

# HALLSLOWED PROSECUTIONS

### Although Urged by Special Agent Dixon, Declined to Arrest Illegal Fencers.

### FILED CIVIL SUIT INSTEAD

### Government Witness Describes His Investigations in Wheeler County—Declares He Recommended Filing Criminal Charges.

### STOP LAND FRAUDS AT FOUNTAIN HEAD, SAYS HENEY

"The only way to stop land frauds is to start where they can be stopped," said Special Prosecutor Henev, in an interview yesterday. "See that all fences and registers of land owners are in the past, and land-losing will flourish, until some day an Attorney-General arises who will instruct District Attorneys in the West, where the land is being stolen, to prosecute the Registers, Receivers and Commissioners, who accept fraudulent filings."

Special Agent Edward W. Dixon, who investigated and reported on the alleged unlawful fencing of public lands in Wheeler County by the Butte Creek Land, Livestock & Lumber Company, was the important witness for the Government yesterday in the Hall-Mays conspiracy trial in the United States Court. Special Agent Loomis related the result of his investigations and testified that while he had recommended the criminal prosecution of W. W. Steiwer, Hamilton H. Hendricks and probably Clarence B. Zachary, of the Butte Creek Company, his recommendations were disregarded by Hall, who subsequently filed a civil suit only and afterwards proposed to stipulate with the officers of the Butte Creek Company by which the suit was to be dropped if they removed the fences and made it possible for other settlers to have access to the lands that had been improperly inclosed. Dixon was on the stand when asked yesterday and will resume his testimony this morning.

Dixon is considered one of the material witnesses for the Government. On his testimony and that of other witnesses to follow, Henev expects conclusively to establish the connection of Hall and Mays with the alleged conspiracy by showing that although the defendant in the action regarding the alleged violation of the fencing laws, they deliberately postponed taking any action and that when they did proceed, they filed a civil and not a criminal prosecution that was recommended by the Government's agent who made the investigation. With yesterday's session the prosecution apparently exhausted its list of settlers, who were the original complainants, and it is expected that Dixon will be followed by other more important witnesses, whose testimony will be calculated more directly to associate both Hall and Mays with the alleged conspiracy charged in the indictment.

### Special Agent Dixon Testifies.

Special Agent Dixon testified that he had been employed in the Interior Department since June 1, 1903, and that he was first assigned to assist Hall on April 15, 1907. Reaching Portland from Seattle on June 15 of that year, the witness said he had a conference with Hall, who told him that he, Hall, had received a great many complaints alleging violations of the fencing laws from settlers in a number of the Eastern Oregon counties, including Wheeler and Grant. Hall said he told Hall that it would be impossible for him to remain on the detail for more than three weeks and until it would be possible for him to return and complete the investigations he had been ordered to make, he desired to spend the three weeks in the territory most conveniently located to Portland. Hall handed witness an envelope containing numerous complaints from settlers. In looking them over Dixon said he discovered one letter from E. A. Putnam and after discussing the matter with Hall, it was decided that he should first investigate the conditions in Wheeler County. Before starting on his assignment to Portland, Dixon said he had written Hall a letter saying that he was engaged in some Government business that would necessitate a trip to San Francisco, and he inquired if a delay of 10 days would in any way interfere with the proposed investigations in this state. Replying to this letter, Hall, on May 2, wrote Dixon saying that the work in Oregon would require two or three months and that it was not absolutely necessary that the investigation begin at once, as some of the fences had been standing for a number of years. Hall suggested that Dixon complete the work he had in hand before coming to Portland.

### Discovers Illegal Fencing.

Witness then related the result of his investigation of unlawful fences in Wheeler County, which required nearly four days for him to complete. He testified that he found the enclosure of the Butte Creek Company absolutely complete and that on June 23, 1907, he notified W. W. Steiwer, president of the company, forthwith to remove the fences and to vacate the enclosure. In reply Steiwer said his company was desirous of complying with the law and would take down the unlawful fences at once. Three other enclosures maintained by the Butte Creek Company were investigated by Dixon, who, on July 6, served the same notice on Steiwer respecting these enclosures.

The witness testified that he was then required to return to Seattle and that when he again visited Wheeler County, in September, 1907, he found that the Butte Creek Company's fences remained intact, with the single exception that one section about three-eighths of a mile in length had been taken down, but he said this did not furnish a satisfactory opening to the enclosure, for the reason that it was not apt to be found by cattle.

failure of the parties complained against to remove their fences according to the instructions he had given them on the first visit, in June, 1907. Some small gaps were reported to have been found in some of the fences, but the openings were not such as could be considered accessible passageways for stock. In a letter to Hall which accompanied these affidavits Dixon recommended that immediate action be taken against these parties, including the arrest on a criminal charge of Steiwer and Hendricks and probably Zachary, who was the company's foreman and a director in the corporation.

### Dixon Urges Arrests.

In his letter, which was introduced in evidence, Dixon urged the arrest of the officers of the Butte Creek Company without further delay, for the reason that the company exerted a great influence in the county and if it was not to be molested, his efforts to enforce the law against the smaller violators would be seriously handicapped. Dixon further recommended the prosecution on a criminal charge of Townsend & Son, Ambrose Beard and Charles Huntley, who were in answer to the affidavits and the letter accompanying them Hall wrote Dixon, saying that Steiwer had written him requesting more time in which to remove the fences. Hall said that he would write Steiwer a letter that he believed would accomplish the immediate removal of all unlawful fences. Again on October 6, 1907, Hall wrote Dixon, informing him that Huntley had been arrested on Dixon's request, for a violation of the fencing law. In this letter Hall said he had prepared complaints against the Townsends and Beard and would send a Deputy Marshal to Wheeler County to make the arrests. The District Attorney also wrote that he would file an injunction suit against the Butte Creek Company, and asked Dixon to send him the names of the officers of the corporation.

### Large Offenders Unmolested.

Witness said he returned to Portland on October 31 and discussed the result of his investigations. Dixon said that he commented on the fact that Hall had all of the offenders arrested with the exception of the Butte Creek Company officers, and inquired if Hall expected to arrest the principal offenders, and when, to this Hall replied that he had instituted equity proceedings against Steiwer's company to recover a decree for the removal of the fences, but had not begun any criminal suits against the company or its officers; that he had been too busy with other matters. Dixon said he still urged Hall to proceed criminally against the principal offenders, and when, in so doing the work of putting an end to unlawful fencing of the public domain would be assisted wonderfully by such a prosecution against the principal offenders. Dixon said he further told Hall that the smaller stockmen protested against being required to remove their fences when the large company was not disturbed.

Dixon testified that in February, 1904, Hall told him that E. P. Mays, attorney for the Butte Creek Company, was willing to take down the fences on the vacant land and to make gaps by which the inclosures would be open if the prosecution would stipulate to that effect, the Government to have the privilege of indicating how much of the fences should be taken down or openings made in order to give access to the inclosed land. On February 26, Dixon said, he went over the map with Hall and agreed to the removal of many of the fences in 30-foot sections. During the preceding month, however, the witness testified that he had furnished Hall a list of witnesses, that would be needed by the Government at a trial of the suits. When the names of these witnesses had been read Judge Hunt ordered an adjournment until 10 o'clock this morning.

Other witnesses yesterday were Charles Watson, one of the defendants named in the Hall and Mays indictment; Jesse Pentecost, of Fossil; L. H. Morris, of Linn County; and George S. Smith, of Wheeler County, all of whom are special agents of the Interior Department.

# GROWTH OF USEFUL WORK

### INSTITUTE CLUB NOW FILLS A LARGE FIELD.

### Reports at Annual Meeting Show That 250 Children Are Now Registered in Classes.

The third annual meeting of the Institute Club was held yesterday in the rooms of the People's Institute. The president, Mrs. Helen Ladd Corbett, told in her opening remarks of the phenomenal growth of the institution, which, starting three years ago with a kindergarten of 13 children, has now passed its mental stage and, with its many departments and over 250 children in its classes, has become a permanent and influential social factor. She spoke also in praise of the work of the director, Miss Pritchard, and of the spirit of co-operation shown among the voluntary helpers of the institute and many of the philanthropic societies of the city.

Following the reports of the secretary, Mrs. William Mackenzie, and the treasurer, Mrs. Charles Ladd, came the election of three officers—Mrs. Mackenzie, being chosen to succeed herself as treasurer, secretary and chairman of the finance committee. The director's report was heard with much interest. Miss Pritchard showed the need for an organization which aims to extend educational, industrial, religious and friendly aid to those women and children belonging to the busy wage-earning class whose entire strength and energy is spent in procuring food, shelter and clothing, leaving no time for physical, ethical or intellectual progress. Reviewing the different departments of the institute she told how each one had been formed, of its growth and of the necessity for each in the effort against incompetency and inefficiency with the resulting poverty, unkept homes and uncared-for children. In speaking of the industrial side of the work, she showed how philanthropy must begin training, which in the growing complexity of city life will finally be provided by the state.

### Nominees for Club Trustees.

The nominating committee of the Multnomah Amateur Athletic Club concluded its labors at selecting the candidates for the six trustees to be elected next month. The following were chosen: Frank E. Watkins, Irving Rohr, J. F. Ewing, George W. Simons, B. D. Siger and Harold Beach. The new trustees will be chosen on February 11 to succeed George W. Hoyt, T. Morris Dunne, Arthur O. Jones, James S. McCord, George W. Simons and S. C. Moore. George W. Simons was the only retiring trustee to be renominated.

### File on Railroad Land.

Three new suits were filed yesterday in the United States Court by three brothers who have settled on lands owned by the Southern Pacific Railway. They are M. Anderson, W. H. Anderson and W. A. Anderson.

# GOBBY DECLARES ACCUSERS LIED

### Contradicts Testimony and Charges That Witnesses Perjured Themselves.

### HEARING NOT CONCLUDED

### Liquor License Committee Will Resume Trial of Saloonman Next Saturday—Counselmen Vaughn and Driscoll in a Clash.

When placed on the witness stand at the request of Councilman Vaughn, at the session of the liquor license committee yesterday afternoon, Conboy, charged with selling liquor to a minor, denied every accusation made against his place by witnesses for the city on Monday. His defense was that all who had testified against him "lied" and "perjured" themselves. Without hesitation, he declared that every man and woman who had taken the stand against him or his business had falsified. The trial will be resumed Saturday at 10 A. M.

Backed by Councilman Concanon, who represents the party that withdrew the question in question is located, Conboy has assumed a defiant attitude. H. H. Emmons, Conboy's lawyer, tried desperately to secure a postponement of the hearing for several days, but Councilman Vaughn, in a ringing speech, demanded that Conboy be forced to take the stand and "tell the truth, as it is known to him in his own heart."

Bitter exchanges between Councilman Vaughn and Councilman Driscoll were frequent during the hearing. Mr. Vaughn once telling Mr. Driscoll, "You are as soon as given a copy of the sworn testimony of Misses Pama and Maude Wilkinson to Conboy himself, as to Mr. Driscoll, when you exist between made affidavit against Conboy two weeks ago. This was in reply to Mr. Driscoll's question as to why Mr. Vaughn had not furnished Mr. Driscoll with a copy of their evidence."

### Vaughn Accuses Driscoll.

Mr. Vaughn told Mr. Driscoll that the latter was first, last and all the time "Conboy's man," and would never vote to revoke the license of the saloon. Mr. Driscoll vehemently denied the accusation.

After Lawyer Emmons had tried for 30 minutes to secure a postponement, a vote was taken and the motion to postpone was lost. Chairman Coffey of the liquor license committee, expressed himself as favoring a continuance, but said, "I want to hear Mr. Conboy's testimony before his lawyer gets a chance to coach him." The witness was sworn, notwithstanding the strenuous efforts of his attorney to prevent him from testifying.

Bitter enmity exists between Conboy and E. P. Noland, who keeps a restaurant near the Conboy saloon, and who alleges that his 16-year-old daughter was lured to her ruin by Conboy's saloon. Conboy admitted, under cross-question by Councilman Vaughn, that he disliked Noland strongly that he refused to sell him where Miss Noland went when she left home several months ago, and who was to blame for her leaving, although Conboy confessed to having seduced the Breckenridge boy was the guilty party, and also that the girl was in Tacoma at the time. The boy tried to get Conboy to act as a "straw man" between the father and the girl, but Conboy denied ever receiving any such letters.

Conboy first became acquainted with Noland, he said, last July, when he went to Noland's restaurant to talk matters over.

"Noland talked temperance to his boarders," said Conboy, "and I went over to see him. I asked him to let me sell him where Miss Noland went when she left home several months ago, and who was to blame for her leaving, although Conboy confessed to having seduced the Breckenridge boy was the guilty party, and also that the girl was in Tacoma at the time. The boy tried to get Conboy to act as a 'straw man' between the father and the girl, but Conboy denied ever receiving any such letters."

Explaining the presence of a bed in the back room of his saloon, Conboy said it was placed there because he often slept in this room, and that he had the permission of the Chief of Police to put in the bed.

Saturday morning Conboy will put in his defense before the committee. It is freely predicted in City Hall circles that Conboy has sufficient votes "lined up" to assure the retention of his license.

The invitation extended to Conboy to eat turkey dinner at Noland's restaurant two weeks ago Sunday, after all that Noland charged against Conboy, seems to have turned the tide of feeling among the Councilmen, and it is believed the incident will decide the case, which has attracted wide attention.

### City Appropriations Made.

At a meeting held yesterday morning, the Ways and Means Committee of the Council recommended the following apportionments of money for this year's expenditures in the city: Fire Department, \$464,327; Engineering Department, \$24,000; Health Department, \$12,300; Street-Cleaning Department, \$18,000; Auditor's office, \$20,000; City Hall, \$12,250; Police Department, \$190,000; street-repair fund, \$95,000.

### FUNERAL OF FRANK COYNE

Buried With Military Honors at Riverview Cemetery.

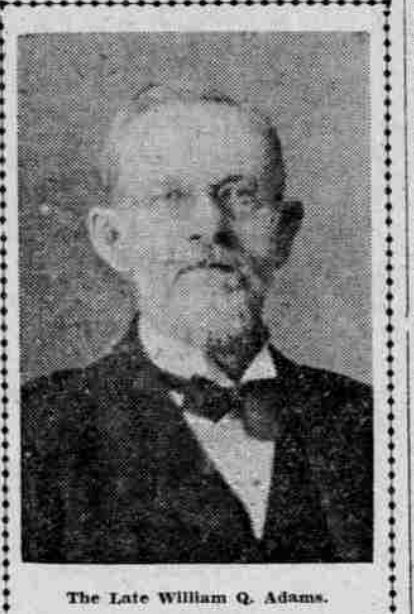
The military funeral of the late Frank B. Coyne, formerly a member of Company H, Second Oregon Volunteers, took place at St. Lawrence Catholic Church, Third and Sherman streets, yesterday afternoon. Members of Company H and about 20 members of Young Men's Spanish-American War Veterans, under Commander Seneca Fouts, were in attendance as a tribute to their departed comrade. Father Hughes, pastor of St. Lawrence Church, delivered the requiem at the church and also at the grave. Many floral offerings were in evidence and the grave in soldiers' plot at Riverview Cemetery was banked high with flowers. Among the set pieces were offerings from the Multnomah Amateur Athletic Club, the Benevolent and Protective Order of Elks, Company H, Second Oregon Volunteers and the United

Spanish American War Veterans of Scout Young Camp. The pallbearers were taken from among the members of Company H, and were as follows: Charles E. McDonnell, Fred H. Nolter, Nick Whitehead, Martin Pratt, Frank F. Freeman, Sam Holbrook, Ned Barrett and Dr. Fred Watson. Captain Roy Dobbie of Company H, Third Regiment, Oregon National Guard, and formerly a comrade of Mr. Coyne in the Oregon Regiment, sounded taps on the bugle over the grave, and the firing squad consisted of members of Captain Dobbie's company.

### DEATH CAUSED BY SHOCK

### Aged Business Man Fails to Rally After Operation.

William Q. Adams, formerly prominent in the Portland business world, died yesterday morning at Good Samaritan Hospital as the result of a second amputation of one of his legs for blood poisoning. His death was a surprise, as the hospital four weeks ago. He had been suffering from rheumatism and applied amonnia to the foot, which caused a blister. The blister broke and the infection was small, but spread and a physician was called in. He found that gangrene had



The Late William Q. Adams.

set in and Mr. Adams was taken to the hospital where the leg was amputated below the knee. A second operation became necessary, which was performed last Saturday. In his enfeebled condition and at his advanced age, Mr. Adams could not survive the shock.

Mr. Adams was well known by all old residents of Portland. He was also well known at Salem where for several years he engaged in the manufacture of agricultural implements. Mrs. F. S. Field, of this city, is his stepdaughter. He is survived by his wife and three children: W. H. Adams, of Portland; Charles Adams, of The Dalles, and Roy Adams, of Vancouver, Wash. Walter G. and Herbert Lavoie and Mrs. Ida H. Hayden are stepchildren. The funeral will be held at 1:30 P. M. today from the chapel of P. S. Dunlop, 414 East Alder street.

### CLUB COMMITTEES NAMED

### One Will Raise Funds to Furnish New Building.

In addition to the regular standing committees of the Commercial Club appointed yesterday by President Edison, a finance committee, composed of Theodore B. Wilcox, E. L. Thompson, T. W. B. London, John C. Ainsworth and Hugh McGuire, was appointed to provide funds for furnishing the new club building. The amount necessary for this purpose is in the neighborhood of \$50,000. Many of the contracts for furniture and decoration have already been let. It is the purpose of the club to deal exclusively with deal firms in the matter of furnishings.

Following is a list of the standing committees of the club for 1908: Auditing—John C. Ainsworth, chairman; W. B. Glafke, vice chairman; B. H. McCracken, F. Dresser, George W. Simons. Library and property—Dr. J. R. Wetherby, chairman; T. W. B. London, vice chairman; B. H. Trumbull, Lloyd J. Wentworth, W. B. Glafke. Reception—W. B. Glafke, chairman; Dr. J. R. Wetherby, vice chairman; E. H. McCracken, Sig. Sichel, Edward Ehrman. Finance—Theodore B. Wilcox, chairman; E. L. Thompson, vice chairman; T. W. B. London, John C. Ainsworth, Hugh McGuire.

### CYRUS K. BALLARD DEAD

### Postmaster of Milwaukie and Civil War Veteran.

Cyrus K. Ballard, Postmaster of Milwaukie and a Civil War veteran, died yesterday morning at his home after an illness of several weeks. He was born in Illinois a little more than 60 years ago. When the Civil War broke out he enlisted in the Fifth Illinois Regiment and served throughout the war with a creditable record. About 25 years ago Mr. Ballard started across the plains in a wagon with his wife and settled at Ona Grove, Or. He afterwards moved to Milwaukie and was appointed Postmaster there five years ago. He was a charter member of River-view Lodge, No. 79, I. O. O. F., a member of the G. A. R. Encampment at Oregon City, and the Knights of Pythias, and a social member of the Knights and Order of Security. He is survived by a brother Charles Ballard, of Milwaukie, and two sisters, Mrs. Anna DeBall, of Yukon, Oklahoma, and Mrs. Addie Orr, of Lay, Oklahoma. The funeral will be held this afternoon at 2 o'clock in Woodmen Hall under the auspices of River-view Lodge.

Charles Ballard has been put in charge of the Milwaukie Postoffice by the Postmen, pending the appointment of a permanent Postmaster.

### Northwestern People in New York.

NEW YORK, Jan. 21.—(Special.)—Northwestern people registered at New York hotels today as follows: The Portland Club, Wemberburg, at the Broadway Central. From Spokane: G. Secarit, at the Herald Square; R. E. Lee and wife, at the Victoria.

From Seattle—Mrs. F. R. Eldridge, Miss F. Eldridge, at the Savoy; H. E. Barber, S. A. Burns, at the Imperial; E. C. Chesaty, at the Walcott; A. Burke and wife, F. Farrell, at the Albany; O. S. Shylak, at the Broadway Central; G. C. King, at the Ashland; J. Latham, at the Holland.

To Cure a Cold in One Day Take LAXATIVE BROMO Quinine Tablets. Druggists refund money if it fails to cure. E. B. Sigmund's signature on each box.

# LOYAL TO VARSITY

### Members of Oregon Alumni to Work for Appropriation.

### ANNUAL BANQUET IS HELD

### Graduates and Friends of "Old Oregon" Begin Vigorous Campaign to Defeat Referendum Movement Against Income.

At the banquet of the Portland Association of the University of Oregon Alumni, held last night in the rooms of the Commercial Club, a vigorous campaign in support of the \$25,000 appropriation bill for the University was begun. One hundred and fifty members of the alumni gathered around the banquet tables and with one voice boosted for "old Oregon." C. N. McArthur officiated as toastmaster.

The first speaker was President Campbell, of the University. He presented facts and figures to show the cost of maintenance of the institution per student to the state was less than any state of the Union, except Iowa. Based upon an appropriation of \$25,000, the cost per student for maintenance and buildings is \$28 in Oregon, and the only Western state where the cost is less is in Wisconsin.

Tom Richardson, secretary of the Portland Commercial Club, made an earnest plea for the support of the University. He said that the referendum on the appropriation was unfortunate and must be combated. "The appropriation is less than 1 per cent of the amount of money left in the state last year by the dairy industry, less than 2 per cent of the fruit crop and 1 per cent of the wheat yield of Oregon," said Mr. Richardson. "The first question asked by people who expect to come to this state is about the schools. The University is worth several times its cost as an advertisement."

State Senator Beach, Assistant Secretary Mossesohn, of the Chamber of Commerce, Zora Snow, Dr. C. F. Leonard, Charles F. Clarke, C. A. Woody, Colonel R. A. Miller, F. E. Beach, Dr. J. D. Penton, County School Superintendent Robinson and W. G. Oberstuffer, made suggestions as to the line of activity to be pursued in behalf of the appropriation, and the circulation of a subscription paper raised \$224 to be expended in payment of the cost of printing arguments in the pamphlet to be issued by the Secretary of State Theodore B. Wilcox. Proceeding to the banquet a business meeting of the alumni association was held and the following officers elected: Dr. H. I. Kenney, president; E. N. Butcher, secretary; Benjamin Wagner, treasurer. The meeting and banquet were productive of great enthusiasm and a determined effort will be made in every section of the state to defeat the referendum on the showing of the comparatively small appropriation for Oregon's foremost educational institution.

### ASK ALL TO DONATE ROSES

### SOCIETY TO GATHER ROSES BY DISTRICTS.

### City Will Be Divided Into Sections and Special Committees Are to Canvass Them Thoroughly.

Districting of the city according to precinct boundary lines with a view of providing a systematic method for the collection of roses for use during the week of the Festival next June, is engaging the attention of President E. B. McFarland of the Portland Rose Society, together with members of the executive committee. The plan has been worked out on paper for some time and it is believed that it will result in the assembling of millions of cut flowers not only for the rose exposition itself, but for all decorative purposes during the days of the street pageants.

The plan is to enlist the efforts of members of the Rose Society, of whom there are about 200, and who are not only scattered throughout the city, but into the suburban districts as well. The membership of the society will be segregated according to residence, and all those within each precinct will be called upon to take charge of the collection of roses within the boundaries of their own districts.

Inspect Rosenthal's shoe store windows and get busy.

### Easy

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The Road to Success is along the line of "clear thinking, good digestion and endurance."

If you suspect that coffee is interfering with success, stop and try a cup of steaming, wholesome

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Read "The Road to Wellville" in pkg.

# MME. CARREÑO

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### MME. TERESA CARREÑO

During her American tour, Season 1907-'08 will use

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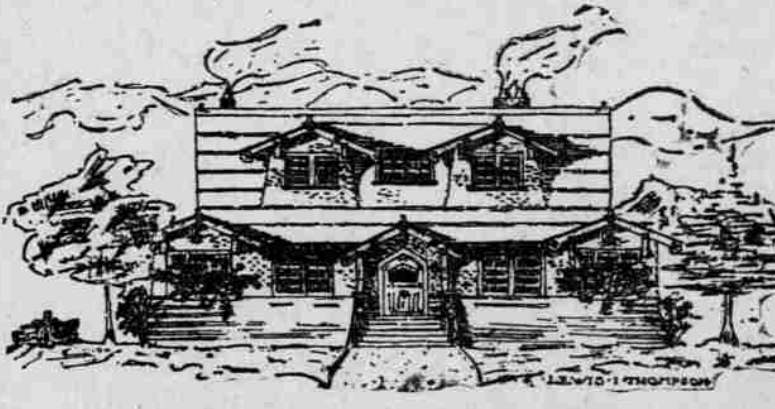
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A full assortment of EVERETT PIANOS in both Grand and Upright styles, erected in the most beautiful veneers, can be seen at the warehouses of

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Which takes you there, hasn't an uninteresting hour for the entire trip. Read about it.  
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