

PROSECUTOR HAS CLOSED ITS CASE

Testimony Against Four Defendants in Land-Fraud Case Is In.

DEFENSE BEGINS MONDAY

Confessions of Henry Miller and Frank Kincart Are Used Against Martin G. Hoge and Charles Nickell.

With the completion of the testimony of Dr. Clive Major, of Placer, Or., the Government rested its case at the adjournment yesterday afternoon, and at 2:30 o'clock tomorrow morning the defense in the case of the United States vs. Henry W. Miller, Frank E. Kincart, Martin G. Hoge and Charles Nickell, will commence the introduction of evidence to refute the contention of the prosecution.

Miss Olive F. Major, the doctor's sister, was really the last witness, but her brother was recalled after she had testified, and was on the stand at the final moment. Altogether the Government put on 14 witnesses yesterday as against 11 the day previously, making a total of 25 that have testified to the wrong-doing of the defendants since the inquiry began.

A summary of the situation indicates that of those who have testified 15 filed on timber claims under the act of June 3, 1878, before Nickell, while he was a United States Commissioner at Medford; two filed before Commissioner Bliton, of the same place; three refused to bite; three were not approached, and the other two were Defendants Miller and Kincart, both of whom have pleaded guilty and their confessions have been utilized by the Government to convict the other two men.

Testimony Against Nickell.

Practically all of those who appeared before Nickell, or Miller and Kincart, did not stop at anything in their efforts to catch "suckers," as they called them, and the lame, the halt and the blind were not safe at the hands of their hands. They preyed upon the cupidity of man, knowing full well that to reach the goal of human avarice, mankind is prone to do anything, and the great many newboys congregate every afternoon between the hours of 3 and 3 o'clock, a temporary "shoot the chutes" has been put into practical use by the youths.

A chute built in between two buildings on Alder street, which was put up by the Marquam Theater for the purpose of easily loading and unloading scenery in drays, is consecrated every afternoon by the boys, and is poured on the boards, which renders them slippery. While one lad distributes the water the others "shoot the chutes" on pieces of boards, boxes or any old thing that comes handy. And they all have a good time—even the fellow who throws the water—for occasionally he makes an intentional mistake and a soaking wet newboy is the result.

Preyed on Lame, Halt and Blind.

From the testimony adduced it is evident that Miller and Kincart did not stop at anything in their efforts to catch "suckers," as they called them, and the lame, the halt and the blind were not safe at the hands of their hands. They preyed upon the cupidity of man, knowing full well that to reach the goal of human avarice, mankind is prone to do anything, and the great many newboys congregate every afternoon between the hours of 3 and 3 o'clock, a temporary "shoot the chutes" has been put into practical use by the youths.

By far the most interesting witness yesterday was Dr. Clive Major, of the little town of Placer, and it appeared to have been a case of "last, but not least," as the doctor's testimony when the physician-miner was called on the stand that the proceedings became dull or unattractive. After narrating the story of his acquaintance with Miller and Kincart, as already told by them, Dr. Major gave the court and jury a heart-rending account of his subsequent acquaintance with them, from home in the distant city of Medford, where he went to file on the northwest quarter of section 19, township 41 south, range 12 east, county of Meridian. By a strange irony of fate he appeared before the United States Commissioner on the 13th of September, 1904, and the same day, or what for the general hoodoo that followed the transaction ever after.

NEW ARRIVALS.

New suits, new skirts, new coats, at Le Palais Royal, 375 Washington street.

D. W. TARPLEY NO LONGER BACHELOR

Land-Fraud Figure Weds Miss Mabel Pike, of Portland, at Vancouver.

JUSTICE TIES THE KNOT

Marie Ware McKinley Matron of Honor, and George Sorenson Best Man—Bridgroom Opens Champagne.

At Vancouver, Wash., yesterday afternoon, Dan W. Tarpley, one of the defendants in the land-fraud cases, and who was convicted December 6, 1904, with S. A. D. Puter, Horace G. McKinley, Frank H. Walgamot and Emma L. Watson for conspiracy to defraud the Government in connection with the famous township "11-7," was united in marriage to Miss Mabel Pike, of this city, Justice of the Peace John E. Harris, of the barracks city, performed the ceremony, which was attended only by a few friends of the contracting parties.

Mrs. Marie Ware-McKinley was matron of honor, and George Sorenson, also of reputation in connection with land-fraud affairs, was best man. After the ceremony an impromptu banquet was indulged in at the Justice's chambers. In the course of the young man who had himself introduced and danced as "Dr. Short," while the whole land-fraud crowd was present except S. A. D. Puter and Emma L. Watson, who sent their regrets.

Mrs. McKinley arrived from Eugene Wednesday night, and is now stopping at the Hotel Oregon. The Government intends to make her a star witness in the case against State Senator Franklin P. Mays, which is set for trial next Tuesday morning.

INTERRUPTS WIFE-BEATER

Fire Chief Campbell Rescues Woman and Arrests Husband.

Chief Campbell, of the Fire Department, acted the double role of rescuer and policeman yesterday afternoon by rescuing W. J. McIntire and lodging him in the City Jail for beating his wife on the public street.

McIntire, who is twice the size of his wife, left the Scott Hotel with her by way of a back entrance. They commenced quarreling on the street and McIntire struck her on the neck. A number of sidewalk loafers watched the performance but did not interfere. The Chief, who was driving near South and Burnside streets, saw the first blow struck by the man, but was at such a distance that he could not interfere. When McIntire struck his wife the second and then the third time, the Chief hurried forward and commanded McIntire to get in his wagon and be driven to the station.

McIntire denied first that he had struck his wife, but when she openly accused him of brutality McIntire quietly submitted and was driven to the station. He was locked up on a charge of fighting and will be made to appear in court tomorrow.

"NEWSIES" SHOOT CHUTES

Marquam Theater Runway Is Put to a Good Use.

It is always the ingenious boy who is thinking of something to while away the idle hours. Near the corner of Alder and Sixth streets, where a great many newboys congregate every afternoon between the hours of 3 and 3 o'clock, a temporary "shoot the chutes" has been put into practical use by the youths.

A chute built in between two buildings on Alder street, which was put up by the Marquam Theater for the purpose of easily loading and unloading scenery in drays, is consecrated every afternoon by the boys, and is poured on the boards, which renders them slippery. While one lad distributes the water the others "shoot the chutes" on pieces of boards, boxes or any old thing that comes handy. And they all have a good time—even the fellow who throws the water—for occasionally he makes an intentional mistake and a soaking wet newboy is the result.

Saves Life of Girl Swimmer.

A rescue from drowning and a hard swim to shore was made by Charles Crowley, a young swimmer at Captain Bundy's swimming baths yesterday afternoon, when he pre-

BURST A BLOODVESSEL.

Body of Miss Wilmarth, Portrait Painter, Found Dead in Bathroom.

PASADENA, Cal., July 21.—Miss Euphemia B. Wilmarth, of New Rochelle, N. Y., a portrait painter, was found dead in the bathroom of her residence in Pasadena today. Her forehead was crushed and she was lying in a pool of blood. A physician who was called in made a superficial examination, and then declared that it was a case for the coroner.

Miss Wilmarth was fully attired for the street, and had evidently been intending to go downtown. She lived alone in the house at 116 East Mountain street, which she had occupied since coming to California several months ago. Local acquaintances of the dead woman say that her family in New Rochelle is one of the oldest and most exclusive in that city.

Investigation disclosed the fact that the death of Miss Wilmarth was due to

MRS. MARIE WARE MCKINLEY



WHO ACTED AS MATRON OF HONOR AT THE TARPLEY-PIKE WEDDING.

the bursting of a blood vessel in the head. In falling she had struck her head, causing the injury to the skull.

Lecture on Yellowstone Park.

Dr. Short will conclude his interesting lecture on the Yellowstone Park in the Taylor-street Methodist Church tonight. Special preparation has been made for this service. The Oregonian party is invited. Special hymns have been arranged and will be led by organ and choir. Dr. Short says he will tell about meeting the Oregonian party on his way from the park, and reveal the real identity of the young man who had himself introduced and danced as "Dr. Short," while the real Dr. Short slept.

Drunk on Boy Arrested.

Roy Pugh, aged 16 years, was arrested by Officer M. F. Sloan at the Oaks shortly before midnight. He was charged with being drunk, and was assigned to a cell to sober up. He stated that he got drunk on wine, but refused to tell where he secured the liquor.

World's Architects at Play.

LONDON July 21.—The International Congress of Architects devoted today to excursions and tonight to a farewell banquet at the Hotel Cecil.

JUDGE O'DAY NOT PERSON SHADOWED

Notorious Jury Fixer Being Watched by Detectives. Says Heney.

O'DAY APPEALS TO COURT

Says If Secret Service Men Are to Dog His Steps He Will Retire. Heney Denies Judge Has Cause for Complaint.

Almost as soon as the Federal Court had opened yesterday morning, Judge Thomas O'Day, attorney for Charles Nickels in the pending land-fraud case, arose with much feeling and undertook to relate the circumstances connected with an alleged attempt to shadow him on the night previous by secret service men in the employ of the Government.

"If your Honor please," said he, but the attorney got no further in his remarks before Francis J. Heney was on his feet.

"Just a moment," said the Government prosecutor, who guessed what was coming. "I would like to have the jury retire."

Judge Hunt ordered the jury retired, to which Judge O'Day took an exception, continuing as follows:

"There is a matter I desire to call the court's attention to that has been going on during this trial. My office has been shadowed, my clients have been shadowed, and the thing culminated last night after I went home when Frank Savage rang my bell and told me three men were acting suspiciously and peeping in at my window."

The lawyer continued in this strain, narrating all that occurred, and declaring that unless such practices were stopped he would withdraw from the case, and other cases in which he is interested where the land trials are involved.

A sharp interchange of words took place between Mr. Heney and Judge O'Day concerning the accusations, after which the special assistant to the Attorney-General said:

"I am prepared at this time to prove that no such thing occurred. In the first place, with my permission, no attorney will ever be shadowed unless I have reason to suspect that he is tampering with witnesses or attempting to tamper with jurymen, and if ever I have reasonable ground to suspect that I will take every means to discover the truth or falsity of my grounds of belief. I am glad to say that I have had no such suspicion of Judge O'Day nor cause for any such suspicion, and he has never been shadowed to my knowledge. The defendants in this case have been watched and as a matter of course in watching them if they went to Judge O'Day's office and Judge O'Day was on the street with them, why necessary the men who were watching them saw Judge O'Day, but if they separated from Judge O'Day Judge O'Day was not followed."

"If, on the other hand, they went into Judge O'Day's office he had the freedom of privacy. Nobody ever followed those defendants into that building, but we do propose to know whether the defendants are communicating with witnesses or not, because our experience in the last cases that were tried taught us that it is absolutely necessary to know the fact. Witness after witness was tampered with. Witness after witness was led to contradict his story, and I don't propose to have that happen any more if I can help it, and the tampering that was done as defendants."

"Now, as far as Judge O'Day is concerned, I am in full sympathy with his feelings in this matter if he had any ground to go on, but as a matter of fact there is a notorious jury fixer who lives one block beyond Judge O'Day, and that man was being shadowed, and that man stated to one of our men that he was being paid for watching our men. Now, if I am told the truth by our men, our men were not near Judge O'Day's house at all. One of them passed by on the sidewalk without stopping at all, and that is the nearest any of them ever came to be here."

Judge Hunt, who is a great diplomat upon all occasions, poured oil on the troubled water by remarking:

"I think I can dispose of this, Judge, by requesting that the matter be inquired into by Mr. Bristol, United States Attorney, assuming that Mr. Heney will be busy. And if there has been anything like the course pursued that would

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Where is that enormous two-thirds? Are you one of the many who are risking their accumulations by hiding your savings in tin cans, old stockings or burying them in the ground, while the Merchants Investment & Trust Company will not only care for them but pay you interest while doing so?

We pay 4% interest on time deposits, current rates on savings accounts, take deposits subject to check and do a general banking business.

Those living anywhere in the Northwest can have the advantages of a strong banking institution at their very doors by using the mails.

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warrant the belief that Judge O'Day has been annoyed by any such conduct, why let it be corrected."

It is understood that Mr. Heney had referred to Judge O'Day in his remarks, the assumption coming from Government sources that the latter was observed sitting between two of those summoned as jurymen on the first day of the trial before the jury was chosen, and for the further reason that on the night in question he was observed watching in some where the jurymen are now quartered.

BRUTAL MURDER IN UTAH

Aged Man's Body Weighted and Sunk in a Canal.

SALT LAKE CITY, Utah, July 21.—The body of a man found last night in the Salt Lake & Jordan irrigation canal near Crescent, was identified today as that of Irving Helep, 56 years of age, and a veteran of the Civil War. The coroner who lives one block beyond Judge O'Day, and that man was being shadowed, and that man stated to one of our men that he was being paid for watching our men. Now, if I am told the truth by our men, our men were not near Judge O'Day's house at all. One of them passed by on the sidewalk without stopping at all, and that is the nearest any of them ever came to be here."

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FARMER KILLS PREACHER

Indiana Pastor Suspected of Undue Intimacy With Slayer's Wife.

BEDFORD, Ind., July 21.—Rev. Lemuel Robson, a minister of the United Brethren Church, was shot and dangerously wounded by Elva White, a farmer, who accused the minister of maintaining too intimate relations with Mrs. White.

The shooting occurred at Mitchell, a small village five miles south of this city. White was arrested.

CHEAP RATES EAST.

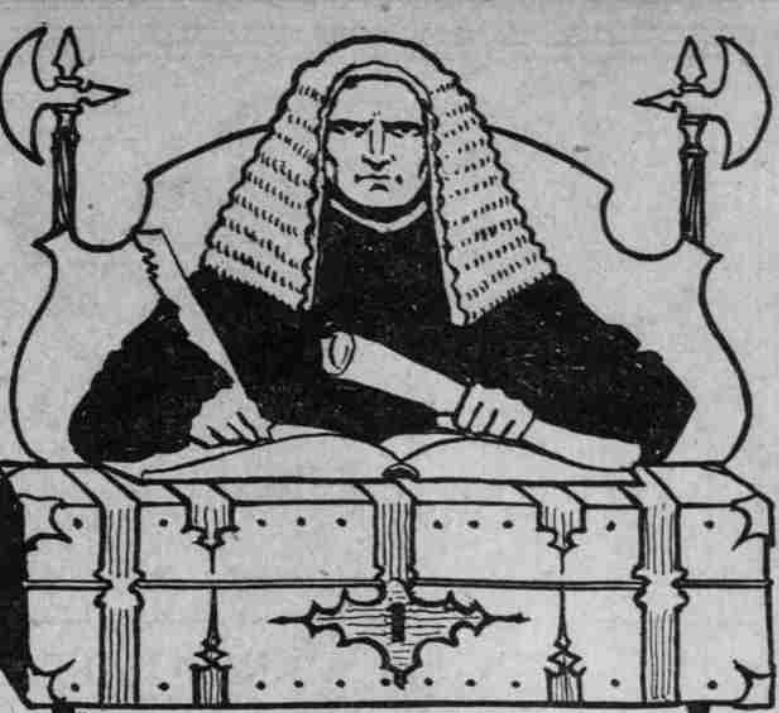
On August 7, 8, 9, September 3 and 10, the Canadian Pacific will sell special round-trip tickets to Eastern terminals at very low rates. Tickets good going via Canadian Pacific, returning same line, or via any direct route, with stopovers and long time limit. For descriptive matter and full particulars regarding rates, etc., call on or address E. R. Johnson, P. and P. A., Portland, Or.

BUY YOUR MILLINERY

At Le Palais Royal and save money. Try it and be convinced. 375 Washington st.

Dick Croker Bryan's Host.

DUBLIN, July 21.—Mr. and Mrs. W. J. Bryan have arrived here. They spent Friday with Richard Croker at Mr. Croker's farm near Dublin. Mr. Croker had invited a number of American and other friends to meet Mr. and Mrs. Bryan. Mr. and Mrs. Bryan expect to reach London Sunday evening.



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ROBBER FELLS JAPANESE

STRIKES T. TAKARA, EAST SIDE MERCHANT, WITH GAS PIPE. Man Enters Store, Asks for Cheap Ribbon, and Then Suddenly Assails His Victim.

T. Takara, a Japanese merchant at 561 Williams avenue, was assaulted by a white man with intent to rob at 5:30 o'clock last night, and was knocked almost senseless behind his counter with a piece of gas pipe, which the man used with telling effect. The blow on the Jap's head would have proved fatal, it is thought, if in striking the pipe had not caught in a pile of draperies hanging overhead.

The white man entered the store and asked to be shown some cheap ribbon. Takara stooped beneath the counter to accommodate his customer and when he rose it was to be felled behind his counter by a club. In striking the white man reached far over the counter and as he brought the pipe down upon the victim he caught in draperies and stopped the force of the blow, which fell on the Jap's head.

Seeing that he had injured if not killed his victim, the would-be robber did not wait to commit robbery, but made his escape as quickly as possible. Takara believes that the assault was made for the purpose of robbery, as he said he had never seen the customer before, and did not know of any grievance anyone had against him. He gave a fairly good description of his assailant to Detectives Smith and Hill, and the police are searching the city for the suspect.

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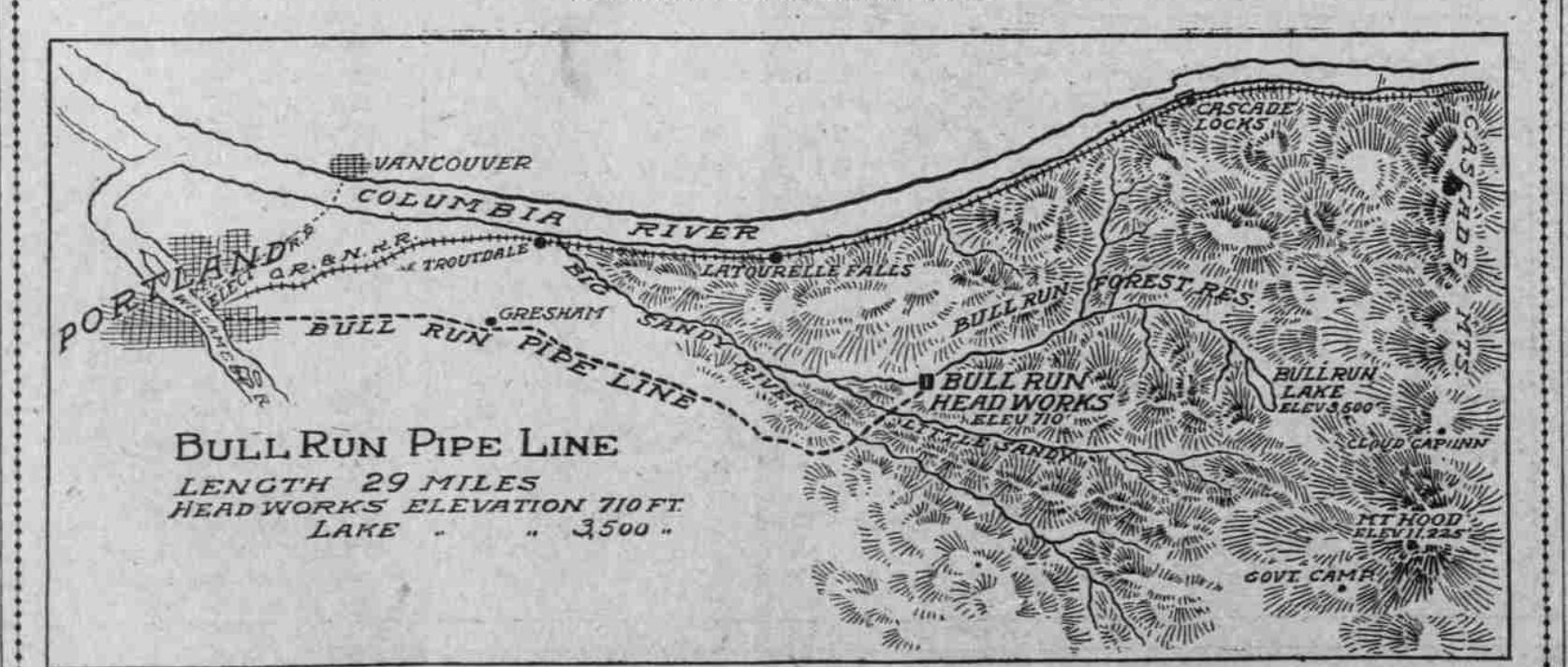
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PROBABILITY THAT ANOTHER PIPE LINE WILL BE BUILT TO BULL RUN CAUSES AGITATION FOR BIG RESERVOIR ON MOUNT SCOTT



The probability that another pipe line will be laid from Portland to the headworks on Bull Run, for an additional water supply, has caused the people in the southeastern district to agitate the question of securing a reservoir on Mount Scott, and getting Bull Run water. In the district southeast of the present city boundaries, including Ivaughn, Woodstock, Anabel, Arleta, Tremont, Chicago, Nashville and Lenta and all the other rapidly growing additions south of the Powell's Valley road, it is estimated that there are now more than 11,000 people. These people are now supplied with water mainly from private companies. The larger plant is at Lenta, recently constructed, but there is shortage in spite of the efforts made to keep pace with the growth of that section. The new plant erected by the Woodmere Water Company, at Lenta, with two large pumps and a 10-inch supply main, does not supply enough for the present population, although it was confidently expected that it would furnish enough for 20,000 people.

President Kneeland, of the Mount Scott Improvement Association, says that the people of this whole district want Bull Run water, and could furnish an annual revenue to the city for water not less than \$50,000, but in two years' time it would be much larger. He proposes when the new pipe line is laid that the new reservoir that will be required be built on Mount Scott, which he says is much higher than Mount Tabor. He thinks that the new pipe line could be laid on a new course from Gresham to Mount Scott, without being much longer than if it followed the present pipe line. It is confidently expected, he said, that at the next general election all this territory, including Arleta, Anabel, Lenta, Woodstock and South Mount Tabor, where the school districts have already been annexed to the Portland district, will be voted a part of Portland, and will add very materially to the revenue derived from sale of water. The population, now estimated at 11,000, will be, he thinks, increased probably to 15,000 or more.