked Put-nam for a list of persons and corpora-tions who had illegally fenced public lands, saying that he would write them a "sharp" letter and tell them what the law was. In this letter Hall said he had

used his every endeavor to get an inspec-tor to visit Fossil and investigate the complaint reported by Putnam.

Witness testified that Special Agent Loomis finally visited Fossil in June, and again in July, 1902, when affidavits were signed by both Putnam and a neighbor.
W. D. Shepard, alleging the illegal fencing of Government land by the Butte

Concluded on Page 4.1

TAFT IS SURE OF OHIO DELEGATION

Half Counties Assure Him Majority.

FORAKER A MERE GUERRILLA

Ashamed to Show Weakness by Making Fight.

BUT ONE COUNTY DIVIDED

Senator Refuses to Run Ticket There-Nearly Every County Declares for Taft - Legislature Working on Primary Law. .

COLUMBUS, O., Jan. 17.-(Special.)-With just half the countles of the State heard from, the Taft forces are assured more than 500 delegates in the State Convention, or far more than necessary for In the majority of cases resolutions have been passed indorsing W. H. Taft, and in all but three the State call has been followed without question.

Guernsey, Holmes and Melgs Counties seclined to call primaries, but in every case the declarations were for Taft, the objection to the primaries being on the ground that there would be no opposi and the expense would be useless.

Opposed in Only One County.

In only one place is there known opposition to the Taft primary ticket, and that is Lake County, where Mr. Beidler will have a rival ticket in the field. The Taft forces will be marshaled by Representative S. D. Shankland, and it is said that Senator Foraker has declined to file the required consent for the use of his name at the head of the Beidler ticket, as this showing of having only one ticket in the whole State would not be flattering

to him have been definitely heard from, and from these the sentiment is almost invariably for Mr. Tait. No report has yet come from Hamilton, in which Cincin nati is situated, nor from Cleveland, the metropolls of Cuyahoga County. Franklin, in which Columbus is located, declared for Mr. Taft.

Foraker Men Only Guerillas.

The Taft people already say that the Foraker warfare is now only of the guerilla kind, in which the attempt is merely to harass the cause of Taft and

The attitude of the counties is reflected strongly in that of the Legislature now in session. It is evident that any effort to rush the Huffman primary election bill through to carry out Mr. Forsker's compact with certain Democrats will meet with the advice of his physician, Dr. Petacel, his holiness postponed all the audiences that had been arranged for today and tomorrow. The doctor says that a few days of rest and of dieting will be sufficient to restore the Pope's health, as three bills pending are to be referred to that committee and all persons interested. through to carry out Mr. Foraker's com-

in primary election reform are to be in-vited to appear before the committee and offer suggestions. When these have been heard, the committee will underfake to prepare, from the data thus collected and the pending bills, a measure that will pending bills, a measure that will orm to the popular demand.

HUGHES LEAGUE ESTABLISHED

Incorporates to Secure Nomination of New York Man for President.

of New York Man for President.

ALBANY, N. Y., Jan. 17.—A certificate of incorporation of the Hughes League of the United States was filed with the Secretary of State today. The papers state its purpose to be "to aid in crystallzing public sentiment and public opinion and to foster the same for the purpose of securing the nomination of Charles E. Hughes, of New York City, as the Republican candidate for President of the United States of America in the rear 1988 and to assist in his election."

The directors are Frank Brookfield. State Senator Alfred R. Page, Samuel Strasbourger, State Senator Martin Saxe and Andrew B. Humphrey, of New York City; Edward F. Gragin, Darwin R. James, Jr., and George Waldo, of Brooklyn; Edwin A. McAlpin, of Ossinning; John E. Mulholland, of Essex County; Superintendent of Public Works Frederick C. Stevens, of Attica, and Charles E. Young, of New Rochelle, The principal offices of the league will be in New York.

PREPARING FOR CONVENTION

Democratic Committee to Go to Denver-Hall to Be Completed.

CHICAGO, Jan. 17.—The sub-committee in charge of arrangements for the National Democratic Convention to be held in Denver on July 7, will meet at the Brown Palace Hotel in Denver on Monday, January 29. The members are: Roger C. Sullivan, Chicago, chairman of the sub-committee; Norman E. Mack, New York, John T. McGraw, West Virginia; John E. Osborn, Wyoming; Clark Howell, Georgia; R. M. Johnson, Texas; J. C. Dahlman, Nebraska; Thomas Taggart, chairman of the National committee, Indiana, and Urey Woodson, Kentucky. Kentucky.

DENVER, Jan. 17.—Colonel John I. Martin, of St. Louis, sergeant-at-arms of the Democratic National Conventions since 1896, arrived in Denver today. After looking over the situation Colonel Mortin said he had no doubt the city auditorium would be completed in time for the convention and would be safe. He expressed the opinion that the convention would bring 150,000 people to this city.

MANY ALARMIST RUMORS

POPE PIUS' GOUT SETS ITAL-IAN TONGUES BUSY.

severe Attack Causes Audiences to Be Postponed, but There Is No Danger.

ROME, Jan. 17.—Various alarming rumors were in circulation this afternoon regarding the health of Pope Plus. They were to the effect that his holiness had suffered a stroke of apoplexy, that he had had a had fainting spell, and that disease of the heart from which he suffered had suddenly grown worse.

The reports were more eleminar in characteristics. The reports were more alarming in character than those circulated when Pope Pius, a few days after his election, fainted in the Pauline Chapel while cele-

brating his first pontifical mass.

All were greatly exaggerated, however, as the Pope is only again suffering from gout. The attack began last night, and by morning had become so acute that by the advice of his physician. Dr. Petacet | been ex

NOW FOR THE NEXT THROW!

KEEP HER STORY FROM THE PUBLIC

Jerome Moves When Evelyn Testifies.

CALLS HERS HORRIBLE TALE

Narrative of His Strange Conduct. Nurse and Others Testify to Insanity of Defendant.

NEW YORK, Jan. 17 .- A series of sur prises brought the Thaw trial, near a risis today. Both Evelyn Thaw, the wife, and Mrs. William Thaw, the mother, of the defendant, were on the witness stand and just as the former was about to relate anew the story of her life as she told it to Thaw in Paris in 1903, District Attorney Jerome arose and said that in the interest of public morals all persons except those interested in the case should be excused from the cour room during what he called the recital of a "horrible tale." This included representatives of newspapers, as well as the public generally. Martin W. Littleton, of the defense, joined in it to shield the young woman from curious eyes, and said that, so far as the right to an open to waive that point in any ironclad manner the court might suggest. Proceedings were suspended until next Monday morning, when Justice Dowling, who is presiding, will announce his decis

Jerome's Move a Surprise.

The District Attorney's suggestion was distinct surprise and called forth the remark from Justice Dowling that it would have come with greater force at the first hearing of the case. When Mr. Jerome arose, if was generally believed that he was about to contend against the admission of young Mrs. Thaw's testi-mony, on the ground that it could not have had a very serious effect upon the mind of the man who became her hus-band, masmuch as the homicide did not

Mrs. Thaw's detailing conversations she had with Thaw three years prior to the tragedy, but Justice Dowling ruled that declarations of the defendant were admissible on general principles without any reference to the Wood case, under which evidence in dispute was admitted last year, and Mr. Jerome had-

Sensational Move Interrupts Thaw Trial.

THAW'S MOTHER A WITNESS

Weak From Illness, She Repeats

occur until three years thereafter.

Mr. Jerome had previously objected to

mediately in front of her and objecting to practically every question which Mr. Littleton asked in his preliminary examination as to her early history, cut the young woman's recital from the effective narrative form it assumed last year into hundreds of fragments. Many of the objections, based upon irrelavancy and immateriality, were sustained by the court. When these failed, the prosecutor was ever ready with others until the testimony fairly was torn into shreds and had lost entirely the many little touches of human interest which were a part of the narration last year when objections were offered. Mr. Jerome said his objections were intended to cut out all the stories about pet cats and a for of other stuff," which had no place in the trial.

Jerome Glares and Shouts.

The day, however, was one of good progress for the defense. The elder ars. Thaw, pale and weak from her recent was assisted to the witness chall and repeated a large part of the testimony she gave a year ago. Her appearance and the sincerity of her evidence as she told of her son's strange conduct after meeting Evelyn Nesbit and hearing her story, had a marked effect upon all who listened. On account of he weak condition, her examination was interrupted by consent, to be resumed some time next week, when she will tel of Thaw's infancy.

Mr. Jerome's manner, while the mother was on the stand was all deference and it was his suggestion which led to the respite in her ordeal. But when the young wife took the stand a change was marked. Mr. Jerome glared at her and his objections were fairly shouted in her cars. Well accustomed to court usage from her former experience, the young woman waited patiently for a ruling as to each objection. When they were sus-tained, she was allent; when over-ruled she was ever ready with her response. The trial may be concluded in two more weeks.

Wild and Staring Eyes.

Miss Alice G. Fletcher, of Washington D. C., who said she had been a frequent visitor at the Thaw household in Pitts burg, and had known Harry K. Thaw for 26 years, was the first witness today. She declared that Harry was an unusual child-nervous and moody, with wild and staring eyes. He seldom talked coherently, and was unable to carry on a sus tained conversation.

"Throughout the period you knew Harry Thaw did his acts and appearance impress you as rational or irrational?"

asked Mr. Littleton.

"Irrational," declared the witness. he had had an awful experience; that he believed he had a terrible disease of the eyes, and thought he was going to diein fact, he wanted to die. He mentioned Evelyn Nesbit's name frequently, but his talk usually was too incoherent to follow. His eyes looked without seeing, appar

cross-examination, Miss Fletcher On said that although a frequent guest at the Thaws' home, she had never known Harry to be placed under restraint in any

ness' impression of Thaw was only of & nervous, eccentric man or a person of unsound mind. "He impressed me always as a person

Mr. Jerome wanted to know if the wit

who was not rational," declared Miss Fletcher. "He often acted oddly and would leave his meals untouched." "Did you ever counsel with his mother

as to Thaw's mental condition?" asked "I remember his mother's anxiety and

er speaking to me about it." "Do you remember anybody you ever discussed the matter with?" "I never discussed Harry Thaw with

anybody." Had Never Known Parallel Case.

Mr. Jerome asked many questions as to the ideas of irrationality the witness entertained and then started to inquire as to whether she had ever before observed asyoung man very much in love with a chorus girl, when Justice Dowling interrupted to say there was noth ing in evidence so far as to any thorus

"Well," said the prosecutor, "had you ever before observed a young man who told you of a beautiful young woman who had been greatly wronged?" "No."

Miss Fletcher insisted that Thaw's talk constantly was incoherent, with a shifting of subjects. She could not recall any particular occasion on which there had been a violent outbreak.

Nervous, Moody Child

Catherine Neill, an elderly woman, who was a nurse in the Thaw family for six years, and took charge of Harry K. Thaw when he was between 3 and 4 years of age, testified as to the childhood of the defendant. She described him as very nervous and moody. He would have nervous outbreaks which would end in complete collapse. His mouth would twitch and there were general facial contortions. The nervous outbreaks occurred during all of the years the nurse was in the employ of the family, causing her to reach the conclusion that Harry's mind

Mr. Jerome sought on bross-exam-ination to show that Thaw was simply a child of nervous disposition and an ungovernable temper. The nurse admitted he showed all of these tendencies. It was necessary, she said, to call in the family physician after the outbreaks. Thaw suffered from St.

Mr. Littleton here caused a ripple of excitement by calling Evelyn Nesbit Thaw to the stand. It had been said yesterday and again this morning that she would not be a witness until next week. Young Mrs. Thaw in her blue schoolettly dress appeared promptly and choolgirl dress appeared promptly and walked briskly to the witness chair, re Clerk Penny administered the usual

oath. Thaw's Delusions in Jail.

While Mrs. Thaw was sitting with anxious face ready for her examination, Mr. Littleton changed tactics and asked her to withdraw for the time being, to make way for Policeman Thomas P. Lynch, who was doorman at the Tenderloin police station at the time Thaw was confined there following the shooting of White.

Lynch repeated the testimony he (Concluded on Page 4.)

irial. Page 1. Young intoxicated or drugsd. In gutter. Page 7. Officials of Title Guarantee & Trust Company advances technicalities in effort to quash information signifes them. Page 10. Oregon State Press Association opens annual convention here. Page 10.

Ladd chooses R. S. Howard, Jr. for receiver of Title Guarantee & Trust Company. Page 11.

TORPEDO-BOATS JOIN THE FLEET

Uncle Sam's Armada Makes Fine Show.

LIVELY SCENE IN RIO HARBRO

False Report of Disaster Mystifies Officers.

GARDEN PARTY A SUCCESS

Over 3000 Persons Entertained by Brazilian Naval Club-Flotilla to Sail for Buenos Ayres

After Four Days.

RIO DE JANEIRO, Jan. 17 .- The American battleship fleet was joined today in the harbor of Rio Janeiro by the torpedo-boat flotilla, numbering six vessels, which arrived from Pernambuco and anchored near the 16 blg battleships at 3:45 o'clock in the afternoon. The flotilla left Pernambuco January 13, and met with good weather on the voyage to this port. Some delay was occasioned by the machinery of the Lawrence, but a few hours sufficed

to make repairs. Lieutenant-Commander Cone reports he health of the men of the torpedo flotilla as generally good, though there are some cases of malaria among them. The vessels in his command will sail for Buenos Ayres after coaling, prob-

ably about January 21. Great Array of Warships.

Never before were so many warships Miss Fletcher told of seeing Thaw at anchored in this part at one time. Besides mother's house in 1903. Thaw Said is had had an awful experience; that he believed he had a terrible disease of the sunlight of a perfect day, there were the fleet of Brazilian warships, the cruiser Bremen and finally late in the afternoon came the six American torpedo-boat destroyers to swell the great fleet. Scores of small boats ran to and fro between the warships shore, carrying thousands of men who had been granted leave for the day, while the officers were still being feted by the government, the city and the people of Rio. Nothing occurred to break the absolute peacefulness of the scene in the harbor, and the enjoyment of the men ashore,

False Report of Disaster.

There was considerable surprise and not a little amusement among the officers of the battleship fleet, as well as amone the people of Rio, over numerous inquiries cabled here United States during the day for information regarding a reported disaster to the battleship Connecticut, Admiral Evans' flagship. At first the inquiries were mystifying to those to whom they were addressed, as the rumor of a mishap to the Connecticut did not originate here, and at the time frenzied inquiries were being telegraphed from the United States all the ships of the fleet were lying peacefully in the harbor in plain view from the shore. Finally it became clear that the rumor of an accident originated in the United (Concluded on Page 2)

CONTENTS TODAY'S PAPER

The Weather

YESTERDAY'S-Maximum temperature, 46 degrees; minimum, 39.
TODAY'S—Rain, increasing easterly winds. Foreign.

Pope Pius has gout, but alarming rumors are not justified. Page 1. Women suffragists invade British Cabinet meeting. Page 3. Haytian rebels capture two towns and President threatens bombardment, Page 7. National.

Torpedo fiotilla arrives at Rio. Page 1.

Senate committee questions Goothals about Canal literary bureau. Page 2 Mariness on transport successfully resist Army officers orders. Page 4. Domestic.

Domestic.

Montana mineowners unite to build smelter and fight trust. Page 3.

Jury in Walsh trial reaches verdict. Page 2.

Lawyers want Evelyn Thaw's mory kept from public; evidence of Thaw's mother and wife. Page 1.

Four Scranton factory girls killed in firs. Page 3.

Sovereign Bank of Canada falls. Page 7. Pacific Coast.

Enclife Const.

Chinaman fatally wounded in tong war at San Francisco. Page 3.

Salem people figure out that Jim Hill is behind the Oregon Electric. Page 6.

Seattle banks will resume specie payment Monday. Page 6.

Indian agent at Hoquiam missing; said to be short in accounts. Page 4.

Politics.

Taft men carry more than half Ohio county.

Taft men carry more than half Ohle counties and are sure of others. Page L. Commercial and Marine.

Active wheat buying in interior. Page 15. Chicago wheat market affected by Hessian fly reports. Page 15. Gold may be exported to Europe. Page 15.

Steady improvement in general commercial situation. Page 15.
Captain Andrew Hobers resigns from the State Board of Sallor Boarding-House Commissioners. Page 14. Portland and Vicinity.

Little progress made in Hall and Mays trial. Page 1.