

TESTIMONY AIDS THE DEFENDANTS

Government Witnesses Say That Agee Acted in Good Faith in Booth Deal.

LAND-FRAUD CASE DRAGS

Evidence in Booth-Singleton Trial Introduced by Government Goes Over Ground Covered by Prosecution's Star Witness.

Three witnesses for the Government—Charles Stearns, Owen Atterbury and Samuel Britt—yesterday testified in the Booth-Singleton trial that Thomas Agee had acted in good faith in the settlement, residence and cultivation of his homestead in the Cascade Forest Reserve.

Stearns, who was the first witness to be called, testified that he had been subsequently exchanged for the land which he sold to the Booth-Kelly Lumber Company for \$300. The prosecution was not surprised at the testimony of this witness, which was said to be friendly to the defense, and was satisfied when all three agreed that Agee first located on the land in the late fall of 1892. In his first report, made in June of that year, he gave the time of settling on the claim. The witnesses also agreed that Agee abandoned the land in the Spring of 1896.

On these facts the Government expects to show that even accepting those dates, Agee lacked six months of having resided the required five years necessary to carry title to the land. It will also be contended by the prosecution that even had Agee completed a statutory residence on the land he was prevented under the law from contracting to exchange the homestead for the land in order to sell it to anybody. It is proposed to present testimony in support of the Government's charge that Agee entered into such an advance agreement by which the land was to be conveyed to the lumber company.

Stearns Is Principal Witness.

The principal witness yesterday was Charles Stearns, who was brought to Portland as a Government witness from Hillsdale, Shasta County, California. It was Stearns that accompanied Agee to Cap's Hill in the fall of 1892 and fled simultaneously with Agee on his homestead in that locality. The testimony of Stearns differed from that of Agee, the Government's star witness, in that he said they had the foundation built their cabin during the winter of 1892, while Agee declared the cabin was not constructed until the spring or summer of 1893.

The witness admitted that during the year 1894 Agee had charge of a farm near Oak Creek, but the management of the place was left to his partner, part of the time, so that Agee was able to spend considerable time on his claim at intervals no longer than a month apart.

On cross-examination by Mr. Malarkey, Stearns said neither Agee nor Agee had any intention of defrauding the Government; that they had been informed by Owen Atterbury of the desirable grazing lands at Cap's Hill, and had settled there for the purpose of acquiring possession of 150 acres each. He said that it was mutually agreed between them to exchange the land being partners in handling stock on the two claims, that Agee should spend as much of the time as possible in the valley earning money to buy the necessary chaps, supplies and tools to enable them to live up to the requirements of the law regarding the cultivation of the land.

Owen Atterbury, a timber cruiser, testified that he had visited the Agee and Stearns claims at different times between 1892 and 1896 and had found the desirable grazing lands and cultivation of the land. Britt said Agee had told him prior to 1896 that he proposed to effect some exchange of his homestead for the land on which he had done too much hard work on the land to lose it all.

John C. Murray, a timber cruiser, testified that he had been in the neighborhood of timber land deeded by Agee to the Booth-Kelly firm for the Government. He said the tract included 11,700,000 feet of merchantable timber of fair quality, and 500 good pling.

Facts Material to Defense.

Several facts material to the defense of Robert A. Booth were brought out in the cross-examination of George H. Kelly, secretary-treasurer and manager of the Booth-Kelly Lumber Company at the morning session. Mr. Kelly was called as a witness for the Government to prove the existence of the lumber corporation and identified the checks and drafts that were employed in connection with the purchase of the Agee land, and also a check for \$350 that the company paid Dr. B. F. Russell for relinquishing the land on which Agee had subsequently located. Mr. Kelly testified concerning the visit of Agee to the offices of the Booth-Kelly concern in February, 1904, when the Government contends the deed to the land selected by Agee was delivered to Robert A. Booth as president and manager of the company.

The witness testified that he was in the office of Robert A. Booth when called and was ushered in by one of the clerks. Mr. Booth inquired of the visitor who he was and in answer to a further question as to his business, Agee was called and brought the deed to the land. Mr. Kelly further testified that Mr. Booth remarked that Agee should see John Kelly, the company's land agent, and that he should see Kelly in the office of the company. Agee replied that he did not know Kelly whereupon Booth took him to Kelly's office in the same building and introduced him to the latter.

Mr. Kelly also testified that Robert A. Booth was not an officer of the company at the time of Agee's visit or for some time prior thereto and submitted copies of telegrams to show that Booth was either in San Francisco or en route to that city between February 23 and the first week in March 1904, when the deed was given to the Government, by its witness Agee, presented testimony to the effect that Booth was in Roseburg during that period for the purpose of paying to the land office the necessary fees required in connection with the exchange of Agee's homestead for the land.

Booth-Kelly Partnership.

Mr. Kelly further admitted that of the four men who originally organized a partnership in 1896—Robert A. and James Henry Booth, John Kelly and George H. Kelly—he was the only one now interested in the corporation. He said the bulk of the stock was held by non-residents of the state, and that Robert A. Booth had not been connected with the company for the last two years and for the year preceding that time had only a slight interest in the business.

On re-direct examination, Mr. Becker learned that the capital stock of the original partnership was \$50,000, each of the four men interested having an equal interest in the business. When the business was merged into corporate

CAKE IS SLATED FOR RETIREMENT

Effort Will Be Made to Force Republican State Chairman to Resign.

FOR HARMONY OF PARTY

Lacks Confidence of Fulton-Taft Forces, It Is Said, and National Committee Will Not Help Oregon if He Remains.

If W. M. Cake does not resign as chairman of the Republican State Central Committee before that committee meets in September an effort will be made to remove him. Prior to the recent conference of Republican leaders of the Western States at Colorado Springs the members of the committee had resolved to put up with Cake and make the most of what they recognized was an embarrassing situation. But it was indicated emphatically and in a number of ways at the "get-together" meeting, called by National Chairman Hitchcock, that Cake did not have the confidence of Taft's managers and friends, and for that reason the Fulton-Taft forces say it is imperative that he step aside and permit somebody else to succeed to the head of the organization, in the interest of harmony and the success of the ticket.

Chairman Cake's position at the Hitchcock conference was an uncomfortable one. He was asked repeatedly by Republican leaders from the other states represented to explain Statement No. 1. Another pertinent question fired at him just as frequently was how it was that under such a system a Democrat should be elected Senator by popular vote in a state with a Republican majority of 40,000. It was insisted that he justify his position as chairman of the Republican State Central Committee in pledging himself to support the election of a Democrat to the United States Senate.

Conditions Are "Peculiar."

That "peculiar conditions" existed in Oregon was the only excuse Cake could venture in response to such questions. But that did not suffice. Republicans from Republican states which elect Republicans, while agreeing that conditions were "peculiar" to make such a state of affairs possible as was presented in Oregon, concluded that they would see that no such political contagion invaded their respective homes and served as inadequate credentials when he applied to Chairman Hitchcock for campaign funds. When Cake asked for money from the National Committee, he was given unmistakably to understand that the National Committee not only did not intend to send a dollar to Oregon for use in the approaching campaign, but depend on this state as a strong Republican district—to assist in a financial way the committee in its work in other states.

Impossible to Get Money.

With Cake as state chairman, the Fulton-Taft people say it will be impossible for them to obtain any money from the National Committee, or to raise funds in the state with which to conduct the campaign. It is this situation that promises to force to an early adjustment the question of Cake's further retention of the chairmanship. It is known that Ralph E. Williams, National Committeeman for Oregon, has joined in the demand for Cake's resignation as state chairman. The responsibility for the impending campaign and its result in this state devolves largely on Williams, as National Committeeman, and with Cake at the head of the party organization in the state, Williams feels that he will be handicapped seriously. The same feeling is entertained by the Fulton-Taft people, who insist that the apparent lukewarm attitude of the party throughout the state can be cured only through the retirement of Cake.

Asks for Client's Freedom.

Charging that his client, Marcel Adenot, is denied the right to receive a visitor or to converse with anybody and

LEGAL TALENT FOR ADLER

Man Accused of Blackmail Will Make Fight for Liberty.

That Adolph Adler intends to fight his case in the Circuit Court to the finish is evident from the fact that he is increasing his legal counsel. He is to be tried in September for the attempted extortion of \$500 from Sig Sichel by means of threats. A threatening letter was also written to Ben Seiling.

Adler yesterday secured the appointment of Harry Yankwich as attorney of record, Jay H. Upton having appeared for him a few days ago. When brought before Judge Bronaugh last week Adler thought he would consider himself guilty if the court would give him a light sentence, but when the judge would not promise this he refused to change his plea from not guilty.

SUED FOR \$940 MEAT BILL

Action Against Dr. J. W. Hill in State Circuit Court.

A meat bill of \$940, contracted in 1906, is the cause of a suit filed in the Circuit Court yesterday against Dr. J. W. Hill, of Hill Military Academy. The nominal plaintiff is C. B. Winters, but the claim was assigned to him by the Union Meat Company.

How long the meat bill was allowed to run before an attempt was made at collection is not stated, but Hill is said to have executed a note for the amount of the bill on July 3, 1906. It is alleged that only \$100 has been paid on this. During the two years that have elapsed \$55.02 in interest has accrued on the bill. The suit, however, is to be added to this sum, making a total of \$1095.02, which Dr. Hill will be obliged to pay should judgment in the case go against him.

Deputy Sheriff Sam Wagner served the summons on Dr. Hill and his wife last night, the latter having been made a party to the suit. During the next ten days Dr. Hill must file his answer through an attorney, or the case will go against him by default.

Notes of Probate Court.

H. A. Cornell, D. G. Woodward and E. M. Miller were appointed by the County Court yesterday appraisers of the guardianship estate of Dorothy Elizabeth Collins and George Annette Collins.

The estate of J. F. Coyne, who died August 29, 1899, nine years ago, has just been brought into the County Court upon the petition of George T. Coyne, one of the sons. The elder Coyne died intestate, leaving an estate worth about \$2400. The heirs are Susan Coyne, the widow; Martha J. Wilson, a daughter; J. B. Coyne, and George T. Coyne. The latter was appointed administrator.

The will of P. A. McGuire, who died July 17, leaving personal property valued at about \$2300, was admitted to probate in the County Court yesterday. It provides that after the debts are paid the estate be divided in equal proportions between the widow, Harriet E. McGuire, and the daughter, Glennie M. Rose, of Gainesville, Texas. The will asks that the wife be appointed executrix.

Lawyer Gets Judgment for \$20.

Because Mrs. L. A. Carlisle failed to file an answer in the Circuit Court to the allegation of M. B. Meacham, a local attorney, that Mrs. Carlisle had secretly and fraudulently conspired with Ed Goff to defraud the attorney of his fees, Judge Bronaugh awarded Meacham \$20 yesterday morning. The case of Mrs. Carlisle against Goff began in the Justice Court, and while it was still pending there a transcript of judgment was in some manner sent to the Circuit Court. The Sheriff attached the property of Goff in a grocery store at 713 Williams avenue, amounting to \$110. Then the parties to the suit met each other at Seaside, the defendant paying the plaintiff \$25 as settlement in full. The attorney was paid no fee. He will obtain the \$20 from the property of the defendant, which the Sheriff attached, if Mrs. Carlisle does not make payment.

Rosenthal's winnows are money-savers.

that he is being restrained improperly of his personal liberty, C. Henri Labbe yesterday applied to United States Judge Wolverton for a writ of habeas corpus for the release of Adenot. It is recited in the complaint that Adenot was placed under arrest July 14 at the request of J. H. Barbour, local immigration inspector, and has since been held in the Multnomah County Jail and denied the right to see anybody. Attorney Labbe represents that Adenot arrived in Portland as a member of the crew of the French bark Versailles, on November 17, 1907, and deserted the vessel here. He contends that having been regularly admitted to the United States by the customs authorities at Astoria Adenot is rightfully in this country and is not included in the class of aliens excluded under the immigration act of February 20, 1907.



August List of New Victor Records

All Vocal Selections Have Accompaniments by the Victor Orchestra

8-inch 35 cents		10-inch 60 cents	
5453 You Have Always Been the Same Old Pal. Victor Burt.	5495 I Want to Be Loved Like a Leading Lady (from "The Girl Behind the Counter").	5492 Captain Cupid March.	5490 "Red Wing" Medley ("Much Obligated to You," "Red Wing," "Sweetheart Days" and "I'm Afraid to Come Home in the Dark").
5402 Medley of Reels, No. 2. Accordion Solo.	5494 Finnegan's Flat. Ada Jones Specialty.	5490 "Red Wing" Medley ("Much Obligated to You," "Red Wing," "Sweetheart Days" and "I'm Afraid to Come Home in the Dark").	5490 "Red Wing" Medley ("Much Obligated to You," "Red Wing," "Sweetheart Days" and "I'm Afraid to Come Home in the Dark").
5403 The Peach that Tastes the Sweetest Hangs the Highest on the Tree. Eddie Morton Quartet.	5495 Finnegan's Flat. Ada Jones Specialty.	5491 Oh, That We Two Were Mating.	5491 Oh, That We Two Were Mating.
5373 Keep on Smiling. Billy Murray and Haydn Quartet.	5496 He Will Hold Me Fast. Louis Stanley and Macdonough.	5492 Dear Heart, Elsie Stevenson.	5492 Dear Heart, Elsie Stevenson.
5401 An Evening at Mrs. Clancy's Boarding-House. Victor Vaudeville Company.	5497 Jesus Is Calling. Stanley and Macdonough.	5493 My Ain Country. Harold Jarvis.	5493 My Ain Country. Harold Jarvis.
12-inch \$1.00		NEW VICTOR RED SEAL RECORDS	
5498 The A. B. C. of the U. S. A. (from the "Yankee Prince").	5502 The A. B. C. of the U. S. A. (from the "Yankee Prince").	Emma Eames—Louise Homer. 85020 Lakme (Delibes). Dora Bronaugh and Gustavus Shady Domes. 12-inch, with Orchestra. \$1.00. In French.	

ON SALE TODAY
SHERMAN, CLAY & CO.
SIXTH AND MORRISON (Opposite Postoffice)
Headquarters for Victor Machines, Records and Supplies

BIG MEN ARE TO SPEAK

EVANGELICAL CHURCH HOLDS CONVENTIONS.

Drs. C. C. Poling and C. L. Mock, National Leaders, on Programme for Sessions.

One of the significant features of the union convention and campmeeting of the Evangelical Church, which open tonight on the grounds at Jennings Lodge, is the appearance of Dr. C. C. Poling and Dr. C. L. Mock, on the programme for lectures during the two weeks these events will continue. They are representative men of the United Evangelical branch of the church. Dr. Poling is president of the Western University at La Mar, Ia., and Dr. Mock is executive head of Dallas College denominational schools. The conventions and campmeeting are to be held on the grounds of the Evangelical Association from which the United Evangelical people separated about 18 years ago. The split in Oregon occurred at Albany.

Dr. Poling was then one of the leaders in the formation of the United Evangelical Church, but today and for several years has exerted his influence for the reunion of the two branches. Dr. Mock, who will represent the United Evangelical Church College, is also an advocate of union. As far as known there is no

MEDFORD GREET RED MEN

Judge Colvig Welcomes Guests and Turns Over City's Keys.

MEDFORD, Or., July 27.—(Special.)—The great council of the Improved Order of Red Men was tendered a public reception tonight. Judge William Colvig welcomed the visitors and extended the key to the city through the hands of George N. Farren, great sachem of Oregon. An open-air concert, followed by a musical programme and short address was the order of the evening.

G. L. Curry, of Baker City, explained the principles upon which the organization was founded, and other short addresses were made by G. M. Orton, of Portland, Dr. T. L. Henderson, of Astoria, and Roy Ritter, of Pendleton.

The entire business section of the city is in gala attire as a welcome to the visiting braves and many handsomely decorated windows, typical of Indian totems, are to be seen in the business houses.

Special sale fine shoes at Rosenthal's.

DR. PRICE'S WHEAT FLAKE GELERY FOOD

is prepared under the personal supervision of Dr. V. C. Price, whose name as a manufacturer of pure food products is national. No breakfast food can compare with it, as it contains all the elements found in the body.

For sale by all Grocers

GOES TO GET COURTNEY

DETECTIVE HELLYER LEAVES FOR INDIANAPOLIS.

Accused Physician Must Come Back in Custody of Police Instead of "Friend or Relative."

Detective C. Hellyer, of the Portland police, left this city last night for Indianapolis for the purpose of taking into custody and bringing back to this city Dr. J. S. Courtney, wanted here on the charge of manslaughter, for implication in the death of Stella Bennett, the 15-year-old girl who died recently as a result of a criminal operation, alleged to have been performed by Dr. Courtney. This was done after failure of the efforts to have a friend or relative of the accused man bring him back. This would have relieved him from the disgrace of being in the custody of a police officer, but the District Attorney's office refused to sign the necessary papers recommending this special appointment. The plan of appointing a friend of the accused man and one of the suggestions even included his brother-in-law and sending him on to obtain the custody of the prisoner was favored by Chief Gritmacher and by Governor Chamberlain. Governor Chamberlain, while willing to make the appointment, however, said that he was unwilling to do so without the recommendation to that effect from the District Attorney's office. At the District Attorney's office it was said that that office was unwilling to be put on record as favoring the appointment of a relative or friend of a man accused of a felony as long as there were many legally appointed police officers paid for doing this work. It was also said that the District Attorney's office did not consider that it had the right to evade the spirit of the provisions of the law regarding the arrest and custody of those accused of



REPUBLICAN PARTY LEADERS AT RECENT WESTERN CONFERENCE. 1. J. F. Vivian, Colorado; 2. Senator Warren, Wyoming; 3. Senator Borah, Idaho; 4. Victor Rosewater, Omaha, Neb.; 5. Solomon Luna, New Mexico; 6. J. H. Brady, Idaho; 7. Cecil Lyon, Texas; 8. C. M. Cadz, Oklahoma; 9. R. E. Williams, Oregon; 10. W. M. Cake, Oregon; 11. James Kennedy, North Dakota; 12. Frank H. Hitchcock, Massachusetts; 13. George Stone, California; 14. D. W. Mulvaney, Kansas.