

LAND FRAUD CASES WILL NOT BE PROSECUTED

JOURNAL'S PREDICTION SEEMS TO BE FULFILLED

Removal of Bristol and Refusal of Heney to Indicate Intention of Coming to Portland Bears Out Assumption Indictments Will Not Be Pressed

With over 30 indictments still pending and over 100 defendants still untried, the government has tacitly called off the dogs of war. Francis J. Heney, the most redoubtable prosecutor who ever came to Oregon, and William J. Burns, the famous sleuth, will come no more to this state to carry terror into the hearts of violators of the land laws.

United States District Attorney William C. Bristol, upon whose shoulders the mantle of Heney was to fall in the further conduct of the prosecutions, is slated for removal from office and his political foes are already eagerly debating the choice of a successor.

No incumbent of the office has ever worked harder or more zealously than Bristol, but when congress convenes next December he will be without a friend in the Oregon delegation to urge his continuance in office.—Journal, September 3, 1907.

Oregon's land fraud cases are now relegated to the rear row more than at any time since the two-year-old indictments were found and Mr. Heney left for San Francisco. There will be no further effective land fraud prosecutions.

The strenuous life that Mr. Heney is leading in San Francisco, the action of the department of justice in withdrawing Bristol's name from the senate, the heavy handicap a new man would have in undertaking the prosecution of these cases now pending, all these conditions and circumstances make it plain that there will be no sudden activity in the federal court, if it takes the land fraud trials to bring the active Heney back.

As yet Bristol has received no notification that his name has been withdrawn from the senate, and until such communication comes he declines to make any statement regarding himself or his office. Unless the office is filled at once there will be no immediate change in the situation, for Bristol will continue to hold office until he is either officially removed or until his successor is named and confirmed by the senate, which, of course, would be virtually an official notice of removal.

Heney Has Departed.
 Francis J. Heney, who started the land cases and carried them through as far as they have gone, has, to all appearances, shaken the dust of Portland from his heels for good. No one believes that he will return to try the land cases, not alone because he apparently has no inclination in that direction, but because he is becoming more and more entangled with bands which tie him in California. He is fast to San Francisco, with the graft cases there, and he has taken up the case of the shippers against the Southern Pacific, which promises to become a protracted struggle and he has been drawn into public affairs to such an extent in California that every indication points to his speedy entrance into politics there.

The probability of Heney's prosecution of the land trials at Portland, therefore, apparently dwindles into very remote possibility.

Neither does it now appear possible that Bristol will try the cases. It is expected that his successor will be appointed, and very probably confirmed by the senate at almost any time, surely before the close of the present congress in June next. Eliminating Heney from the land fraud trials, the problem, it throws the prosecution of the pending cases up to whomsoever is appointed to succeed Bristol when he is finally out of office.

Webster May Be Chosen.
 Who is to be Bristol's successor is a question that is bringing incipient heart throbs to many a legal brain. There is a dark horse who has suddenly loomed up in County Judge L. R. Webster. Judge Webster would like to be district attorney, and according to the story has good hopes of landing the job. Senator Fulton, so it is said, has virtually promised to send Judge Webster's name to the senate, while Senator Bourne, by the same report, will make no objection to the procedure. In fact it is believed that Bourne is not very anxious to mix up in the district attorney appointment to any great extent, preferring to allow Senator Fulton the honor and the responsibility of naming the man who will have to wind up the land cases.

Chris Schuebel of Oregon City, who has made application for the place, had a string to his plea, so it is said. Mr. Schuebel does not want the office until after the land cases have been cleared away. He has stipulated that he desired "to clean up dirty decks," and it is supposed that he has not changed his mind. Besides these two, Harrison Allen, Sanderson Reed, and a whole bunch of others are also trying their wings to find whether they can fly so high.

Hard Work for New Man.
 If Mr. Heney does not return to Portland, if Mr. Bristol is ousted and a new appointee has to prosecute the remaining land cases, there is not much to be said for the trial very soon. All of the indictments are built on very intricate evidence, and it would take some little time of deep and undivided study to grasp the cases in all their details. Therefore it seems practically certain that the defendants will have some time yet in which to wait.

In Court of Appeals.
 The charge made that Bristol was refused to prosecute some 25 land fraud cases, which were returned by the grand jury empaneled March 11 last and discharged June 1 is shown by the records to be untrue. Since Bristol went into office about two years ago there have been but three land fraud indictments returned under his charge. The first of these was returned pending the decision of the United States circuit court of appeals in various districts. The three cases were one brought against Joseph Bink and 11 co-defendants on April 2, 1906, one against Richard D. Jones and 21 others returned April 1906, and the third against F. W. Gilchrist and 24 others returned May 5, 1906. All of these cases involved men resident out of the state or district and it is upon removal proceedings that the cases are now pending in the appellate courts. Bristol having made all efforts possible to bring the defendants to Oregon for trial.

The only grand jury since that time was that of March, 1907, which returned the furniture store, the Sellwood postoffice robbery and various other miscellaneous indictments but no land fraud indictments. The story of Bristol's refusal to prosecute 25 land cases, started under his charge is, therefore, without foundation.

Incidentally the records of the clerk of the federal court show that during Bristol's two years in office there have been more convictions, more fines paid, more cases cleared off the docket than ever before in the same length of time.

If the Oregon delegation does not recommend a successor for Bristol the case will continue to hold its office until the close of the present session of congress in June. It is thought to be practically certain, however, that a new man will be named within a few days.

MANY KILLED BY CLIMBING ALPS

Seventy-Five Die and Three Hundred and Fifty Hurt During Past Year.

(Special Dispatch to The Journal.)
 London, Dec. 13.—Official statistics, just issued, supply the death rate in 1907 due to misadventure in the Italian, Swiss and Austrian Alps. The number is 75, the majority of which were Swiss and Germans. Next came the British and after that the Italians. The chief cause of the fatalities was footholdlessness, which is becoming more prevalent every year in attempting difficult ascents without a guide, and often even without a compass.

Fourteen deaths were caused by attempts to gather flowers in dangerous localities. The number of accidents which were put down as grave, but not fatal, was 350.

The compilers of the statistics recommend international action by the Italian, French, Swiss, Italy and Austria to prevent ascents of dangerous mountains prohibitive unless the climber is accompanied by a duly qualified and accredited guide.

LICENSES TO REDUCE CITY LEVY

Probable That Tax Will Not Exceed 4.6 Mills—Latter Would Yield Revenue of \$1,000,000—Several Thousand More Than Last Year

Full Income of \$350,000 From Saloons for First Time—Reduction of 4.2 Mills Likely on Both City and County Rolls.

That Portlanders will receive the benefit of a greatly reduced tax levy next year is the opinion expressed by several members of the ways and means committee who favor placing the city levy at 5 mills or less. This year's levy was 5.7 mills, from which the city derived a revenue of \$949,771. With the valuation of \$215,659,950 as fixed by the county board of equalization, a revenue of \$1,000,000 could be obtained with a levy of about 4.6 mills.

Even this levy could be cut down and the city's revenues would not be decreased because a full year's revenue will be received from the increased liquor license. This income will amount to about \$350,000, based on the \$800 license for 438 saloons. Next year will be the first full year the city will secure the full benefit of the license, as it was not passed until the election last June.

Favors Reduction of Levy.
 Councilman Rushlight, chairman of the ways and means committee, stated today that he was in favor of cutting the levy down to less than 5 mills. He said:

"I want to see the levy cut as much as possible. The people are entitled to as low a tax as we can make and I believe that with the increased valuation the levy can be made less than five mills. The fact that we will receive the full benefit of the license next year means that our revenue will be greatly increased. There are 438 licenses now issued from which we will derive about \$350,000."

"Of course it is impossible to state at this time what the levy will be. We will have to wait until Mayor Lane sends down his budget, which we will have gone through this and learned what the needs of the city will be for the next year, which will be in a position to determine what the levy will be. But I think that it will be less than five mills."

Councilman Vaughn is also in favor of reducing the levy. He said today that five mills would be amply sufficient to carry on the city's business next year. Further, that the city would have a balance of about \$100,000 this year and that he believed in cutting down the city's taxation as much as possible.

Saving to Taxpayers.
 County Assessor Sigler stated yesterday that a levy of about 13 or 13.5 mills would be sufficient for the county taxation for next year, which would mean a reduction of about 3 mills. The levy this year was 16 mills. If the county levy is dropped to 13 mills, and the city's to 4.5 mills, the general levy will be cut down to 17.5 mills for next year, a reduction of 4.2 mills. To a man paying taxes on a home, this would mean a saving of \$42 a year.

Mayor Lane is busy preparing his budget for the coming year, and it will probably be ready for the ways and means committee next week. Nearly every department of the city government has filed its estimate and as soon as the mayor can prepare the estimates he will send it to the ways and means committee.

T. W. Lumsden Posed as English Army Officer, War Correspondent, Editorial Writer, Globe Trotter—Caught Many Dupes.

T. W. Lumsden, bon vivant, alleged ex-English army officer, war correspondent, fancier of blooded horses, follower of athletics and all round good fellow, is wanted by the police. In the same connection there are certain allegations concerning bogus checks, defrauded landlords and landladies and a horde of anxious creditors who express great willingness to assist in any interview that may ensue should the police and Mr. Lumsden succeed in effecting a junction.

Police Detectives Jones and Burke are the medium through which it is hoped a meeting may be arranged between the missing man and the duly constituted authorities, but up to the present writing all efforts to locate the once popular gentleman have proved unavailing. For several days he has been conspicuous by his absence from the haunts that once seemed graced by his presence and which were edited accordingly by his sprightly conversation, good clothes and deft "touch."

Held Position of Star Boarder.
 For some months past Lumsden was the star boarder at a private boarding house on Morrison street near Thirteenth and occupied a position in front of the spot light during the entire period of his sojourn there. Even the demand of the landlady, reluctantly and sorrowfully made though it was, that he pay his board, did not get one word out of him. Mr. Lumsden's urbanity, with the high-bred air that has always distinguished him from the common herd, his greater or less sums from each of those whom he entertained, used their fuel, sampled their private stock and invited themselves to their private parties.

Smooth Touch in Evidence.
 To the landlady he confided the information that he was employed in an editorial capacity in the daily newspaper, but that since the financial panic began the paper had been unable to pay his help. In the meantime his remittances from the east had been delayed, and he had wired demanding an explanation.

Representing himself to be connected in an executive capacity with one of the great press associations, Lumsden secured free passes to many of the boarder's football games and other places of amusement, and on these occasions acted as genial host to as many friends as the number of his tickets permitted.

Those who were permitted to bask in the sunshine of the Lumsden presence during his stay in the city, and their names are legion, declare that it was almost worth the money.

It is not every day, they say, that one listens to the personal experience of one who was with Kuropatkin or Kuroki, or who might be, and who had alone had unattended searches of the battlefields by night and counted the stark corpses of the thousands slain; who had ridden through the Simpson Canyon on the pilot of a locomotive; who had been a shining mark for the deadly bullets of Boer riflemen in South Africa; who had judged the merits of blue blooded equines at a score of famous race meets; or who had graced the board of directors in the flush of years of ante-panic days were gathered the elect of this our native land.

Warrant for Lumsden's Arrest.
 All of which is of course highly complimentary to the now somewhat tainted memory of Mr. Lumsden, but is wholly without value in aiding the search now being so vigorously prosecuted by Detectives Jones and Hughes. Being plain clothes men, these gentlemen prefer to deal with plain facts regarding the present whereabouts of the man they seek, which brings the subject back to those certain allegations concerning the passing of bogus checks and the special anxiety of some scores of creditors who listed in its catalogue the Retail Groceries association is behind the investigation.

GREASE ON STOVE—LEAP FOR LIFE

(Special Dispatch to The Journal.)
 Forest Grove, Or., Dec. 13.—An expert pool artist who drifted into this city a few days ago, known as Kerby Lammpan, escaped with his life here late last night by jumping from the upper story of a burning building. Lammpan had come home about 10 o'clock and lighted a fire. He put some grease on the stove and went to sleep. The flames played about him and he made his leap for life.

The building, which was owned by J. N. Hoffman, attorney, was practically destroyed. It was to have been made into a fruit cannery next year.

CLAYTON IS GLAD ROOSEVELT IS OUT

(United Press Leased Wire.)
 Washington, D. C., Dec. 13.—Clayton, a Democrat from Alabama, the author of the recent anti-third term resolution has introduced a resolution in the house which says that every assistance will be rendered Watson.

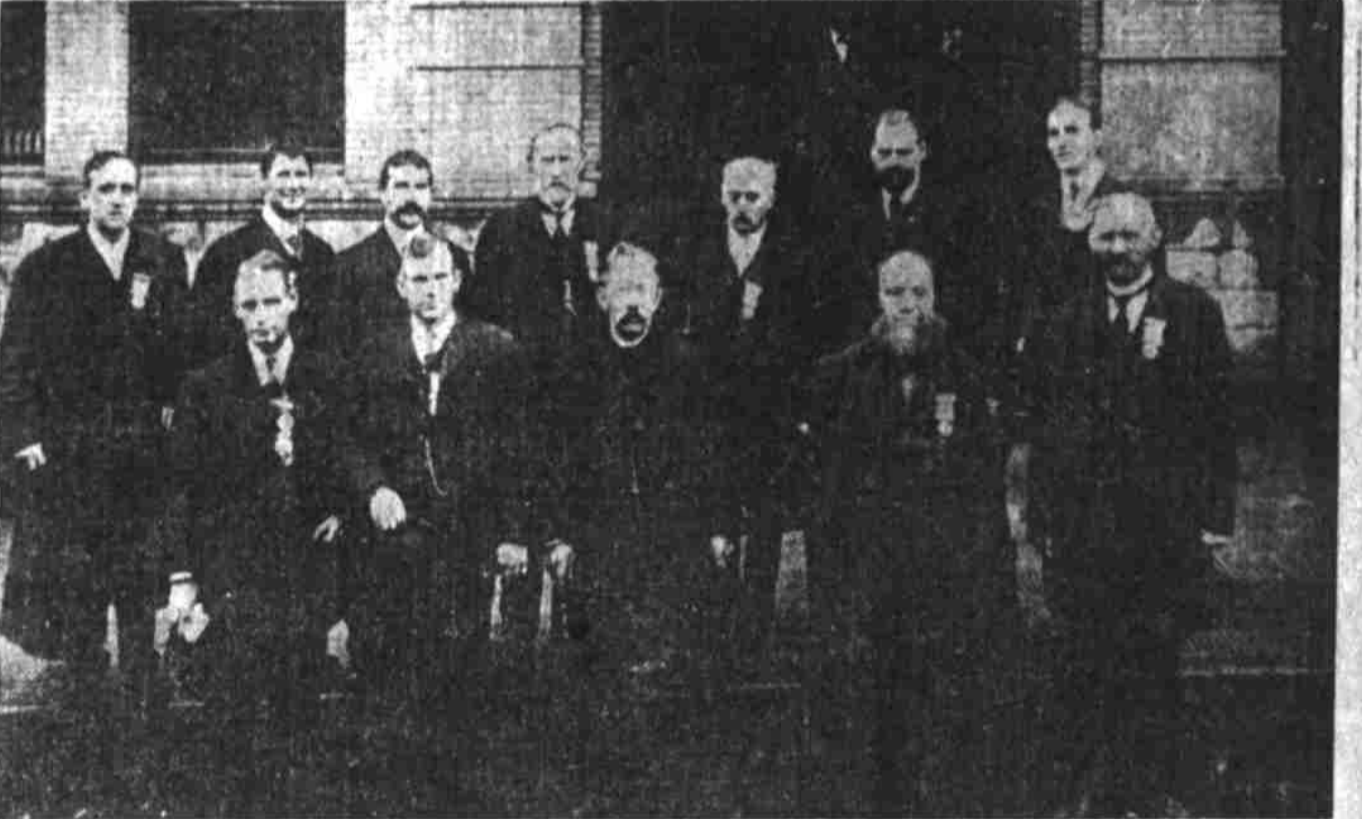
PRESIDENT WATSON EXPECTS MERCHANTS NATIONAL TO RESUME

(Special Dispatch to The Journal.)
 Washington, D. C., Dec. 13.—Frank Watson, president of the Merchants National bank of Portland, has been here and has outlined a plan, for the reopening of the bank. He has been in consultation with the comptroller of the currency who says that every assistance will be rendered Watson.

Mr. Watson has gone to New York and it is understood that he is working out a plan of resumption. The treasury department does not expect him here again. Negotiations with the comptroller were complete. President Watson will return to Portland to put into operation his resumption plan as soon as he has completed arrangements.

OREGON DAIRY EXHIBITS EXCITE COMMENDATION FROM NOTED AUTHORITY

PROMINENT DELEGATES TO THE DAIRYMEN'S CONVENTION



Top row, reading from left to right—Tom Richardson, manager Commercial club; E. E. Nickerson, Columbia county; D. Perozzi, Ashland; Dr. James Withycombe, Corvallis; G. A. Hickley, Seapooze; M. A. Jones, Brooks; W. L. Crissey, Portland. Bottom row—Professor F. L. Kent, Astoria; J. W. Hughes, Forest Grove; W. Brown, Oregon City.

ORCHARD TELLS ABOUT LETTERS

Ends Direct Testimony With Destruction of Alleged Written Evidence.

Boise, Ida., Dec. 13.—After telling of his arrest at Caldwell, his imprisonment in the penitentiary and his confession to Detective McFarland, Harry Orchard, chief witness for the state in the Pettibone trial, was turned over to the defense today for cross-examination. Orchard said his arrest came the day after the murder of Steinbock, but he was allowed to remain under guard at the hotel until the following day when he was taken to the county jail. He said that after his arrest and before he was taken to jail he destroyed all the papers in his possession, including letters from Jack Stimpkins and Pettibone. He was shown the copy of a letter which he received while in jail, and said that it had been written by Pettibone. The letter was not introduced at that time.

He also told of receiving a telegram from Fred Miller at Spokane, in which the attorney said he would come to defend him. Orchard said he had sent no communication to Miller.

A letter which Orchard said he wrote to his wife and gave to Marion Moore (Orchard was asked if he had any personal feeling against any of the men he had killed or tried to kill, and he said that he had not, and that he knew only a few of them. Beck and McCornuck, he said he knew and thought a great deal of them.)

Orchard began his cross-examination at 11:30. He first questioned him concerning his autobiography, recently published in a magazine. Orchard said he began writing the story of his life in June, 1906, and gave the manuscript to the publisher last spring, before the Haywood trial.

Orchard then asked him about his early life, and the witness confessed that before he left Canada he had bought his cheese factory to collect the insurance.

Medford's School Enrollment.
 (Special Dispatch to The Journal.)
 Medford, Or., Dec. 13.—Medford shows a school census of 1,065 on November 25. The enrollment in the high school is as follows: Business department, 40; academic courses, 80; total, 120. There are enrolled in the grades 712. The grand total is therefore 832. Twenty-five teachers are employed.

WASHINGTON IS WITHOUT FUNDS

State Is Broke and Begins Issuing No Fund Interest Bearing Warrants.

Seattle, Dec. 13.—A special from Olympia to the Star says: "The state is broke today and began issuing no fund interest-bearing warrants on its general fund. It has about \$400,000 cash on hand in state depository banks but this money is in special funds and cannot be diverted."

Oregon Sunday Journal LEADS THEM ALL

Next Sunday The Journal will issue a particularly interesting newspaper, much of the magazine section of which will be filled with Christmas stories and illustrations prepared for this paper by the best writers and best illustrators in the country.

The magazine section will consist of 20 pages. Among other of its features will be a Christmas story by Elizabeth Jordan, another by "Q," a review by Mrs. John A. Logan and a poem by Ella Wheeler Wilcox. Four special Oregon stories will appear in the magazine section and six four-color process illustrations by famous artists.

Be sure that you get The Sunday Journal. Tomorrow's paper will contain the full list of good things it will contain.

BURGLARS TRY TO BLOW OPEN SAFE

Robbers Make Futile Attempt at the Marquam—Leave Note of Warning.

That was the warning scrawled on the face of an envelope which the burglars, who attempted to blow open the safe in the box office of the Marquam theatre last night, left pasted on the door of the safe. They got \$1.35 and left behind \$1.11 change. There was nearly \$2,000 in the safe, but the robbers were unable to force the door.

The attempt to blow the safe was discovered at 8:30 o'clock this morning. The burglars entered the office from the washroom adjoining. Holes large enough to insert a hand were cut in the door and the latches raised. The office furniture was turned topsy-turvy and all the ticket racks broken open in the search for coin.

Last night as Charles Ryan, assistant manager, was locking the office, he found a man in the washroom. Every one had passed out of the auditorium, which had been locked. The man was asked to step out through the office to the entrance. It is believed he came

BEST EVER SEEN ANY PLACE IN U. S.

B. D. White Compliments Exhibitors on High Excellence of Their Display.

So large and enthusiastic is the attendance at the meeting of the Oregon Dairymen's association at the Woodmen building this week, and so excellent is the average of dairy products on exhibition in the basement of the building that B. D. White of the dairy division of the United States department of agriculture, said this morning he had never attended a better dairy exhibition anywhere in the country.

"I am astonished at the splendid showing made by the Oregon dairy farmers," said Mr. White. "I had no idea that the industry which is comparatively so young in this state could have reached the stage that it has. The quality of the butter we have seen has been excellent, while the cheese is of remarkable flavor and quality. It is as good a show as any state exhibition that I have seen in my travels over the country."

To the one who is a stranger to the dairy interests of Oregon the sight in the hall during this morning's session was an enlightening scene. Four or five hundred men and women were in attendance, all of them apparently of exceptional intelligence. They might have been a convention of Massachusetts bankers or of the New York State Bar association. They were what H. L. Blanchard of Hadlock, Washington, called "white collar farmers"; prosperous men of affairs who had made a study of dairying their specialty and who knew more about it than anyone else the city could hope to understand.

Results of Study.
 It wasn't merely a meeting of men who had stumbled upon the subject as to the best time for dairying, the kind of feed to use, and the proper tests for butter-fat; they were men who had studied the subject of dairying from every possible standpoint, from books, in laboratories, at the farmers' institutes, in their own fields and stables, and who are as good specialists in the subject as any body of men in the world.

Dairymen the world over represent the highest type of husbandry, and those of Oregon demonstrated at this convention that they are leaders in their work.

"Some of the farmers laugh at us because we wear white collars," said Blanchard. "But I'm proud of the fact that we do. We combine practical experience and book-learning and right here in Oregon we've got the finest herd of Jersey cows in the country—out at the Ladd farm near Portland."

Last night Mr. White, who is the official judge of the exhibition, completed the stumping of butter and special displays. The awards made are as follows: Creamery butter, flavor to count 45 per cent, body 35 per cent, color 15 per cent, salt 10 per cent, packing 5 per cent, highest award, \$25 gold medal and 5 pounds of salt, J. C. Frost, Portland; 25 per cent, second highest, Dan Blauer, Brooks; 20 per cent, highest prize 2 bottles Babcock test, Albany Creamery association, Albany, \$1 per cent.

Dairy butter, highest award, \$25 gold medal and 5 pounds salt, C. W. LeVee, Corvallis; 24 per cent, second highest, Dan Blauer, Brooks; 20 per cent, highest prize 2 bottles Babcock test, Albany Creamery association, Albany, \$1 per cent.

Speedy cream, highest award, \$25 gold medal and 5 pounds salt, C. W. LeVee, Corvallis; 24 per cent, second highest, Dan Blauer, Brooks; 20 per cent, highest prize 2 bottles Babcock test, Albany Creamery association, Albany, \$1 per cent.

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