

WOODS' CHARGE  
MAINS TO MAYS

C. E. S. Wood, Strong Witness  
for Government in Con-  
spiracy Case.

ASKED TO GO INTO DEAL

Defendant Proposed That the State  
Wagon Road Lands Be Included  
in Reserve, and Offered to  
Fix Matters.

Colonel C. E. S. Wood, whose cross-  
examination did not begin with the  
stereotyped question, "You have been in-  
cluded in connection with these so-called  
land-fraud cases, haven't you?" was the  
star witness in the Blue Mountain Forest  
Reserve conspiracy trial yesterday and  
gave the most damaging testimony yet  
produced against Franklin Pierce Mays,  
the alleged arch-conspirator.

By the Portland lawyer, poet, philoso-  
pher and man of letters the Government  
set out to prove, not only that Mays  
had direct interest in the creation of the  
forest reserve and advance information as  
to its establishment, but the more im-  
portant fact that he assumed to be able  
to dictate its boundaries. These facts  
have been touched upon by other wit-  
nesses, but all have been either parties  
to the alleged conspiracy or defendants  
under the stigma of indictment in other  
land-fraud cases.

The substance of Colonel Wood's testi-  
mony was that Mays came to him less  
than a month before the lands recom-  
mended by Forest Superintendent Ormsby  
were to be included in the reserve were  
withdrewn from entry July 25, 1922, and  
made the direct proposition to include in  
the reserve about 10,000 acres of lands  
belonging to the Williamsite military  
wagon road land grant, provided the  
owners of the grant, whose interests Col-  
onel Wood represents, would give him 50  
percent of the profits to be derived from  
exchanging the included lands for Gov-  
ernment scrip.

This proposition was made, Colonel  
Wood testified, after Mays' offer to pur-  
chase the lands outright had been re-  
jected and though it would have netted  
him about \$3,000, was turned down by  
the owners of the land grant, principally  
for the reason that they desired to keep  
the grant intact, and preferred the lands  
themselves to the land scrip.

Chance for Ormsby to Explain.

Significant circumstances in connection  
with Colonel Wood's testimony, from the  
Government standpoint, are that at the  
time this proposition was made, Forest  
Superintendent Ormsby's letter recom-  
mending inclusion of about 10,000 acres  
of the wagon road lands in the reserve  
was already on its way to Washington,  
and that when the President finally issued  
the proclamation creating the re-  
serve, all but two sections, 1280 acres, of  
the granted lands were carefully ex-  
cluded.

It was Captain Ormsby's sworn duty,  
under his instructions from the General  
Land Office, to include all granted lands  
possible in mapping out proposed forest  
reserves, and the Government regards his  
inclusion of the wagon road lands in  
this case as strongly tending to prove the  
charge that Captain Ormsby was a party  
to the conspiracy and took his orders  
from Mays in fixing the boundaries of  
the reservation.

Remissness and Fraud.

Colonel Woods was on the stand most  
of the morning session. In the afternoon  
the only witness called by the govern-  
ment public, who admitted having pre-  
pared large numbers of applications for  
the purchase of school lands for the De-  
pendent Jones & Wells, for a period of  
indefinite time, was that, acting as  
Jones' agent, he paid dozens of per-  
sons who signed the applications \$250  
each for their signatures, and was paid \$5  
by Jones for each application secured.

A large number of these applications  
were introduced in evidence, and, al-  
though all were denied, Jones, who had  
sworn to before Wells as a notary pub-  
lic, he admitted that he had never seen  
many of the signers. He also testified  
that the signers' names were stamped  
in the land descriptions in the applica-  
tions had been made subsequent to their  
execution.

The Government will attempt to prove  
that these alterations were made by the  
defendants, or other conspirators, and  
will use the applications to prove fraud  
in the procuring of the lands, which,  
which, it is alleged, the defendants con-  
spired to include in the forest reserve  
for the purpose of scripping them, as  
Colonel Wood said Mays wished to scrip  
the wagon-road lands.

The only other witness was Dan W.  
Tarpier, who was briefly cross-examined  
at the morning session.

Will Call Hitchcock's Secretary.

Prosecutor Henry stated last night that  
among the witnesses who will be put on  
the stand before the close of the trial are  
W. Scott Smith, private secretary to Sec-  
retary of the Interior Hitchcock, who will  
be sworn to prove that Mays and his  
fellow-conspirators received advance in-  
formation from Secretary Hitchcock re-  
garding the establishment of the Blue  
Mountain reserve.

Tarpier's testimony on cross-examina-  
tion was confined principally to telling  
the jury that he had once been convicted  
in one land-fraud case, and was ac-  
quitted in another, and in another.

He changed his testimony in some re-  
spects as to his visit to the state capital  
to purchase school lands in the Blue  
Mountain reserve, making it less favor-  
able to Defendant Sorenson. He naively  
admitted that he had refreshed his mem-  
ory by talking with Sorenson yesterday  
morning, and that further conversation  
had come from a later conversation with  
Prosecutor Henry, who had delicately  
hinted that the witness was holding back  
something in his testimony the day before.

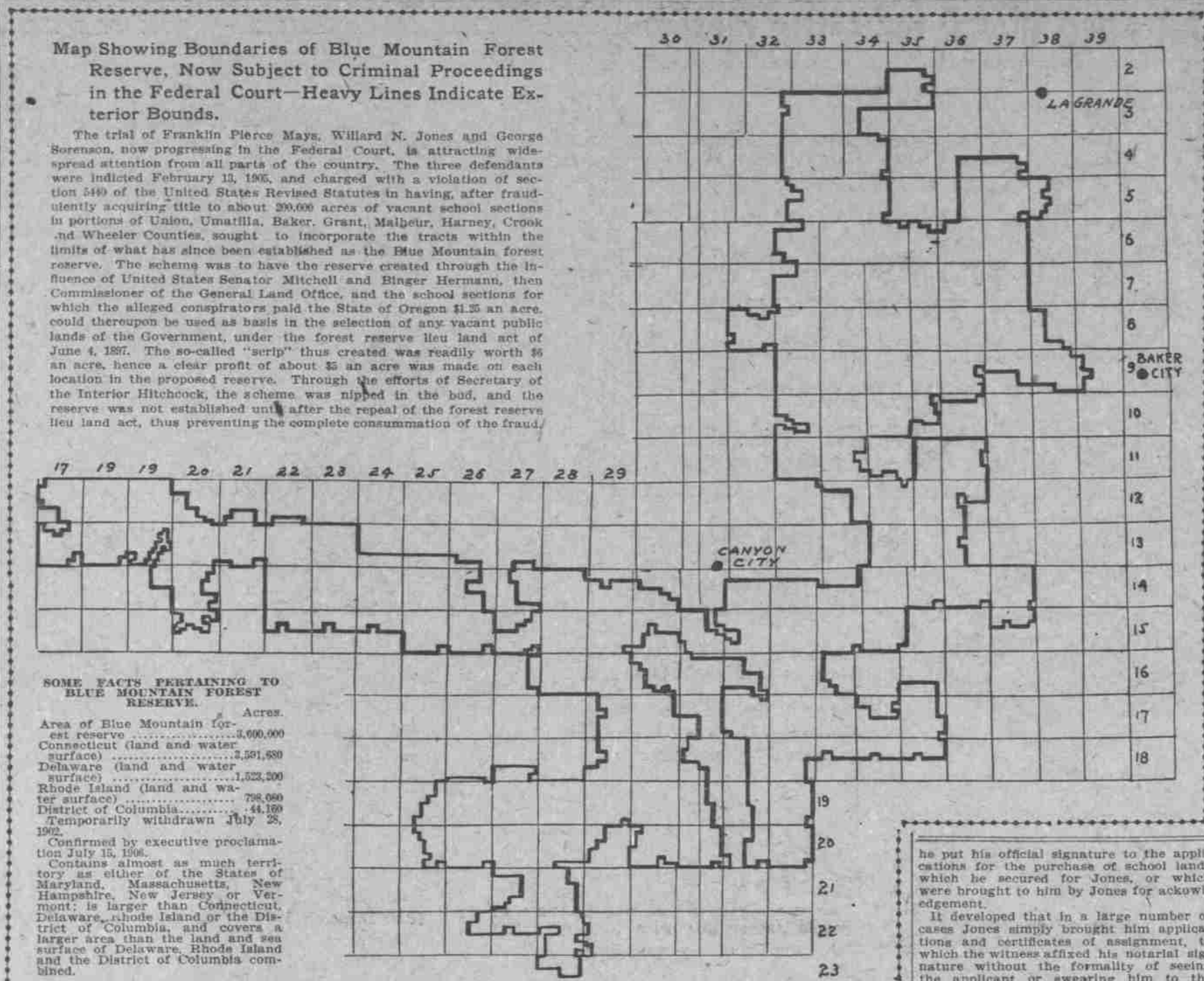
Sumpter's Protest to Mitchell.

Nathan C. Richards, a lawyer of  
Sumpter, Or., was called out of his  
turn in order that he might finish his  
testimony and return home. The witness  
came to Portland on October 25,  
1922, with the delegation of mining  
and business men to protest to Senator  
Mitchell against the inclusion of parts  
of the Sumpter mining district in the  
Blue Mountain reserve. Senator  
Mitchell told the delegates that he did  
not think he could do anything in the  
matter, that they had best get up a  
petition of protest and send it to him  
at Washington.

Judge Pipes objected to the testi-  
mony on the ground that Captain Ormsby  
had testified that he did not include  
any of the mineral lands in regard to  
the proposed inclusion on which the  
protest was made.

Mr. Honey insisted that the protest  
was over the same withdrawal and  
that he believed some of the lands in  
which the delegation was interested  
were included in the Ormsby report.

On cross-examination by Mr. Fenton,



**SOME FACTS PERTAINING TO BLUE MOUNTAIN FOREST RESERVE.**

Area of Blue Mountain forest reserve, 20,000.000  
Columbia River (land and water surface), 1,581,588  
Delaware (land and water surface), 1,528,300  
Rhode Island (land and water surface), 78,000  
District of Columbia, 44,199  
Temporarily withdrawn July 28, 1922, 196,000

Confirmed by executive proclamation July 15, 1926.

The entire almost as much territory as either of the States of Maryland, Massachusetts, Vermont, is larger than Connecticut, Delaware, Rhode Island or the District of Columbia combined, and the District of Columbia combined.

witness said he did not know whether any of the Sumpter mineral lands were included in the Ormsby report, and defined in a general way the boundaries of the reserve as they were created by Presidential proclamation.

**Against Any Form of Reserve.**

Mr. Richards created something of a sensation by asserting emphatically during Mr. Fenton's cross-examination that he was opposed in principle to the creation of any forest reserve. "I do not believe in the creation of a forest reserve," he declared. "I am opposed to their creation even when they do not conflict with mining interests. The cutting down of the largest trees in the water sheds does not impair the water supply. As a matter of fact, there is more water than before in those parts of Eastern Oregon, where the larger timber has been cut. It is the underbrush that holds the moisture and the larger trees simply hinder the storage of water."

Mr. Fenton asked witness whether, since the forest reserve had been created embracing more than twice the territory that he had in his report, the mining men of Baker City and the Sumpter district had taken any steps to have the Government refund to them the money they had advanced in it as being in line with President Roosevelt's policy.

Witness laughed heartily. "Well, Mr. Fenton, I do not believe in a forest reserve. I usually do when they are in that sort of a position. We believed we were up against it and let it go at that."

Mr. Fenton, who was usually a friendly public, who admitted having prepared large numbers of applications for the purchase of school lands for the Dependent Jones & Wells, for a period of indefinite time, was that, acting as Jones' agent, he paid dozens of persons who signed the applications \$250 each for their signatures, and was paid \$5 by Jones for each application secured.

**Mays Depreciates the Land.**

"He said these lands had been devalued of all valuable timber by trespassers," witness said in substance, "and were of little value, but that he wanted to acquire them. I think he said, \$1 an acre. I told Mr. Mays at this time that it was the policy of the owners of the grant to hold it intact. He said that he would like a railroad to come in and take it, and that I did not think we could sell."

"Three days later, on June 28, Mr. Mays came to me again and told me that a forest reserve was about to be created and asked if the grant's lands in contiguous territory were included in the reserve. He said they would be at \$1 an acre and divide with him the net raise in the price that could be got by scripping it."

"I refused him to write my people and get an answer at the earliest moment possible, as time was passing and he had to communicate with Washington. I told him that I would not write the offer, but would write and get an answer by wire, which I did, getting an answer which was Mays' proposition about June 30."

"Mr. Woods, were any of the lands in your grant included in the Ormsby report?"

**No Grant Lands Included.**

The witness was shown the map marked by Captain Ormsby and after an examination he said that the wagon road were correctly marked on the map none of the lands in the grant could have been included in those recommended by Captain Ormsby for withdrawal.

"I can say, however," added the witness, "that when the reserve was finally created by the President just two sections of our land were included in it."

On cross-examination witness stated that when the map of the reserve was made he noticed that the department had taken considerable pains to exclude the wagon road lands. This witness understood to be the general policy of the Government.

Cross-questioned further by Mr. Fenton, Mr. Woods stated that he and his people objected to the inclusion of their grant by making individual sales. Their object was to sell it entire, preferably to some railroad wishing to build through Central Oregon. This was one of the reasons for the refusal of Mays' offer.

No Scruples About Scripping.

Witness said he would have had no scruples scripping land included in a Government reserve, that was perfectly legitimate, but inasmuch as the wagon road lands had been carefully selected the first place his people considered them more valuable than scrip, acre for acre.

Therefore the owners of the grant were anxious that their lands be kept out of any reserve.

Mr. Woods of 600 East Ankeny street, 33 years of age and a member of Sumner Post, G. A. R., was the next witness. He said he had known Defendant Jones for the past seven years. In the year 1920 Jones was employed by Jones to procure applications for school lands, witness being then and now a notary public. Jones was to pay witness \$5 for each application and assignment of purchase. The witness was to reimburse the signer of the application. The blanks were the regular printed forms. Most of them contained descriptions of the lands to be purchased, but some were blank and were executed in blank.

The witness was shown a paper and asked what it was. He said it was a check on the wagon road lands which he had secured from his own wife. Mr. Honey introduced the paper in evidence. It shows on its face that it was acknowledged before Wells as a notary public.

Mr. Fenton cross-examined the witness, developing the fact that witness did not remember whether or no he had administered an oath to his wife when she acknowledged the paper.

Mr. Fenton then informed the court that there was nothing in the law of 1890 requiring an oath to applications for school lands, and that therefore there was no ground on which to base a perjury charge.

After Fraud, Not Perjury.

"We are not trying to prove or going to prove perjury," retorted Mr. Honey. "What we are going to prove is fraud in the securing of these applications to purchase school lands."

Witness testified that after he had secured from his wife the application to purchase school lands and an assignment in the same name, he took the papers to Jones and was paid \$25. He showed two more papers, which he identified as an application to purchase school lands and assignment which he had procured from his brother-in-law, where a few minutes he told his brother-in-law that he should sign the papers for Jones, who

VETERAN IS DEFEATEN

Henderson Forced to Give Up  
Swimming Race.

BYRNES IS THE VICTOR

Nine Miles Between Oregon City and The Oaks Is Covered in Six Hours, Four Minutes and One-Half.

John L. Henderson, the Hood River veteran swimmer, was most decisively beaten yesterday by J. J. Byrnes, an instructor in swimming at The Oaks. Byrnes finished the long, grueling swim after being 6 hours, 4 1/2 minutes in the water. Mr. Henderson, after making a gallant contest for about four miles, gave up the race near Milwaukie. At this time Byrnes was a mile in the lead and the veteran swimmer, realizing that there would be no chance to overtake his younger opponent, left the water near Milwaukie and returned to the city by the car line.

Aside from the two swimmers who were to measure strokes with each other over the nine-mile course, a number of local swimmers were at the starting point and took the water when the two main contestants started. They were: Professor Kelsner, instructor at The Oaks; Professor Myers, swimming instructor at the Y. M. C. A.; and Ben Holladay. These swimmers, however, did not swim the entire distance, for after about four miles they took to the boats which were following the contestants. Professor Kelsner finished the last part of the journey with Byrnes.

Byrnes Has Endurance.

The swimmers entered the water at Oregon City at 8 o'clock, and the winner crawled up the Iron ladder at The Oaks at 2:04 1/2, about 100 yards from the finish. Byrnes, just to show the crowd of spectators that he was still swimming strong, turned over on his back and started away from Professor Kelsner very easily. Byrnes was assisted from the water by attendants of the swimming baths and was taken charge of by Allen T. Anderson, who has trained and instructed the young swimmer in all of his swimming feats. After a rubdown, Byrnes dressed himself and was soon mingling with many friends, who congratulated him upon his success. Byrnes took his victory with becoming modesty and expressed his regret that Mr. Henderson had withdrawn from the race. In speaking of the race, Mr. Byrnes said:

"Henderson is a game swimmer, all right, and I am sorry that we could not finish together, so as to have given the

match the semblance of a race. I understand that I was about a mile in front when he decided to quit. This must have been directly off Milwaukie, which, by the way, was the worst part of the time swim. There must be a lot of springs in the river at this point, for it was there that I suffered for the first time from the cold. It was so cold that for a time it was as if I would have to give up, for I was fearful of cramping. However, after swimming for a distance, I got out of the cold and was all right again. It was a long swim, and there never was a time that I was in trouble. I think if I had been pushed by a rival over the route I could have made it in much better time."

Why Henderson Quit.

F. Chandler, of Hood River, who officiated as one of the judges for Mr. Henderson, said after the contest that Mr. Henderson had given up the race, not because he was tired, but because he knew that it would be impossible for him to overtake the lead of his young opponent. "I was surprised to see Mr. Henderson swim as long and as well as he did," said Mr. Chandler, "but he was never given up for dead last year by the doctors, he made a surprising showing. Then, too, it must be taken into consideration that Mr. Henderson is no longer a young man. Mr. Byrnes is a great little swimmer and one of remarkable nerve and endurance in the water."

After swimming for about four miles, Byrnes took the lead from Henderson, who up to that point had been a little in front. Henderson was giving two and a half minutes to his rival, and he was never in the contest after that. On the way down the river, Byrnes showed how much at home he was in the water by eating two sandwiches, a couple of peaches and drinking a bottle of milk. The officials of the contest were Frank Chandler, Joe Henderson, one of the contest judges; Alton T. Anderson and A. L. Young.

PLACED ON UNFAIR LIST

HOME TELEPHONE COMPANY AGAIN REFUSES UNION DEMANDS.

Same Wages and Hours in Outside Towns as in Portland Original Demand of Electrical Workers.

The dispute between the Electrical Workers' Union and the Home Telephone Company has resulted in the Federated Trades Council placing the new telephone company on the unfair list of companies, and has been never in the contest after that.

Some time ago the electrical workers presented a grievance to the Home Company, desiring the company to give equal rights to its workers in the outside Portland. The union claim was that the corporation could not remain fair in one town and unfair in another, and that it was for the benefit of all parties of wages and hours to workers in outside places as was in vogue in Portland. This the company refused to grant, and the matter was brought to the attention of the Trades Council and a special committee appointed to investigate the grounds for complaint. The committee held a conference with the corporation without results.

After the last meeting of the Trades Council, the company was allowed another hearing at the meeting with the union representatives yesterday, it again refused to grant the demand.

The union men, however, will not give up. They are going to fight for the Home Company sought a franchise in this city, it guaranteed to adhere to the union regulations in every respect, but that since receiving this franchise, it has not been particular in living up to its ante-election promises. Several union men yesterday stated that they had offered money to the company to sign the franchise, but that as long as the concern was on the unfair list, they would not have them installed.

EASTERN EXCURSION RATES

September 8 and 10.

On the above dates the Great Northern Railway will have on sale tickets to Chicago and return at rate of \$71.49. St. Louis and return \$67.50. St. Paul, Minneapolis and Duluth, Superior, or Sioux City and return, \$68.00. Tickets first-class, good going via the Great Northern, returning same or any direct route, stop-overs allowed. For tickets, sleeping car reservations, etc. apply to the ticket office, 121 1/2 Third Street, Portland.

SPECIAL RATES TO ASTORIA

Account Annual Regatta.

For the above occasion the Astoria & Columbia River Railroad Company will sell round trip tickets to Astoria at rate of \$2. and for children at half price. Sale dates, August 29, 30, 31, and September 1. Return limit, September 2. Tickets on sale at Union Depot and 245 Alder street. Phone Main 298.

Two Sales of Residence Property.

Carl King and family, of McMinnville, will remove to Portland next month. He has purchased, through Hartman & Thompson, the residence on the Alexander street, on East Thirty-seventh street, near Hawthorne avenue. Hartman & Thompson have sold for E. L. Colwell a quarter block at the southwest corner of East Twentieth and East Stark streets, a choice residence location. The purchaser's name is not stated.

Both steel and gold pens are, apparently, doomed. Dr. Werner von Bolton delivered before the Electric-Technical Association, at Seattle, the other day, an address, which he described the new metal dentals, which is so hard that a diamond drill makes no impression on it.

NEW'S Diseases Cured for \$12.50

We Will Treat Any Single Uncomplicated Ailment for \$12.50 for the Fee

CONSULTATION FREE

A Life Long Cure for

ULCERS  
STRICTURE  
HYDROCELE  
FIBROID  
PROSTATE DISEASES  
NERVOUS-DEBILITY  
KIDNEY AND BILIOUS DISEASES

Most men suppose that the consequence of these afflictions are confined to the SINGLE or IMMORAL, but such is not the case. They often invade the MARRIED CIRCLE to an ALARMIN' extent; although perhaps the original disease might have been contracted in the gutter and gotten past, but through neglect or bad treatment it has been lurking in the system for months and years, and will sooner or later break out in sores, bad legs, a drainage and soreness of the throat, piles, and itching on the breast and head. There will be frequently a dry headache with distress of sleep, and aching in the legs and thighs. In many cases there will be a slight scalding of the water at times, with a crantz in the back, and a general feeling of debility. In some cases PAIN in the discharge of water. It seldom happens that two people are affected alike; but in each and every one suffering from disorders which have their origin in "contaminated indiscretion" some of the above mentioned symptoms will be found.

Write for symptom blank if you cannot call.

HOURS—9 A. M. to 5 P. M. Evenings, 7 to 9. Sundays, 9 A. M. to 12 M.

ST. LOUIS Medical and Surgical DISPENSARY

CORNER SECOND AND YAMHILL STREETS, PORTLAND, OREGON.

SAN FRANCISCO YOUNG MAN PROVES TO BE TALENTED VIOLINIST.

Josef Meredith Rosenkrantz is a violinist whose name you will hear frequently in the future.

Yes, it is not saying too much. He is only 13 years old now, and came up here with his father and mother, and family from San Francisco, and settled in Astoria, where he is living here at 741 Gishan street, and I heard him play on a wonderfully mellow and powerful violin last Sunday evening, his home, where a few friends were gathered together.

He played Berlioz's second concerto and Tchaikowsky's Air Russe.

His brilliant, but nevertheless overwhelming richness of tone, is the chief quality in his playing that will strike you first. His result, and luxuriant strength and tone-coloring is tempered in a way that suggests nothing but genius—it is brought out with a surety and precision that the sweep of his bow seems to uplift and exalt one into the realm of musical ecstasy that is as rare as it is grand and beneficent.

I confess that I was astounded at his achievement. Of course, his technique, in many details, will advance as time comes and goes, and his incessant practice that he keeps up, day in and day out, completes the perfect skill of his every muscle. But any competent appreciator of violin-playing and lover of music will now instantly recognize the fact that this remarkably talented young man has traveled a long way on the road to the superlative heights of virtuosity. He is a virtuoso now, capable of reminding one of even Wilhelm's marvellous tone, which has never been equaled by any living violinist, not even Ysaye. His ear is true, although it is attuned, in a way, exclusively to the violin. That is to say, he is so young that in his nervousness he is not sure about the pitch of the piano and the violin altogether—he depended upon his father's judgement as to when his violin was sharp enough when he adjusted the A string. But when he starts off in the execution of what he is playing, there is a most extraordinary correctness in the handling of the theme and the accuracy of the keeping up to pitch.

One does not play the same piece twice on the violin. Every time you play the piece you vary the execution, the bowing, the position of the fingers—it may be ever so little. So, on the violin every piece is, in a sense, a distinct and separate creation of the artist. This is why Rosenkrantz is so wonderful. He never slight a note, never strikes a false one, or sharp or flat one off the key. His instructor have allowed him to fall into a few mannerisms like swaying back and forth too much for perfect bowing. But these are minor defects that can be remedied. His double stop, his playing of thirds, fifths, even tenths, and octaves, is phenomenal.

Young Rosenkrantz played before large crowds in San Francisco, as first violin in the Philharmonic Society, and he also played at Tallis, where they hired the best orchestra obtainable in that city before the earthquake.

If he stays here, musical circles will have an important addition.

A. H. BALLARD.

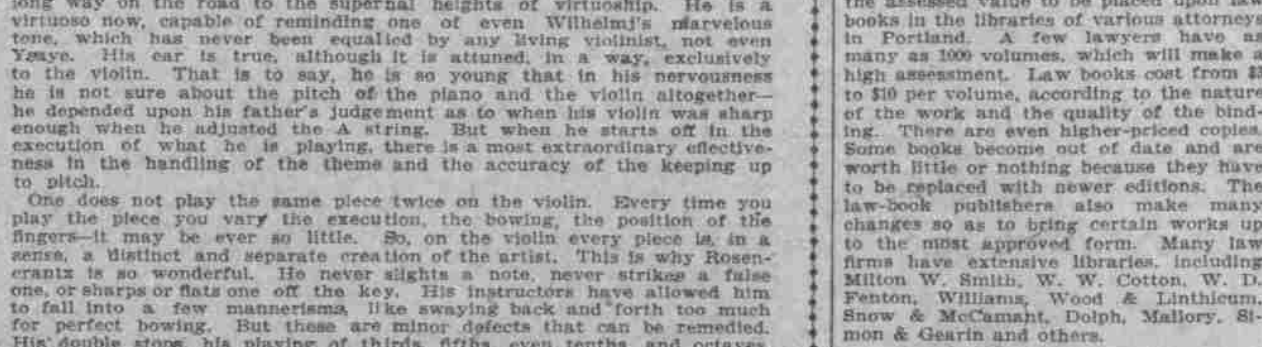
SIGLER ANNOUNCES ASSESSMENT THAT WILL HIT ATTORNEYS.

As Many as 1000 Volumes Will Be Taxed in Some Cases—Firms With Big Libraries.

An assessment of \$1 per volume has been decided upon by Assessor Sigler as the assessed value to be placed upon law books in the libraries of various attorneys in Portland. A few lawyers have as many as 1000 volumes, which will make a high assessment. Law books cost from \$1 to \$10 per volume, according to the nature of the work and the quality of the binding. There are even higher-priced copies. Some books become out of date and are worth little or nothing because they have to be replaced with newer editions. The law-book publishers also make many changes as to bringing certain works up to the most approved form. Many law firms have extensive libraries, including Milton W. Smith, W. W. Cotton, W. D. Fenton, Williams, Wood & Linticum, Snow & McCannet, Dolph, Mallory, Dr. Simon & Gearin and others.

Low Rate to Gans-Nelson Glove Contest.

On August 30 and 31 the Southern Pacific Company will sell tickets Portland to Goldfield, Nevada, and return at a rate which is as low as any other route for the contest, to be held at Goldfield, September 2. Further particulars by calling at the City Ticket Office, Third and Washington streets, city.



JOSEF MEREDITH ROSENKRANTZ