AGEE TELLS OF DEAL FOR CLAIM

Government's Chief Witness Says He Sold Land to Lumber Company.

PAID $50 BY J. H. BOOTH

Documents Are Also Introduced by Prosecution to Show That Receiver Took Precautions to See That Agee Got Land.

I. Thomas Agee, principal witness for the Government in the Booth-Singleton conspiracy case, yesterday testified that in 1900 he made an agreement to sell his lieu land selection to the Booth-Kelly Lumber Company for $300. The witness said the agreement was made with Thomas E. Singleton and that the first payment of $50 on the consideration was paid by James Henry Booth at the Roseburg Land Office when Booth was the Receiver. Agee had told only in part his version of the alleged conspiracy when court adjourned. His examination will be resumed by United States Attorney McCourt this morning.

Agee is not a brilliant witness, having a decidedly poor memory. In his testimony he is quite uncertain as to exact dates, prefacing his statements invariably with "I think." He certainly does not give evidence of any coaching he may have received since reaching Portland two weeks ago, since which time he has been attended daily by a special deputy marshal. If he has been primed for the case, he very effectively disguises the fact while on the witness stand. He is slow in responding to questions and it is only by the most patient work on the part of the District Attorney that the story is drawn out of the witness. Agee is 50 years of age and has resided all of his life in Douglas County.

Offered $300 for Claim.

It was admitted by Agee that from 1891 to 1897 he resided at Oak Creek, Douglas County, which he claimed as his residence. He told of making a trip to eastern Douglas County in the Fall of 1892, accompanied by Charles Stearns and "Pug" Atterbury and of locating on his homestead the following June. Between 1893 and 1896, Agee said he visited the claim not to exceed four times and during the year 1895 rented a farm at Oak Creek.

"In the Spring of 1900," testified the witness, "I saw Singleton in Garden Valley. He wanted to know what I would take for my homestead but I told him I did not know that I wanted to sell it. Then Singleton said: 'Bob,' meaning Robert A. Booth, 'will give you $300 for the land.' I agreed to accept the offer and Singleton said he would see the Booth boys about it.

"Not long afterwards I met Singleton who told me to go to town and Henry Booth would give me $50 on the place. A few days later I went to Roseburg and called on Henry Booth at the Land Office. I asked him how he was fixed for money and he replied that he guessed he had some. I then told him that Singleton had told me to call on him and he would give me $50. Henry then gave me that sum."

Protest Admission of Letters.

Over the objections of counsel for the defense, Judge Wolverton yesterday admitted as evidence for the prosecution several letters from the official letter press copy book of the Roseburg Land Office. The purpose of the letters was to show that ex-Register Bridges was in Roseburg on December 7, 1900, when Agee's lieu land application was made out by James Henry Booth, although the paper contained a notation that Bridges was absent from the city at the time, and furthermore that Bridges did not apply for leave of absence until December.

The prosecution declared further that it would be shown by the letters that if the Agee lieu land application papers had been forwarded to Washington on December 7 they would have reached the General Land Office not later than December 12, whereas they were not received there until December 17. Allowing the customary time of five and a half days for transmitting mail from Roseburg to Washington, the Government inferred that the papers in the Agee application did not leave Roseburg before December 12, or five days subsequent to the date of the letter. In the meantime, contended the Government, one of the letters, dated December 10, from James Henry Booth, as Receiver, to an applicant for the same land, advised the applicant that the land already had been filed on.

The real purpose of offering these letters in evidence, it was admitted by the Government's prosecutors, was to support the contention of the prosecution that Booth had a criminal intent and was proceeding in a manner that would insure Agee's getting the land so that he could convey the land subsequently to the Booth-Kelly Lumber Company in compliance with the alleged conspiracy.

Contention of Defense.

Mr. Malarkey and Judge Webster, for the defense, contended that the letters had reference to the selected lieu land while the indictment charged that fraud had been committed in the entry, settlement and improvement of the reservation land. For that reason they challenged the relevancy of the evidence.

In overruling the objection, Judge Wolverton held that the scope of the indictment included all transactions affecting the transfer of Agee's homestead for a lieu land selection. Since the letters were included in the official records of the Land Office and related to the alleged fraudulent transactions on which the indictment was based, the court ruled that they were relevant and admissible.

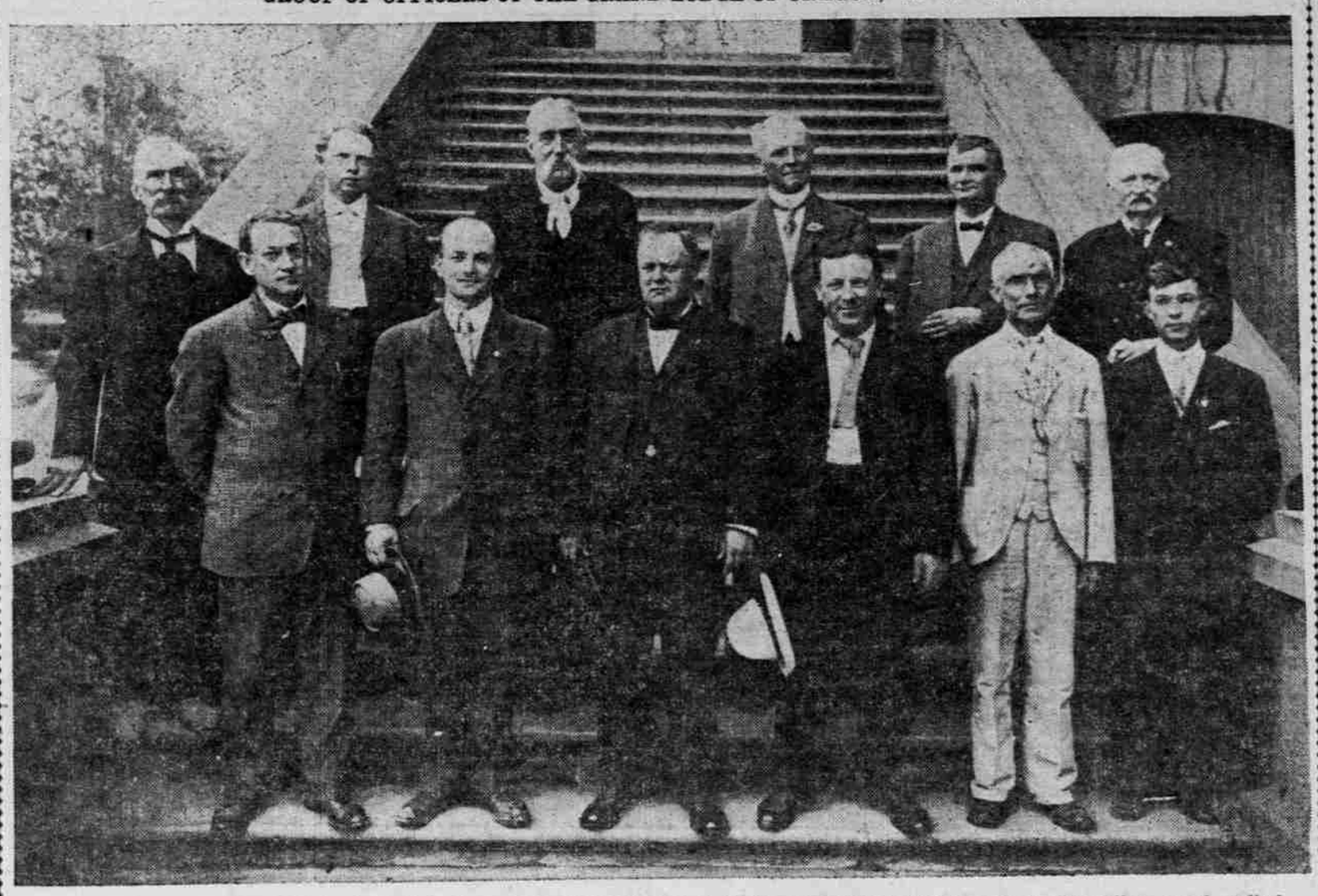
J. F. Woods, of Forest Grove, was called during the afternoon and testified as to publishing in the Springfield News notice of final proof by Agee of his claim. Mr. Woods said he received the money for the advertisement in a check from James Henry Booth, Receiver of the Roseburg Land Office. On cross-examination, however, he explained that this was customary and not to be construed a suspicious circumstance. Mr. Woods said that it invariably was the practice of the entrymen to leave with the Receiver of the Land Office the fee for publishing their final proof notice and that the money was always remitted by that official to the publisher upon receipt of proof of publication.

CREAM DRESS GOODS.

On sale today—38-inch cream, all wool nun's veiling, 75c grade, 59c; 46-inch cream, all wool nun's veiling, 85c grade, 59c; 46-inch extra heavy imported veiling, $1.00 grade, 79c; 44-inch cream chiffon Panama, $1.00 grade, 79c; balance of our 65c and 75c wool challies at 35c. McAllen & McDonnell, Third and Morrison. **

Olympia Malt Extract, good for grandma or baby. Only 15-100 of 1 per cent alcohol. Phones: Main 671, A 2467. **

GROUP OF OFFICERS OF THE GRAND LODGE OF OREGON, A. O. U. W.



Top row, reading from left to right—D. L. Green, past grand master; C. C. Baird, grand outside watchman; Dr. David Walker, grand medical examiner; R. L. Durham, grand receiver; F. L. Coron, grand trustee; E. H. Stolte, past grand master. Lower row, reading from left to right—W. J. Clark, past grand master; Phil Gevurtz, grand master; George Baldwin, grand foreman; Harry McClellan, grand overseer; Sam Roake, grand guide; Lester White, grand inside watchman.

SALOONS WIN FIGHT

Measure Excluding Women Is Lost in Council.

DEFEATED BY AMENDMENTS

Heated Controversy Precedes Vote on Measure and Also Ordinance Raising License of Grills, Which Is Referred.

Word battles, charges and counter charges and a tremendous amount of Councilmanic speech-making characterized the proceedings in the City Council yesterday afternoon, when the members were considering ordinances increasing the annual license fee of cafes and restaurants where liquor is sold, and one aimed to keep women from entering saloons. The net result was nothing, as neither measure was passed. The first measure was referred to the liquor license committee and the other was defeated, after one of the most remarkable series of parliamentary skirmishes on record.

An attempt to add amendments of the most drastic nature "killed" the ordinance, which was fathered by Councilman Driscoll and which was drafted by City Attorney Kavanaugh. Councilman Kellaher, who said he favors keeping women from saloons, but whose intentions were openly challenged by Councilman Cellars and Menefee, endeavored to have an amendment tacked onto the original measure that would, if passed, prohibit women from entering saloons, hotels or restaurants where liquor is served. This was so drastic that it called forth open denunciation from Mr. Menefee and Mr. Cellars, both of whom arose and declared that, in their opinion, Mr. Kellaher offered this amendment for the purpose of making the measure so obnoxious that its enforcement would be impossible. Mr. Kellaher most emphatically denied the allegation.

Bennett Also Wants Change.

Councilman Bennett offered an amendment, the terms of which would prohibit any screens or obstacle in any dining-room, but he could not, with the present disorganization of the majority faction, secure its adoption, and finally abandoned his effort. The Kellaher amendment carried, and when the final vote was taken, the celebrated "women in saloons" ordinance suffered an ignominious defeat. It is now "dead," and it is most difficult to predict what, if any, future action will be taken.

The Council spent one hour with the ordinance. Several attempts were made to adjourn, but failed by one vote. Amendments galore were offered, only to be defeated and others substituted. While all of the members of the Council spoke loudly in favor of moral reform along the lines suggested in the Driscoll ordinance, and although drastic amendments were proposed, it is known that the retail liquor dealers, backed by the brewers, were opposed to the proposed ordinance.

Relative to the proposed ordinance, calculated to increase from $300 to $800 annually the license of restaurants and cafes wherein liquor is served, the Councilmen were also divided and, after squabbling over its terms and proposing some amendments, referred it back to the liquor-license committee for further consideration. This is a case which involves the hotel and restaurant interests, as against the liquor dealers.

Councilman Baker was the first to attack the proposed ordinance increasing the license and expressed the belief that it simply was aimed at certain small restaurants and hotels, and in the interest of larger establishments. Councilman Vaughn championed it and Mr. Baker, in a characteristic speech, said it was a "grandstand play" on the part of "some Councilmen, to get their names in the newspapers." He said that these Councilmen, at every session, seemed to think they must in some way attack the saloons, or make it appear that they were going to start some big reform, "just as a big grandstand play." Mr. Vaughn replied, saying he spoke from honest motives and a sincere desire to protect innocent young women who, he said, much more frequently meet ruin in hotels than anywhere else. He said he would refrain from any "grandstand plays," and leave that for others.

Councilman Belding spoke in favor of the ordinance, as he said he knew the restaurants, cafes and hotels where liquors were served, are the real starting places for the ruination of young women. He especially charged this as being true in the case of Chinese restaurants. He declared these establishments should have no licenses.

Councilman Cellars here made the following suggestion: "I think there is a way to solve this matter. We have four old detectives who are not working, although the city is paying them. They should be set at work to investigate conditions and report to us. They would mighty soon find out some things."

Mayor Has Ready Retort.

"A very poor suggestion, gentlemen, if you'll allow me," spoke up Mayor Lane. "Those old detectives never would find out anything for you."

Mr. Baker charged, during another speech, that the ordinance then under discussion was, as he firmly believed, introduced to "sidetrack the ordinance which is to prohibit women from entering saloons," and intimated that Mr. Driscoll, author of the "women" measure, had experienced a change of heart and wished to see the original ordinance defeated by this newer one. Mr. Driscoll replied by saying that he stood ready to vote for the passage of both ordinances.

The Council was so disorganized yesterday, owing to Mr. Driscoll's desertion of the "solid ten," that it could not decide anything definitely and wound up on these two measures in a very unsatisfactory manner.

RUSHLIGHT HEADS COUNCIL

MEMBER OF MINORITY FACTION CHOSEN PRESIDENT.

Election Something of Surprise, but East Side Man Is Given Ovation by Colleagues.

A. G. Rushlight, Councilman from the Seventh Ward, was elected President of the City Council at 2:30 o'clock yesterday afternoon, and his ascension to that position is the greatest victory for the minority faction ever recorded. He succeeds A. N. Wills, whose term expired. Immediately after his election, his colleagues demanded a speech from him, and

A. G. Rushlight, Elected President of Council.

simultaneously Mayor Lane yielded the chair and gave way to the new president.

In a brief and carefully-worded speech President Rushlight declared that his policy, when presiding, would be to treat all with strict impartiality. He said that, as president of the Council, he would expect and demand from each member compliance with parliamentary rules and said he hoped each would assist in transacting the business with dignity and with the one purpose of serving the city to the best advantage. He was loudly cheered.

Mayor Lane, whose close personal friendship for President Rushlight is well known at the City Hall, bade the new president continue in the chair, and Mr. Rushlight wielded the gavel from the time of his election to 6 o'clock, during one of the most turbulent sessions of the Council. The Councilmen, Mayor Lane and many friends took occasion, at the close of the meeting, to congratulate Mr. Rushlight on the manner in which he conducted the business while in the chair. Mr. Rushlight is serving his second term in the Council, and is recognized as one of the most fearless and progressive members.

With Mr. Rushlight as President of the Council, and with Councilman Driscoll voting with the minority faction since his desertion from the "solid ten," the situation is so changed that it leaves the majority faction practically powerless. However, it is understood that there is a disposition on the part of all the members, and the Mayor included, to "bury the hatchet," and get down to business.

The election of Mr. Rushlight was in the nature of a coup, and was a big surprise to some of the members of the majority party. The charter requires the election of a president of the Council at this time each year. This had been overlooked by some, and at 2:30 o'clock Councilman Kellaher suddenly moved that the Council proceed to elect. Councilman Annand, leader of the majority, moved to take a recess of 10 minutes, but the disorganization of his faction was so complete that the motion was lost, and the election followed. Mr. Rushlight secured eight votes; Councilman Bennett two votes, and Councilmen Dunning, Vaughn and Menefee one vote each.

CONRAD BOBS UP ONCE MORE

Supposed to Be Behind Board of Trade Saloon Application.

After a long fight, in which many of the members of the City Council became embroiled to the extent of hurling abuse at each other and accusing each other at times of various offenses and bad intentions, the application for a transfer of the license of the saloon conducted by E. H. Spranger to F. X. A. Bouthellier was referred to the liquor license committee. It was sought by the applicant to secure the license for the operation of a saloon soon to be opened in the Board of Trade building. The charge that John Conrad, of Pullman Cafe notoriety, is behind the new establishment brought about the bitter fight and final action.

Councilman Wills, among those who signed the application, said publicly he did not know Conrad was connected with the new place, and wished to expunge his name from the document, but City Attorney Kavanaugh advised against this, saying the record should stand. Councilman Kellaher, who did not sign the application, sarcastically asked Mr. Wills if it was dark in the room when Mr. Wills signed the paper. The whole fight was more a rebuke to Councilman Driscoll than anything else, it is said, as Driscoll has deserted the so-called "solid ten" faction, because they failed to support him in his attempt to keep alive the Pullman Cafe license and openly championed the cause of John Conrad.

Councilman Belding exposed the alleged connection of Conrad with the Board of Trade saloon, and said he had found it to be "a pretty shady proposition." Councilman Cellars arraigned the police for their failure to furnish the Council with sufficient evidence to revoke some saloon licenses, especially some in the North End, where, he declared, not only do disreputable women frequent, but their male companions also, attired in fine raiment and costly gems, loiter without interference. Councilman Baker replied, declaring that the police, four months ago, did present enough evidence, but the Council would not revoke.

During the general debate, which waxed very warm, Councilman Baker said he voted for the Pullman Cafe license on the previous occasion at the special request of Mr. Driscoll, who was then a member of the "solid ten," but that he would not do so again. Mr. Driscoll said he would believe a statement made by Conrad in preference to "some Councilmen."

By the adoption of a report of the committee on judiciary, the City Council yesterday afternoon smothered the ordinance proposed just before the last election by the liquor dealers, fixing districts on both sides of the river for saloons. The Councilmen deemed it an unwise measure, and therefore refused to pass it.

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We wish to thank our friends for their kindness in our recent bereavement in the loss of our daughter, Blanche.

MR. AND MRS. C. PATER AND FAMILY.

Rosenthal's windows are money-savers.

BATHS NEAR SEWERS

Location of Public Swimming Tank Causes Trouble.

APPROPRIATION IS BEATEN

Council Rejects Bill Carrying $1000 After Revelations by Mr. Kellaher—Health Officer to Investigate.

A public scandal may develop over the swimming baths, recently taken in charge by the city, as it is said by Councilman Kellaher and other citizens that the establishment has been located where many small sewers empty into the Willamette River. The City Health Officer will probably rigidly investigate this matter today. An effort to pass an ordinance appropriating $1000 out of the City Park fund, to further fit up the bathing-house, was defeated yesterday afternoon in the Council.

"I object to the passage of this ordinance at this time," said Councilman Kellaher, when the measure came up for final passage on the first introduction before the Council. "When this bath-house was taken over by the city, it was with the understanding that it was to cost nothing for its equipment or operation. We have already passed an ordinance appropriating $500 for use in fitting it up, and now comes one more, seeking $1000. I will not vote for this, at least until I have had time to investigate. I think the Park Board has made a bad mistake in its selection of a location for the baths, and it may make just as big a mistake in spending $1500. I want to know where this money is going before I vote for the appropriation."

In view of the fact that Councilman Kellaher is a strong supporter of Mayor Lane, and that the latter made a personal plea for the passage of the ordinance, Mr. Kellaher's statements have great significance. Councilman Belding told Mr. Kellaher that the latter's objection to the passage of the appropriation ordinance "is a mighty small piece of business," and a strong effort was made by many members of the Council who favored the ordinance, but Mr. Kellaher refused to submit.

When the baths were turned over to the city it was understood by Mayor Lane and the members of the City Council that there was no indebtedness and that no expense would be incurred in the operation. However, when the establishment was formally taken over, it was found that it was in poor condition, and $500 was spent on repairs before it was opened. It is still in bad shape, and $1000 additional is required, according to Mayor Lane, Parkkeeper Mische and members of the Park Board.

The location for the baths was selected by Parkkeeper Mische and Captain Speier, harbormaster. It is said that several sewers have an outlet in the immediate vicinity, making it a most unclean spot for bathing purposes.

ARMY OFFICER IS DINED

Brigadier-General Brush Entertained at Arlington Club.

A dinner was given at the Arlington club last night complimentary to Brigadier-General Daniel F. Brush, commandant of the Department of the Columbia.

The guest of honor and his staff were dined by some 50 members of the club. Ex-Senator Gearin, president of the club, acted as toastmaster and made a graceful speech of welcome to General Brush and his officers, expressing a desire for a closer association between the citizens of Portland and the Army men stationed at Vancouver Barracks. General Brush made a happy reply and a number of other informal talks were made.

The distinguished soldier and the members of his staff made a splendid impression and as a result of the dinner the relations between the prominent Portlanders who were present and the Army officers will be much closer.

Since the Fall of 1906 no bacon, pork or fatback from the United States have been allowed in Germany, and for six years the importation of canned meats into Germany has been forbidden by law.

DISPOSE OF CLAIM

Appeal of Brown Estate Before Workmen.

LODGE HOLDS ITS ELECTION

Philip Gevurtz Chosen Grand Master, and Harry McClellan Grand Recorder to Succeed Official Who Has Served 20 Years.

Claims of the estate of the late Harvey K. Brown, ex-Sheriff of Baker County, will be heard and decided today by the grand lodge, Ancient Order of United Workmen. The matter will be presented as a special order of business and final disposition of it will be made.

The claims were submitted to the arbitration committee, which decided adversely to the estate, and an appeal has been made to the grand lodge. The claim is for a sum alleged to be due the estate in insurance which was carried by Brown. It is contended, on the other hand, that Brown had been suspended before his death because of non-payment of dues.

The afternoon session yesterday was devoted to the election of officers. There was a considerable amount of interest in the election of a grand recorder to succeed Newton Clark, who has held the office for the past 20 years. The election finally resulted as follows:

Grand master, Philip Gevurtz, Industry Lodge No. 8, Portland; grand foreman, George T. Baldwin, Linkville Lodge No. 110, Klamath Falls; grand overseer, Harry McClellan, Roseburg Lodge No. 15, Roseburg; grand recorder, C. M. Steadman, Fidelity Lodge No. 4, Portland; grand receiver, R. L. Durham, Hope Lodge No. 1, Portland; grand guide, Sam Roake, Falls City Lodge No. 59, Oregon City; grand inside watchman, Lester White, Cascade Lodge No. 94, Detroit; grand outside watchman, Charles C. Baird, Baker Lodge No. 100, Baker City; supreme representatives, W. J. Clark, Fraternity Lodge No. 9, Gervais; Newton Clark, Riverside Lodge No. 68, Hood River; I. Berchtold, Friendship Lodge No. 14, Corvallis.

It was decided at yesterday morning's session that the publication which has been issued by the order will be abolished. It was also decided to inaugurate a vigorous campaign for new members during the next two years.

The Degree of Honor, the women's auxiliary of the A. O. U. W., is also holding its sessions in the Woodmen of the World Hall, Eleventh street, between Washington and Alder. Memorial services were held yesterday in honor of Mrs. Mary D. Hare, of Hillsboro, and Mrs. Jennie Clinton, of Portland, members of the grand lodge, Degree of Honor, who died during the past year.

The greater portion of the session yesterday was devoted to routine business and the election of officers. The election resulted as follows:

Grand chief, Harriet C. Looney, of Salem; grand L. of H., Sadie E. Moore, of Corvallis; grand C. of C., Ada Kuykendall, of Eugene; grand usher, Morna Hendricks, of McMinnville; grand recorder, Ollie F. Stephens, of Portland; grand receiver, Sarah J. Wagner, of Portland; grand inside watch, May Morehead, of Junction City; grand outside watch, Mae Gevurtz, of Portland; grand representatives, Mrs. Hattie McCormac, of Marshfield; Mrs. Sarah Fastabend, of Astoria, and Mrs. Fidelia I. Mann, of Portland.

LAND CASES ARE DELAYED

No More Trials Will Be Begun Until September 28.

When the Booth-Singleton conspiracy case has been ended, the land-fraud prosecutions in this state will again be suspended until September 28. Judge Wolverton had arranged to hear argument this month on demurrers in the cases in which George Waggoner and Rufus S. Moore were indicted for alleged conspiracy in connection with Government surveying contracts in this state. But, following a conference between Tracy C. Becker, representing the Government, and Dan J. Malarkey and Judge Webster, who appear for the defendants, it was announced yesterday that these cases would be continued until September 28.

At the same time, Judge Wolverton instructed Clerk Marsh to notify all of the jurors, aside from those serving in the case on trial, that they would be dismissed for the term. When the case now on trial is over, it is expected the usual Summer vacation, extending through the month of August, will be declared. It is suspected that with the termination of the Booth conspiracy case, Mr. Becker will cause to be dismissed several of the minor land-fraud indictments that have been dragging along in the court for over three years. It is also possible a definite date may be fixed for the retrial of the J. N. Williamson case and the long-promised trial of Binger Hermann, ex-Congressman.

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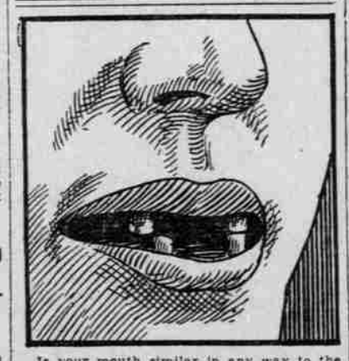

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