

THE WEATHER.

Fair tonight. Friday fair and cooler; northwest winds.

INDICTMENT IN LAND FRAUD CASES UNDER FIRE

That Against Willard N. Jones, Thaddeus S. Potter, Daniel Clark and Ira Wade Said to Be Defective.

HENEY NOT SATISFIED IT WOULD STAND

Contention of Attorneys Is That the Nature of the Conspiracy Charged Against the Defendants Is Not Sufficiently Described by True Bill, and Court Takes It Under Advisement.

Legal objections were raised this morning in the federal court which threaten to prove fatal to the indictment against Willard N. Jones, Thaddeus S. Potter, Daniel Clark and Ira Wade, charged with conspiracy to defraud the United States of public lands.

So strong were the arguments of counsel for the defense that Judge De Haven and District Attorney Henehy plainly intimated their doubts as to whether it would stand. The question was taken under advisement until tomorrow morning.

The indictment is one of those drawn by Oliver E. Pagan, who came to Portland last winter at the order of the department of justice to aid Mr. Henehy by taking of his hands the task of drawing up the formal charges in the land fraud cases.

The trial of Jones and his codefendants is set for tomorrow, but if the indictment is not sustained, the case will be quashed. In that event it is the intention of the prosecuting attorney to bring a federal grand jury and secure a true bill that will withstand attack. The alleged conspiracy is not yet barred by the statute of limitations.

Conspiracy Not Described. The contention of the attorneys for the defense is that the conspiracy charged is not sufficiently described by the indictment, and at the conclusion of the arguments Mr. Henehy said:

"I must concede that the indictment, if it is good, is not as good as it ought to be, and if I were drawing it I would draw it very differently. I shall look up the points made by counsel, and I will say frankly that if I reach the conclusion that this indictment is defective, I will dismiss the case."

The main argument against the indictment was made by E. B. Huston of Hillsboro, who presented tersely and clearly the grounds on which the demurrer was made. He stated to the court that the indictment charges that Jones, Potter, Clark and Wade conspired with a number of other persons, unnamed in the indictment, to defraud the United States of public lands. The means by which the fraud was accomplished were threefold—false affidavits, false representations and false affidavits already on file in the Oregon City land office.

Authorities to Maintain His Point. Numerous authorities were read to sustain the point that in this latter sort of conspiracy, where the offense is referred to or which they concern. We are entitled to know before coming into court what affidavits we must meet, so that we may show that they are true, and not false as charged."

Mr. Henehy insisted that in the event of a verdict under this indictment the defendants might be indicted again, and not be able to plead the bar of the former trial. Other minor objections to the sufficiency of the indictment were urged.

GRAFTING JUSTICE KEEPS HIS JOB

New York Legislature Fails to Remove Supreme Court Judge Warren R. Fuller.

GOT DEBTORS POSITIONS TO PROFIT BY SALARIES

Accused of Being "Willfully Guilty of Corrupt, Unlawful and Immoral Acts" Calculated to Bring His Office into Public Contempt.

Albany, N. Y., July 29.—The assembly today voted on the resolution calling for the removal of Supreme Court Justice Warren R. Fuller of Fredonia, charged with corrupt and immoral practices. Two thirds of a majority were required but not secured, hence Fuller will not be removed.

The formal charge upon which Justice Fuller's removal was asked alleges that he has been "willfully guilty of corrupt, unlawful and immoral acts," calculated to bring the office of justice of the supreme court into contempt and showing "personal unfitness for that exalted office."

In the charges against Fuller it is alleged that Frank P. Ball of Dunsmuir was given a position in the Fredonia postoffice at the solicitation of Fuller; that Ball never performed any service, and that his salary was applied to liquidating notes given by Ball and endorsed by Justice Fuller.

Judge Fuller asserted in his defense that neither he nor his wife loaned a dollar directly to Ball. Mrs. Fuller went on his notes only as accommodation tomorrow, but if the indictment is not sustained, the case will be quashed. In that event it is the intention of the prosecuting attorney to bring a federal grand jury and secure a true bill that will withstand attack.

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LEGISLATIVE INQUIRY FOR EQUITABLE ASKED

Higgins Asks Assembly to Appoint Insurance Investigation Committee.

Albany, N. Y., July 29.—Governor Higgins sprung a surprise in the legislature today by sending to the extra session a special message recommending that that body take under consideration the question of the appointment of a joint committee from the assembly with the usual powers to investigate, after adjournment, the operation of life insurance companies doing business in the state for the purpose of recommending to the next regular session such proposed legislation as is adequate to restore public confidence.

Higgins made a statement after sending in his message that he did not recommend the legislative investigation of insurance companies, but merely to take the matter under consideration, as his position of not assuming responsibility remained unchanged. Ill-considered haste provoked by angry, impatient clamor would serve no useful end, he said.

Spainish Passes Allen Bill. London, July 29.—The house of commons has passed the allen bill at its third reading by a majority of 84. The bill restricts the immigration of paupers and criminals to Great Britain.

NO SPECIALS FOR NORTH END

Mayor Lane Revokes Commissions of Officers Quartered in That District.

WILL END GRAFT AND ILLEGAL PROTECTION

Council Will Dine With City Prisoners and Ascertain Fitness and Quantity of Food Served—Repairs to Jail Also Considered.

Hereafter there will be no special officers in the north end. All the commissions of the special officers in that district have been revoked and the mayor will not appoint others. This action is refusing to permit special officers in that district has been taken with a view of cutting off the revenue of many who pose as special officers and live off the money paid them under promise of protection.

Mayor Lane explained to the police committee of the executive board this morning that he was going to inform the women of that district that they should pay no man for protection, as nobody would be able to give them more protection than the regular officers.

The committee, consisting of Thomas Green, R. L. Sabn and N. J. Blagen, heartily indorsed the action of the mayor in revoking the commissions of the special officers.

KANSAS CITY BANK FAILS TO OPEN TODAY

City National With a Million and a Half Deposits in Hands of Controller.

Kansas City, July 29.—The City National bank with a capital of \$500,000, failed to open this morning, and the institution was placed in the hands of the controller of the currency. The deposits of the bank amount to \$1,500,000. Its total resources and liabilities reach \$3,000,000.

A committee of bankers examined the institution last night, but decided not to extend assistance. Alleged bad management is given as the cause of the failure. There had been no noticeable run on the bank. Vice-President Loomis, prominent in the failure, is connected with Devlin of Topeka, who recently failed.

AMERICANS MOLESTED IN ENFORCING BOYCOTT. Hongkong, July 29.—American consular officials in Amoy and Shanghai were molested today, following the putting into effect of the Chinese boycott of American goods. The Standard Oil company at Amoy has been ordered to give up his position. Further serious complications are expected.



Photograph of Charles H. Ahle and some of the prominent people from whom he is said to have secured \$500 subscriptions to "America's Smart Set," as a means of inducing him to keep stories concerning them out of a New York society publication. Ahle was cleverly trapped by Edwin M. Post, one of his intended victims. The upper photograph is that of Mrs. Potter Palmer; below on the left is Mrs. E. R. Thomas and on the right Mrs. Mortimer Brooks.

COERCED INTO PAYING BLACKMAIL FOR BOOK

New York, July 29.—The district attorney's office has determined to investigate thoroughly the books of the Town Topics in so far as they deal with the book on American society entitled "Fads and Fancies," which was sold by subscription, and upon which the publishers realized approximately \$200,000, although no books were delivered. It is alleged that the publishers of the book blackmailed society people by telling them that unless a large subscription was made for a copy of the book, scandalous stories would be published in Town Topics. Among the people who are on the list of subscribers to "Fads and Fancies" besides Mrs. C. P. Huntington, who paid \$10,000 for her subscription, are John Jacob Astor, Clarence H. Mackay and Senator Chauncey M. Depew, for \$25,000 each, and Perry Belmont, \$1,500.

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THIS IS THE WAY FAIR LOOKS TODAY

Washington State Bankers' Association Sees Signs and Has Annual Session.

INTERESTING PAPERS READ AND DISCUSSED

President Says Proposed Law to Submit Account of Customs to Assessors Is Serious Menace and Should Not Be Passed.

Into the hands of the Washington State Bankers' association the exposition grounds have been surrendered. That prosperous organization convened in its tenth annual session this morning at the American Inn and for three days the members will discuss among themselves, on a heart-to-heart basis, the easiest way of getting the coin. This is the way it looks to an outsider. The bankers put it in another form. They say "mutual advancement." Just the same, they are in session and doing things of interest to money-lenders and borrowers in all parts of the state.

Washington Is Prosperous. In his annual address President Lattimer congratulated the association on the great progress made during the past year in the state of Washington and on the prospects for the ensuing year.

The harvest and stock yields have been the greatest in our history," said he, "and we are enjoying that happy condition which results from a demand greater than the supply. As a fruit-loving country, not many years ago Washington would have been laughed at, but today we are among the foremost states in that industry. In carrying we are leading. Our market includes the United States, California, Alaska and country as far east as the Mississippi river. These conditions have changed our people from money-borrowers to money-lenders."

JURY DISAGREES, NEW TRIAL BEGINS TOMORROW

SPANIARDS LYNCH COUNCILLOR

People of Salamanca Indignant Over Letting of Franchise by Council.

STORM THE CITY HALL, STRINGING UP LEADER. Prompt and Efficient Method Adopted to End Reign of Graft—Had Given Away Valuable Rights Belonging to Public.

Salamanca, Spain, July 29.—Public indignation against the town councillors for letting a local franchise without including provision that the city be properly remunerated for the privileges granted culminated last night in a mass meeting, which adjourned to the town hall, where the councillors were in session. The councillors barricaded the doors, but the mob stormed the building, driving the councillors into the street, where the frenzied mob lynched the ring-leader.

The action of the council was taken under protest of property owners and citizens generally. Stories of corruption and bribery have long been rampant, but the protest of the people was ignored by the councillors. Excitement is at a fever pitch and threats are openly made that unless the council rescinds its action at once more lynchings will follow.

An ineffectual attempt was made by the police to protect the governing body, but they were entirely inadequate to cope with the mob, who made prisoners of the gendarmes. The doors of the city hall were broken open with rails torn up from the street, and many of the windows smashed with paving stones.

RESUMES INVESTIGATION OF TOWN TOPICS

Books of Company Produced for Examination by District Attorney Krotel.

EQUITABLE CONTROLLER IS REMOVED BY MORTON

TEAMSTERS VOTING ON DECLARING STRIKE OFF

Chicago, July 29.—The unions interested in the teamsters' strike are today taking a vote on the advisability of calling off the strike. The action was decided upon at a meeting of the joint teamsters' council held last night. The meeting was stormy, and it was long after midnight before the order to take a referendum vote was issued. The Teamsters' association has reached an agreement with the teamsters' joint council whereby union men will not be compelled to deliver goods to nonunion houses, thus averting the threatened strike of the truck drivers.

EXHUME MRS. CARLTON TO INVESTIGATE DEATH

New York, July 29.—The body of E. H. Carlton's widow was taken from the grave in Calvary cemetery today for the purpose of holding an autopsy to discover the cause of death. Carlton is accused of murdering his wife by poisoning her with strychnine.

After Nearly Forty-Eight Hours' Deliberation the Jurors Who Heard Case Against Accused Are Discharged.

TEN SAID GUILTY AND TWO SAID INNOCENT

United States District Attorney Henehy Listens to Statement and Then Announces That He Will Be Ready to Proceed at Once With Prosecution.

Unable to agree on a verdict, the jury which had been deliberating for nearly 48 hours on the guilt or innocence of Congressman Williamson, Dr. Van Giesmer and Martin R. Biggs was discharged at 1 o'clock this afternoon. Judge De Haven immediately announced that the defendants would be placed on trial for the second time at 10 o'clock tomorrow morning, the case of United States vs. Jones et al., which had been set for that time being postponed to a later date.

Two of the jurors, G. O. Walker of Lane county and O. H. Flock of Douglas county, voted to the last for the acquittal of all three of the defendants, the other ten voting for conviction.

In response to the questions of the court, the jury stated that they were unable to agree on a verdict as to any one of the three defendants. The statement caused surprise in the courtroom, for it had been the general theory that the disagreement had arisen over Congressman Williamson's case, and that this was also the belief of counsel for the defense had been made plain this morning by an intimation of Judge Bennett's in open court.

The jury comes to a verdict. Judge De Haven and hearing the verdict of the jury, the court ordered the jury to retire for the night and to return tomorrow morning at 10 o'clock.

"Gentlemen, have you agreed on a verdict?" asked Judge De Haven. "We have not," replied the foreman. "Do you desire further instructions?" "We think your honor that there is no possible chance of reaching a decision," replied the foreman.

Mr. Henehy at once asked the court to set the Williamson case for retrial immediately after the Jones case, which had been set for tomorrow. Judge De Haven said, however, that in view of the uncertainty as to the validity of the indictment in the Jones case he would prefer not to take that up at once and he suggested that the second trial of Congressman Williamson and his codefendants should begin tomorrow.

Judge Bennett entered strong objection to entering at once on the second trial, but Judge De Haven did not regard his objection as sufficient for an order reciting the facts that the jury had been considering the evidence for nearly 48 hours, that the court was satisfied that there was no reasonable prospect of an agreement and directing that the jury be discharged from further consideration of the case.

An Immediate Verdict. Mr. Henehy at once asked the court to set the Williamson case for retrial immediately after the Jones case, which had been set for tomorrow. Judge De Haven said, however, that in view of the uncertainty as to the validity of the indictment in the Jones case he would prefer not to take that up at once and he suggested that the second trial of Congressman Williamson and his codefendants should begin tomorrow.