

GOOD EVENING.
WEDNESDAY
Tonight and Wednesday, occasional rain; high southerly winds.

Oregon Journal

THE CIRCULATION OF THE JOURNAL YESTERDAY WAS 17,020

VOL. III. NO. 230. PORTLAND, OREGON, TUESDAY EVENING, NOVEMBER 29, 1904—FOURTEEN PAGES. PRICE FIVE CENTS.

W. A. RICHARDS GIVES THE LIE TO MUCH OF HERMANN'S SWORN TESTIMONY IN THE OREGON LAND FRAUD CASES

BLOW TO DEFENSE

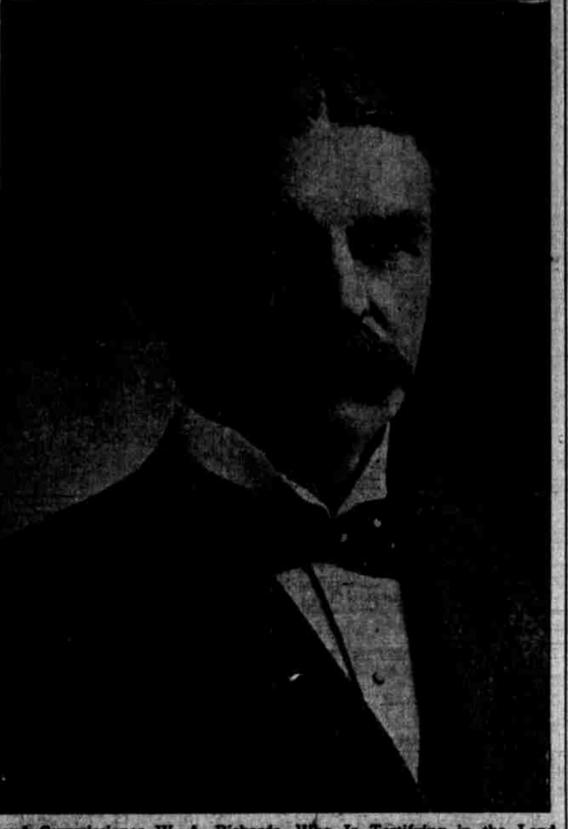
Land Commissioner Refuses to Be the Congressman's Scapegoat

SHOWS THAT HERMANN LENT SWINDLERS AID

Riddles His Predecessor's Statement and Supplies Gaps in Hermann's Intermittent Memory.

To give the lie to the sworn testimony of any witness is a serious matter. When the witness whose statements are thus attacked holds the exalted position of member of congress, and when the contradiction of his testimony comes from one of the highest officials in the national government, the gravity of the accusation is increased a thousand-fold.

United States Land Commissioner W. A. Richards, who crossed the continent for the purpose of contradicting the testimony given last week by Congressman Binger Hermann, was on the stand today in the land-fraud trial in progress in the federal court, and his refutation of Hermann's statements was sweeping and emphatic. Tersely, clearly and unequivocally he told the story of the issuing of patents to Emma Watson at the personal direction of Binger Hermann, who was then at the head of the general land office.



Land Commissioner W. A. Richards, Who Is Testifying in the Land Fraud Cases Today.

MYSTERIOUS NOTE IN CHADWICK CASE

Collateral to Amount of Five Hundred Thousand Dollars, Said to Bear Signature of Andrew Carnegie, Purported to Be Among Securities in Celebrated Case.

(Journal Special Service.)
Cleveland, O., Nov. 29.—The hearing set for today of the case of Newton against Chadwick, wherein an application is made for a receiver for the Chadwick securities, was continued until Thursday morning. The continuance is the result of a mutual agreement between the appearing attorneys. The mysterious note for \$500,000, mentioned in the petition of Herbert Newton, the Boston banker, who holds Mrs. Chadwick's notes for \$150,000, is now alleged to be signed by Andrew Carnegie. Attorney Ryan, counsel for Newton, stated that Newton told him that he had actually seen the Carnegie note.

Although the Carnegie story is not believed in some quarters, there are many who express the opinion that before the trial comes to an end there will be several other men of prominence whose names will be brought before the public. These men, it is alleged, have been victims to the extent of several thousand dollars each, all of which has gone to swell the coffers of the hypothetical Mrs. Chadwick. To these victims is given the credit for the report that emanates from New York to the effect that the case may be settled out of court.

MISS NANCY LEITER WEDS MAJOR CAMPBELL

(Journal Special Service.)
Washington, Nov. 29.—The wedding of Miss Nancy Leiter, daughter of the late Levi Z. Leiter, the Chicago millionaire, and a sister-in-law of Lord Curzon, to Major Campbell of the English army, was solemnized at noon at the home of the bride's mother on Dupont circle.

FORTY SLEEPERS SAVED FROM DEATH IN FIRE

(Journal Special Service.)
New York, Nov. 29.—Firemen early today carried 40 screaming youngsters from a burning five-story tenement at 241 Ninth avenue. Thirty adults were also aided to escape. All were asleep when the fire broke out and had not time to dress. The loss is small.

UNION IS REJOICED.

(Journal Special Service.)
San Francisco, Nov. 29.—Superior Judge Hubbard this morning rendered a judgment in favor of the Crescent City Feather company versus the Upholsterers union and granted a permanent injunction against boycotts and pickets of the union.

SWARM UP THE HILL

Tokio Says Terrific Attack on Port Arthur Is Now in Progress.

JAPANESE GAIN MANY IMPORTANT POSITIONS

Russians at Mudken Are Reported to Be Crowding the Japanese Back.

(Journal Special Service.)
Tokio, Nov. 29.—A report from Port Arthur states that Japanese have today captured the crests and counter-escarp on Bung Shu mountain, and are now destroying the casement caponera.

They have also captured the enemy's shell trench, near the summit of which is known as the "303-meters" hill. They are holding these positions and are now trying to capture the whole mountain. The positions gained are important.

According to the report, the conflict now is of the most terrific character. Hand to hand fighting has been the rule in many instances and the Russian defense is unparalleled in stubbornness and determination.

The Japanese, on the other hand, have conducted assault after assault with such a total disregard for loss of life that in many cases men have been compelled to literally march over the bodies of the dead to reach the goal.

The fate of the outer fort is hanging in doubt, and there is great expectancy here that the downfall of the fortress will be chronicled before the week is ended. It is believed that today will see Japanese occupancy of positions which will enable their men to speedily bring Stoessel to terms.

Strangely enough, there have been no reports received at Chefoo of any unusually heavy firing. Ordinarily the muffled sound of the heavier guns has told to those at sea the progress of any extraordinary bombardment.

HEAVY SKIRMISHES.

Kuropatkin Reports the Gaining of a Position Held by Japanese.

MADAME JANASHEK, THE TRAGEDIENNE, IS DEAD

(Journal Special Service.)
New York, Nov. 29.—Madame Janashek, the famous actress, died last night at the Burnsawick house, Amityville, of paralysis.

In her death passed one of the most famous women of the stage. Franciska Janashek was born in Bohemia in 1850 and became prominent as an actress in her own country and Germany before she came to America in 1877. She studied English until she mastered it, but there was always noticeable a slight accent which rather added than detracted from her delivery.

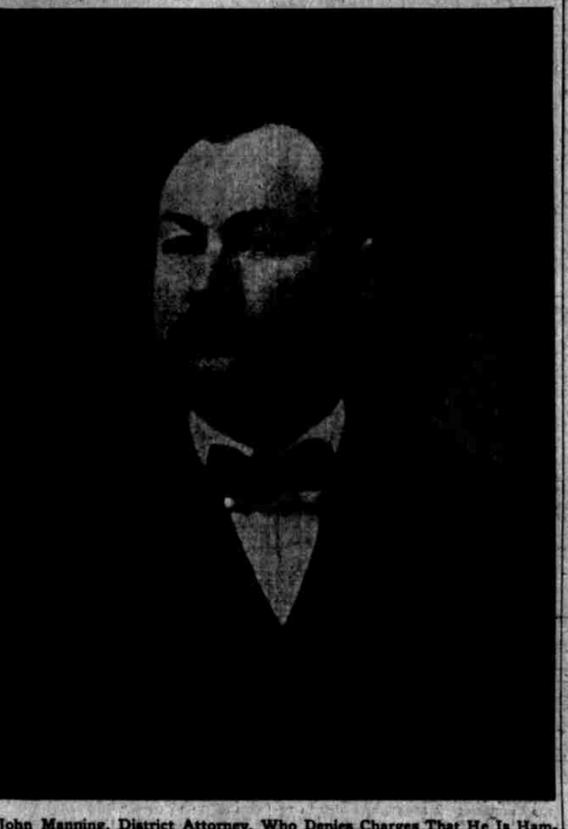
It was but a few years ago that she retired from the stage, but up to her very last appearance she was considered as a queen of tragedy.

GOOD BORROWER.

Mrs. Chadwick Got Four Times as Much as the Oberlin Bank's Capital.

(Journal Special Service.)
Oberlin, O., Nov. 29.—Director Whitney of the Citizens' National bank said this afternoon that the amount loaned to Mrs. Chadwick by President Beckwith was \$240,000, which is four times the capital stock of the bank.

Beckwith loaned her \$102,000 personally.



John Manning, District Attorney, Who Denies Charges That He Is Hampering the Work of the Grand Jury.

MANNING TO DRAW UP TRUE BILLS

Trouble Between District Attorney and Grand Jury at an End, the Former, on Judge George's Advice, Agreeing to Follow Instructions of Inquisitorial Body.

Indictments will be drawn by District Attorney John Manning against whomsoever the grand jury thinks is guilty of a crime, and the official will follow the instructions of the jury specifically. Among the indictments that he will draw will likely be one against Eugene Blasier, charging him with perjury.

An agreement to this effect was reached this morning as the result of a conference between the jurors and the district attorney, after a large part of this morning's session was devoted to the matter.

"There exists no trouble between the district attorney and the grand jury," said one of the jurors this morning. "He will draw up indictments as we see fit to instruct him."

It was stated authoritatively this morning that the trouble had been settled, and that it was caused by a disposition on the part of the district attorney to refuse the drawing of an indictment against Eugene Blasier, charging him with perjury.

Presiding Judge George of the circuit court refused to be interviewed regarding the trouble. He also refused to state what action would be taken in case the district attorney persisted in his refusal to follow the instructions of the grand jury and malfeasance proceedings were begun.

"I can give no information on the subject, and am not in a position to be quoted on a matter that may be at all likely to happen," he said.

Manning denies everything.

Mr. Manning denies absolutely that there are differences between him and the grand jury. He asserts that stories to that effect emanate from Judge Henry E. McGinn. He also denies that he was taken to task by Judge George for standing on his dignity as district attorney, and waiting for the jury to come to him instead of his going to the grand jury.

"There is no truth in the story that I have been in session and I refer you also to any member of the jury to substantiate this statement. The grand jury did not ask me to draw an indictment for them in the Blasier case. When they do instruct me to draw an indictment against Blasier I shall certainly do so."

"The stories that recently appeared sound McGinnish. I refused to allow Mr. McGinn to appear in the grand jury room for the reason that the statutes of the state do not permit anyone to be present or wait upon the sitting of the jury except the district attorney. I also refused to allow Mr. McGinn to appear with me in any case where he does so voluntarily and without pay, because I know his purpose. I will not shut any attorney of the Portland bar out of a case when their services are paid for, or keep them in any manner from making a fee. This 'the boys' well know."

"Mr. McGinn in the beginning of this crusade of his, came to my office and told me he knew he couldn't fool me, but wanted to take me into his political scheme to help him get even with the Mitchell wing of the Republican party and Jack Matthews, which I refused to do. I will say that there is not another attorney at the bar who would resort to the low, mean, unprofessional ways that Mr. McGinn has since this grand jury has been in session."

McGinn Too Busy to Retort.

Judge McGinn refused to reply to Mr. Manning's remarks. He had other business that required his time and attention, he said, than entering into a discussion with the district attorney.

"However, you may say for me that I will appear in the prosecution of the Nease case," he declared. "Mr. Manning has his nerve when he assumes to put me out of the case. I have been recognized by the court as one of the attorneys for the prosecution, and until I am ordered by the court to desist I shall continue my attempts to convict these men, whom I know to be guilty."

Mr. Manning was instructed regarding his duty by Presiding Judge George at noon yesterday. They met on the stairway leading from the courtroom. Judge George had been informed by the foreman of the grand jury that a report would be made at 1 o'clock, provided the signature of the district attorney could be secured to the papers. The judge asked Mr. Manning if he had signed the indictments. The district attorney replied that he had not. The judge wanted to know why.

"I know nothing about these indictments," replied Mr. Manning. "The grand jury did not commit me to draw any indictments, and I do not intend to draw any."

THOMAS MISSING

Important Witness in the Sewer Scandal Has Suddenly Disappeared

SAID TO BE HIDDEN IN THE CITY BY FRIENDS

Without Him It Is Impossible to Prove Conspiracy Before the Grand Jury, Which Is Investigating Case.

Walter R. Thomas, the man who confessed before the council committee of investigation into the Tanner creek sewer scandal that he had accepted money to leave defects in the sewer to injure the contractors, has disappeared. He cannot be found in the city, although the grand jury has been looking for him, and special detectives have been engaged to locate him.

He is attempting, it is declared, to evade summons before the grand jury, where he would be forced to tell all he knows of the Tanner creek sewer scandal, which is said to be much more than he disclosed at the time he appeared before the investigating committee.

The last time he was seen by any of his acquaintances was on Friday night, A. R. Mendonhall, of Mendonhall & Mendonhall, attorneys for R. M. Riner & Son, the contractors who built the sewer, says he knows Thomas was in the city on that day, but has not heard of him since. Mendonhall is very anxious to find him for he states it is to the interests of his clients that Thomas be summoned in order to give all the testimony possible regarding the charge of bribery.

There are those who believe that Thomas has left the city, and will remain away until the grand jury has concluded its work. There is one, however, who is of the opinion that Thomas has not left the city but is in hiding.

Thomas concealed in the city.

"Thomas has not left the city," said the man. "He is hiding, and he will not be found until after the grand jury has concluded its work. His friends will take care of him. They will not allow him to get into trouble. The grand jury has been in session for several days, but cannot find him, and I do not think it will. It issued a subpoena for him several days ago."

"There are more people than the grand jury after him. There are a few people who would like to know that he will not testify against them. I do not believe that Thomas will be seen until all danger of his being summoned before the grand jury is over."

At the time Thomas appeared before the council committee he stated that he had been a foreman of the sewer gang for several weeks. One night he was approached by a man who asked him if he would like to make some money. He said that he told the man that he would. "He told me then," said Thomas, "that if I would leave certain defects in the sewer, so that they could be found after the work was completed, I would be well paid for it. He gave me to understand that he had been E. W. Riner's former partner, and that he had thrown him down by taking the figures of the bid on the sewer and giving them to his father, who underbid the remainder of the contractors and broke the pool."

"Some night he gave me \$50 in the tunnel, and a few days after that he sent a man to my house with between \$15 and \$20."

Thomas said he left out a stone block.

FRICK RACES AUTO TO PREVENT RUN ON BANK

(Journal Special Service.)
Pittsburg, Nov. 29.—Henry C. Frick, the Pittsburg coke king and financier, was in Wooster, O., last Friday and Saturday, standing guard over a small bank in which some of his friends had their little all. It was the Wayne County National bank, which Frick saved from ruin.

Word came to Pittsburg Friday morning that the Wooster National bank had gone to the wall. Frick called up the bank people at Wooster and asked how they were fixed against a run.

"The reply was unsatisfactory," Frick gathered up a couple of grips filled with money, and getting in an automobile, started for Wooster. He reached there early in the afternoon and sent out word that anyone having a paper in the Wayne County bank could have it honored at once.

"I know nothing about these indictments," replied Mr. Manning. "The grand jury did not commit me to draw any indictments, and I do not intend to draw any."

HAD PLOT TO SMUGGLE CHINESE BY WHOLESALE

(Journal Special Service.)
San Antonio, Tex., Nov. 29.—The immigration authorities have been informed of a plot hatched in Guaymas, Mexico, to smuggle into the United States 20,000 Chinese coolies and clean up \$2,000,000.

The plan was worked out by an American, a renegade Mexican and Chinese merchants, each Chinese "smuggled" into the United States to pay to the conspirators \$500.

The plan was to bring the coolies into Mexico, cut off their noses, let their hair grow similar to that of the Indian tribes in the mountains of Texas, teach them the Mexican language and give them Mexican names. It is thought that these preparations it would be easy to smuggle them across the border as Mexican peons.

The Americans in the company were to have agents on this side of the line to handle all sent over and see that they were distributed in various cities, where Chinese merchants and contractors were to furnish protection and work in interior places.

JUST WHAT LAND FRAUDS ARE AND THEIR OBJECT

Persons unfamiliar with the methods of the conspirators who have systematically robbed the government of its lands in Oregon, frequently ask why Puter, McKinley and their co-defendants, now on trial in the federal court, should have desired to acquire title to the uninhabitable, mountainous wastes in township 11-7.

The explanation is afforded by the evidence now being developed by the government. Township 11-7 is within the limits of the Cascade forest reserve, which was created by proclamation of the president September 24, 1893. All vacant non-mineral government lands within the limits of the reserve were thereupon withdrawn from settlement. But under the so-called "scraper law" any person who, prior to the creation of the reserve, had settled upon lands afterward included within the reserve, may, if he so desires, relinquish his land to the government and may select other land in lieu thereof. Settlers are allowed a reasonable time limit within which to complete their title, just as if no reserve had been created. When a settler relinquishes his land in this manner, scrip is issued to him by the government, good for an equal amount of vacant government land anywhere else.

The evidence already given in the land fraud cases shows that some seven years after the creation of the Cascade forest reserve 19 homestead applications were filed in the Oregon City land office for claims lying in township 11-7. The lands covered by these claims were intrinsically worthless, and they were only desirable as "base"—i. e., as a means for acquiring scrip. As scrip was then selling at about \$2 an acre, the 19 claims were worth as base between \$18,000 and \$14,000.

It is the contention of the government that all of these 19 homestead claims were fictitious and fraudulent, that no actual settlement was ever made upon any of them, and the sole object of the pretended settlers was to use the claims as base. Proof has been made that patents were issued upon the claims, that the lands were then relinquished to the government and that other lands were selected in lieu of them.

Although the lands embraced in the fraudulent homestead claims were of no intrinsic value, they were worth as base \$4 an acre.

The operations of Puter and his confederates were of course not confined to township 11-7, and the claims which they acquired there were but a small fraction of the land they are supposed to have illegally obtained by similar methods elsewhere in the forest reserve of the state. This was but one of many townships in which they operated.