

CONSPIRACY CASE IS BEFORE JURY

Disagreement Expected, as No Verdict Is Reached After Nine Hours.

RETIRE AT 2:40 P. M.

Clash Between Malarkey and Becker Occurs During Latter's Arguments—Judge Gives Exhaustive Instructions.

JURY LOCKED UP FOR NIGHT.

At midnight last night the jury in the Booth-Singleton conspiracy case was locked up for the night. Judge Wolverton finished reading his instructions at 2:35 P. M. yesterday and five minutes later the 12 men retired to the jury room. Having been out over nine hours, it is not expected the jury will reach an agreement.

With the exception of the Williamson case, the instructions delivered by United States Judge Wolverton yesterday to the jury in the Booth-Singleton conspiracy case were the most exhaustive of any given at the land-fraud trials in this state. When court convened at 1:30 o'clock yesterday afternoon, Judge Wolverton began reading his instructions, which required one hour and five minutes. At 2:40 P. M. the jury retired. The instructions included a thorough exposition of the Federal statutes relating to homestead and lien land selections. The crime of conspiracy, charged in the indictment, was defined at considerable length and the interpretation to be placed on a "reasonable doubt" was explained. The instructions were generally regarded as fair by both sides, counsel for defense reserving only two exceptions. The final day of the trial was marked by several acerbic combats between Tracy C. Becker, representing the Government, and Dan J. Malarkey, of counsel for the defense. The unpleasant incidents happened during closing address of Mr. Becker, who spoke from 9:30 A. M. until noon. Mr. Malarkey interrupted the Government prosecutor several times, charging him with misrepresenting the facts in the case.

Becker Makes Angry Reply.

Finally Mr. Becker, angered by the numerous interruptions, turned upon Mr. Malarkey and charged him with being the only lawyer in Portland that could be found to take the defense of the case and adopt the methods that had been employed by the defense to withhold the facts and obscure the real issues in the trial of the case. Mr. Becker likened Mr. Malarkey to a cattle feed and in the course of his heated remarks referred to him as a "smart-aleck" and a "bulldozer."

Mr. Malarkey resented the remarks of opposing counsel and protested against a further continuance or repetition, remarking that he had been insulted all he wished to be by the Government's representative.

Court Cautions Attorneys.

Judge Wolverton admonished Mr. Becker to be more careful in his remarks and suggested to Mr. Malarkey that he cease interrupting counsel for the Government during his address. Mr. Becker supplemented the review of the Government's case by Attorney General McCourt Friday by emphasizing the strong features of the case as presented in the testimony of the witnesses for the prosecution. He declared that adequate evidence had been submitted by the Government clearly to prove the existence of the alleged conspiracy and a participation by each of the defendants in the unlawful compact. Counsel told the defendants before the jury as "traitors to their country" and insisted that the interests of the Government and good citizenship demanded the conviction of such men, which, he said, was warranted by the evidence in the case.

The indictment against the three defendants was returned April 8, 1905, as a result of an investigation by Francis J. Heney, who, as Special Assistant United States Attorney, was in charge of the District Attorney's office in this state for several months following the removal of John H. Hall as United States Attorney. The indictment charged the defendants with having entered into a conspiracy with Thomas Agee by which Agee effected the exchange of an unperfected homestead entry in the Cascade Mountains for 160 acres of liea land outside the reserve, which he subsequently deeded to the Booth-Kelly Lumber Company for a consideration of \$300.

Question of Agee's Residence.

The Government contended that Agee never resided on the homestead long enough to establish his claim thereto, and for that reason was prevented either from exchanging the land for liea land or from entering into any contract to sell the liea land prior to completing legal proof and obtaining patent. It was charged that Agee resided not to exceed three years on his homestead when he abandoned it. Singleton was alleged to have expedited the exchange of the land by preparing personally the necessary papers and delivering to Agee the purchase price of the land. Robert A. Booth was connected with the case only from the fact that the check in payment of the draft drawn to pay Agee, was signed by him.

No Testimony for Defense.

The defense offered no testimony, maintaining that the Government had failed to prove the alleged conspiracy or to connect either of the three defendants with the alleged unlawful agreement. It was insisted by counsel for the defense that all of the parties to the transaction acted in good faith. It was alleged that Agee at all times believed he had earned title to the homestead and that all acts subsequent to his entry were entirely regular and in full compliance with the land laws of the country.

The trial began Thursday, July 2. The ensuing three days were occupied in the selection of a jury. Opening statements to the jury were made by opposing counsel the following Monday. Three full weeks were devoted to the introduction of testimony by the Government and the closing arguments. About 20 witnesses were examined.

Court Orders First Payment. United States Judge Wolverton yes-

terday signed an order directing the distribution of a 10 per cent dividend and the payment of all claims not exceeding \$25 to the depositors of the defunct Title Guarantee & Trust Company. The order was based on the recommendation of Receiver R. S. Howard, whose report was filed with the court Friday.

The aggregate of approved claims against the bank that will share in the initial dividend is \$1,746,729.76, so that nearly \$175,000 will be distributed among the depositors this week. The payment of all claims in full is ordered if there are sufficient funds available. There are about 1750 of these claims and Receiver Howard has reported that there are sufficient funds to satisfy them all.

Hunting Permit Instead of Marriage License

Ralph T. Maxwell Gets Severe Jolt After He Applies for Certificate to Wed Miss Naomi Case.

WHAT if you asked a girl to marry you, paid her carfare over to town, talked her mother into accompanying you, rushed up to the Courthouse on Saturday afternoon for a permit to wed—and got handed out a hunting license instead?

Well, that's what Ralph T. Maxwell ran up against yesterday afternoon when he wended his way to the Courthouse prior to hunting up the preacher. The girl he wanted to marry, Miss Naomi Case, is but 16 years old, so Mrs. Case accompanied them to give her consent to the marriage. When the trio reached the County Clerk's office, they did not know just where the marriage licenses were issued, but found their way in front of Deputy County Clerk Schneider's desk.

"I want to get a license," declared Maxwell.

"All right," said Schneider. Now, for several years past, Mr. Schneider has been issuing the hunters' licenses, having nothing at all to do with the marriage sort. As no one but hunters come his way in the quest of licenses, Schneider never asks, "What kind will you have—hunt or marry?" but he just goes ahead and writes out the former sort. He did this for Maxwell. After a complete description of the would-be groom was written down—even the color of his hair and eyes are recorded—the deputy started to hand the paper over to the young man, when the latter thought something was wrong. Why did the county want to know all about his size and weight?

"Say, ain't you makin' a mistake?" asked the visitor. "No, here's your hunting license," calmly replied the clerk. "Hunting license?" yelled Maxwell in a voice far from weak. "Shucks, I want to get married."

When Mr. Carr later he walked out of the Courthouse with the marriage license—the hunting permit was left behind.

FINDS FAMILY IN MISERY

County Officer Discovers Pitiable Case at St. John.

One of the most pitiable cases that has been brought to the attention of the County Board of Relief for months was investigated by B. J. Carr recently. Mr. Carr is secretary of the Board of Relief and was called to St. John not long ago to see what aid was needed by a family named Caples, neighbors having informed the officials that something should be done for the sufferers.

When Mr. Carr arrived at the Caples' humble home he discovered that the three oldest children are suffering with tuberculosis. The sick are boys, aged 23, 19 and 17 years, and all are confined to beds that have been placed in little tents. Doctors hold out no hope for any of the sufferers. The mother is staying with her children, doing all in her power to aid them, but has little means and no way in which to earn more, all her time being taken up with those who are ill. Mrs. Caples has a daughter, 11 years old, who is too young to be a wage-earner. It is reported that the father has deserted his family, and is living in a scow on the St. John waterfront. The officials are trying to take some action that will make him support his children. He is the son of a well-known pioneer family.

FORMER PORTLAND TEACHER WHO IS GAINING RECOGNITION ABROAD.



L. Charles Sparks. A Dresden paper has the following to say in reference to L. Charles Sparks, the well-known baritone, who is popular in Portland, where he taught until two years ago.

"The American teachers are gaining more and more ground abroad was again demonstrated at the interesting closing performance of the pupils of Messrs. Armbruster and Sparks in their beautiful studios in the Luttichau-strasse last Saturday afternoon. The programme comprised selections from Beethoven, Wagner, Schubert, Grieg, Mendelssohn, Donizetti, Gounod, Saint-Saens, Nevin, Dumas, Max Stange, Tourni, Berlin, Schirmer, etc., and the singers were the Misses Cooper, Dammach, Fraulein Fleischhaecker and Schuster, and Mrs. Laura Crawford. It would require more than the ordinary space of a critique to explain why some of this singing was most remarkable, that is, in reference to the progress and accomplishment, in a comparatively short period, of some difficult cases. On the other hand, the singing of Miss Cooper and Fraulein Schuster seemed just that self-evident fact that goes to prove, first a good voice and then a good teacher, and a good school or method."

EAST SIDE WANTS PARKS

INSISTS ON SHARE OF BOND EXPENDITURE.

Business Men's Club Will Meet to Discuss Improvements for That Part of City.

In the proposed extension of the park system, whether on the Olmstead plan or some other, East Side property-owners are determined to have their requests for consideration brought before the Council and the Park Board before anything definite shall be done.

C. A. Bigelow, president of the East Side Business Men's Club, said last night that a meeting of the organization is to be held at 8 o'clock Thursday night at its rooms in the Healy block, when the special topic for discussion is to be the appropriation of the \$1,000,000 to be realized from the sale of bonds, between the two sides of the Willamette.

Mr. Bigelow says the East Side is as loyal and as enthusiastic as the West Side in all matters that have to do with the betterment and beautifying of the city, but that when it comes to expending \$1,000,000 on parks and boulevards the money should be apportioned with equality between the East and West Sides.

"The East Side," said he, "now has from 25,000 to 30,000 more population than the West Side, with the growth forging ahead proportionately. I do not believe, in justice to that great district of the city, that any plan of park extension should give to the small district the greater portion of the fund to be raised in this bond issue."

"We, on our side of the river, take as much pride in the City Park as do the residents on the other side of the river, but we cannot find any reasons why the proposed taking over of the lands contiguous to the park, under the care of the Water Commission, should not be put under the control of the Park Board, thereby providing an extent of park area sufficient for park purposes for many years to come. Then Macleay Park, to the northwest of City Park, belongs to the city and has been neglected ever since it came into the city's possession. That beautiful tract should have at least lanes opened through it so that lovers of nature in its primeval state might have an opportunity to stroll through the forest without suffering the discomforts attending such a trip at present."

"The opening of roadways through Macleay Park and the taking over of the lands of the Water Commission, would provide park grounds unequalled on this Coast and not surpassed anywhere in the country. We have been practically overlooked in the way of park improvements on the East Side. The city parks we have are of small dimensions and cost the city but a trifle to keep in the ordinary condition they have been allowed to drop into. Holladay Park, which is about 400 feet square, and as for Hawthorne Park, the proposal for the city to acquire the tract seems to be 'held up' for some reason or other."

"Personally, I believe I may speak for hundreds of other business men of the East Side and thousands of residents. I think when the case is fully understood by the Council, the Park Board and the city, the attention it is entitled to, and that, instead of the city buying high-priced lands to increase the dimensions of the City Park, that money should be used to furnish the residents of the East Side with attractive recreation grounds somewhere in proportion to its needs, and what it is fairly entitled to."

CHANGE IN MAIL SERVICE

New Order Affects Eastern Multnomah and Clackamas Offices.

ORESHAM, Or., Aug. 1.—(Special.)—Orient and Barton postoffices ceased to be free delivery offices yesterday; the service has been transferred to Boring and Eagle Creek. The Star route between Boring and Orient was also discontinued. The Orient rural free delivery office was ordered to bring the Boring Postmaster for duty this morning, also carrier No. 2 from Barton. The former Orient carrier will deliver the mails for that office by a horse coach while on his delivery from Boring.

Postmaster Campbell, of Orient, has requested the suspension of his office, as all his remaining patrons can be served by Gresham route No. 2, which will be increased four miles to accommodate them. Orient has been enjoying service twice a day, which service can be maintained by allowing the Gresham carrier to repeat through that district. A petition for such service will be circulated and will probably be allowed, to go into operation when the office is closed permanently.

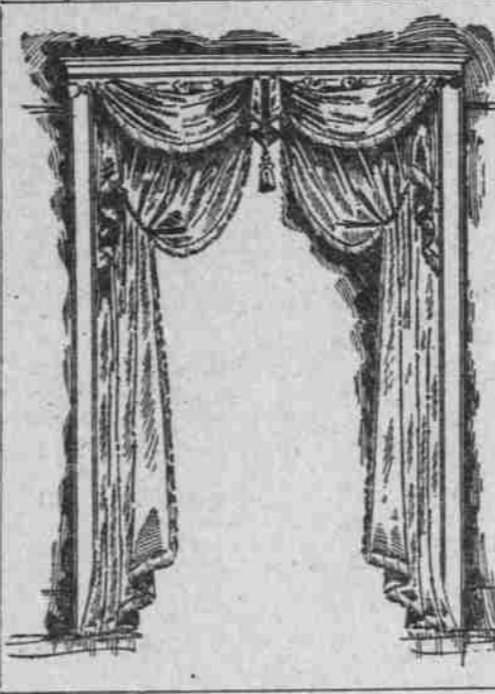
Will of Charles W. French. By the will of Charles W. French, who died July 17, his three children, Fred, Albert and Mabel, are to receive \$100 from the estate, the remainder to go to the widow, Mrs. Henrietta M. French, who is named as executrix. The property of the estate is valued at \$5000.

Army Officers Fight Paraders. BILBAO, Aug. 1.—Several men were wounded in this city last night between some Nationalists and a group of army officers, which followed a procession of Nationalists through the streets crying "Down with the army!"

WONDERED WHY Found the Answer Was "Coffee." Many pale, sickly persons wonder for years why they have to suffer so, and eventually discover that "Coffee" is the main cause of the trouble.

"I was always very fond of coffee and drank it every day. I never had much sleep and often wondered why I was always so pale, thin and weak. "About five years ago my health completely broke down and I was obliged to try it. My stomach was in such condition that I could hardly take sufficient nourishment to sustain life. "During this time I was drinking coffee, didn't think I could do without it. "After awhile I came to the conclusion that coffee was hurting me, and decided to give it up and try Postum. I didn't like the taste of it at first, but when it was made right—boiled until dark and rich—I soon became very fond of it. "In one week I began to feel better. I could eat more and sleep better. My sick headaches were less frequent, and within five months I looked and felt like a new being; headache spells entirely gone. "My health continued to improve and today I am well and strong; weight 145 lbs. I attribute my present health to the life-giving qualities of Postum. "There's a Reason. Name given by Postum Co., Battle Creek, Mich. Read "The Road to Wellville," in pkgs. "Ever read the above letter? A new one appears from time to time. They are genuine, true, and full of human interest."

ARTISTIC INTERIOR DECORATIONS



Furnishing a home so that it shall have beauty, originality and comfort, and doing it without unnecessary expense, is a task requiring unusual taste and expert knowledge. Through our decorative department, directed by a New York decorator of large experience, we offer to our patrons every aid in securing harmony of color, beauty of proportion, and style; and stand ready, either to suggest treatments or to assist in carrying out the ideas of our customers. Our immense stocks of furniture, carpets, rugs, wall fabrics and hangings, and our unexcelled work-room organization make it possible for us to execute any scheme of decoration, whether simple or elaborate.

J. G. Mack & Company FIFTH AND STARK

JUVENILE COURT TO MOVE

QUARTERS WILL BE ENGAGED AWAY FROM COURTHOUSE.

No Room Left in County Building, So Downtown Location Must Be Found.

Nearly every day something comes up that proves beyond a question of doubt that Multnomah County is sorely in need of a new Courthouse. The latest is that the Juvenile Court has to move from its present quarters off Judge Bronaugh's private chambers, and as there is no place in the Courthouse to go, rooms will have to be engaged downtown.

All day yesterday, Chief Probation Officer Hadley was securing the business district in a search for suitable quarters for the court. It is thought best that it be located on the second floor of an office building, owing to the fact that so many mothers are required to bring little children into the court. Many of the children come into court alone, and if there was an elevator for them to ride in, they might have too much fun in it, instead of attending to their troubles as they should.

But there is such a demand for good office rooms that Professor Hadley has found it hard to locate any place suitable for the court save where very high rents are asked. The only location that he has found so far is the former Justice Court room in the Ainsworth building, at the northwest corner of

Third and Oak streets. Judge Gantenbein, who has charge of the Juvenile Court, will investigate this site tomorrow.

When the Juvenile Court is moved away, there will be another big rent added into the county. The offices of the County Superintendent of Schools, County Assessor and District Attorney are now outside the Courthouse, those of the two first named being in the City Hall and those of the latter in the Chamber of Commerce building.

TWO NEEDLECRAFT SHOPS

Mrs. White Claims Name and Seeks to Restrain Competitor.

Portland now rejoices in two "Needlecraft" shops, and tomorrow Judge Cleland will be called upon to decide which one shall continue to use the name. Mrs. M. C. White, who owns the first "Needlecraft" shop, and who has registered the name under the state law, seeks to restrain Mrs. J. A. Van Horn from using the same name for a like business that was started by the latter yesterday morning.

Mrs. White declares that she opened "The Needlecraft Shop" here three years ago, and had the name registered. Since that time, she has advertised her store and gained a good business by so doing; now, she declares that Mrs. Van Horn is seeking to infringe upon her rights and also upon the rights of the public by causing persons who might wish to trade at the well-advertised "Needlecraft Shop" to go into the new one because it bears a like name.

Mrs. Van Horn, on the other hand, declares that the name is not a coined one, and that it is used in all trade journals and publications issued for

the home, even if it is not in the dictionaries. John F. Logan, attorney for Mrs. Van Horn, says in his answer to Mrs. White's complaint that "if the word needlecraft is not in the dictionary, so much the worse for the dictionary, as dictionaries are made for man, and not man for them."

Mrs. White says that while she is not trying to keep a rival from starting up in business here, she is content-

ing that she is entitled to use the name she has registered and which is rapidly becoming locally famous.

Eagles' Temporary Treasurer. WARSAW, Ind., Aug. 1.—Mayor Rigdon, of Warsaw, today was appointed temporary National Treasurer of the Fraternal Order of Eagles.

The Yale Laundry



Will Be Open for All Customers About August 15

LAST WEEK OF THE GREAT CLEARANCE SALE

The final week of the Clearance Sale fully as interesting as the first days of the sale. Questions of profit or former price cut no figure, as it is our determined policy not to carry goods over from season to season.

Men's Suits Men's Suits Men's Suits
This season's best styles, in plain or fancy mixtures,
REDUCED FROM \$10 TO \$5.95
New fabrics, browns in all shades and patterns, stripes, fancy weaves
REDUCED FROM \$15 TO \$9.95
Hand-tailored garments, as near perfection in clothes as can be had,
REDUCED FROM \$20 TO \$13.95

Men's Shoes Men's Shoes Men's Shoes Men's Shoes Men's Shoes
\$2.00 Values \$2.50 Values \$3.00 Values \$3.50 Values \$4.00 Values
Now \$1.45 Now \$1.85 Now \$2.25 Now \$2.85 Now \$3.25

The Store That Rights the Wrong, Which Means Your Money Back If You Want It.

CHICAGO CLOTHING CO.

SOL GARDE, Proprietor 69-71 Third Street, Bet. Oak and Pine