

# JONES AND MAYS MAY TAKE STAND

(Continued From Page One)

Mays and Jones are waiting for the appellate court to pass on their case. It is believed that they would willingly pay their fines, could they escape the prison sentence, and that should they be pardoned, so that they could be competent witnesses, that they would go on the stand as government witnesses.

Mr. Heney refuses to discuss the matter, definitely, saying that he will not deny or affirm the truth of the story, since it would be necessary to show their connection and understanding with Hermann, before connecting Hermann directly with the conspiracy of which they stand convicted. It is believed, however, that they will be subpoenaed as government witnesses before the government closes its case.

**Langille Back on Stand.**  
H. D. Langille returned to the witness stand at the morning session of the court, and continued with his description of his investigation of the Blue Mountain reserve. Mr. Worthington read an extract from the report of the witness made after his investigation, in which he said that the reserve was needed and should be created. The witness, in answer to Mr. Worthington's questions, said his mind had not changed.

Captain S. B. Ormsby was recalled to the stand by Mr. Heney. He said that about a month after he visited the reserve in 1902, he had a talk with Dan Tarpley and Horace McKinley. They discussed the reserve and the lands in it. Before he had made his report they came to him, the witness said, and told him he had estimated lands in which they were interested.

**Could Not Change Boundaries.**  
He had told them, the witness said, that he could not change his boundaries, as there were settlers on the lands he had cut out.

Answering Mr. Worthington, Ormsby said that he had understood that Mays would withdraw the certificates given him as a reward for his work if the reserve was not created. He expected them to be withdrawn, Ormsby said, because he had estimated the boundaries of the reserve as Mays desired, and Mays was displeased. He had told La Force, his attorney, the witness said, to give Mays the certificates if he called for them. Mays had taken two of them and given him two others to replace them.

The witness, in his cross-examination, made a pitiful plea for exoneration from criticism that has been heaped upon him because of his report on the reserve, and his connection with the Blue Mountain conspiracy.

**Influenced by Certificates.**  
In answer to a question from Mr. Worthington as to what influenced him in making the report, the witness said: "I would like to answer that question, Mr. Worthington. I want to say that I was influenced some by the school land certificates given to me by Mays. But more than that I was influenced by the petition given me by Mays, signed by residents there and by nearly every official of Malheur county. I had no idea but that the petitions were genuine. I did not believe that men would sign such a petition fraudulently, and more than that, I recommended the reserve because I believed it was necessary and for the good of the country."

**Voice Trembles.**  
"And I want to say, Mr. Worthington," concluded the aged witness, with trembling voice, "that I do not care how many people go over that country and see those lands, they can find no fault with my report, because it was true. I have been criticized for it, but it is true, and conditions are set down in the report as I found them."

"Yes, Captain," answered Mr. Worthington. "The report was true, but was it honest?"

"Yes, sir," said the witness. "It was as honest as it was true."  
Continuing, in answer to Heney, Ormsby said he had made his report, and had recommended the boundaries of the reserve. Before the report was made, the witness said, he had shown La Force to him and La Force had told him part of the Mays lands were put out of the reserve by the report. Mays wanted the lands put back.

**His Talk With La Force.**  
"I told La Force," said the witness, "to go back and tell Mays that I had made the report on my own recommendation, and that I would not change the boundary a hair's breadth. I told La Force to tell Mays that I would take no dictation from him."

The witness said he did not know now Mays got the information about the boundaries of the reserve, though Jones came into the office while the map was on the office table, and might have looked at it.

Dan W. Tarpley, partner of Horace G. McKinley, was put on the stand following the excuse of Captain Ormsby. Tarpley said he had dealt in school lands with him. He had known Ormsby, son of the captain, in 1902. At that time he had found out that the Blue Mountain reserve was to be created. Tarpley went on the stand a short time before noon and is expected to fill out the remainder of the day with his direct and cross-examination. He will be followed by Horace G. McKinley, who has returned from La Crosse, Wis., to be a witness for the government.

**Knew Merritt Ormsby.**  
The story that both Tarpley and McKinley are expected to tell is in substance that they knew Merritt Ormsby very well and were on terms of intimacy with him. Prior to April, 1902, and prior to the report of Captain Ormsby regarding the creation of the Blue Mountain reserve, Merritt Ormsby, so Tarpley and McKinley will testify, told them that the commissioner of the general land office had written to Captain Ormsby telling him to make an investigation of the reserve. Young Ormsby

had shown Tarpley the letter from the commissioner, and the petitions asking for the creation of the reserve. At that time, so it is expected Tarpley and McKinley will say, they had entered into an agreement with young Ormsby by which he was to furnish them with advance information from his father's office and they were to act upon that and secure all the available school lands within the boundaries of the proposed reserve that they could handle. In return for this information the two land dealers were to give young Ormsby a share in the profits of the deal.

**Secured Large Holdings.**  
In pursuance of this agreement information was given the two timber speculators and they secured large holdings in the district as early as April, 1902, before the report had been made, or the information given definitely to Mays and Jones.

George Borenson, acting for Mays and Jones, so Tarpley is expected to testify, went to Salem and discovered that Tarpley and McKinley were in ahead of the game and thereupon Mays sent for Tarpley and demanded that he and his partner turn over one-half of the lands secured by them to Mays and Jones, threatening that unless this was done that the lands would be shut out of the proposed reserve.

It is the intention of the prosecution to draw the inference from this agreement, and from the fact that Tarpley and McKinley refused to divide with Mays and Jones, that Captain Ormsby was a party to the deal made by his son. The government also expects farther along to connect Hermann with the information of Ormsby.

## LA FORCE HELD BRIBE, BUT DIDN'T KNOW IT; EXAMINATION LIVELY

At the afternoon session S. B. Ormsby was excused on account of sickness, and Henry Meldrum was brought back to the stand for cross-examination.

In beginning his cross-examination Mr. Worthington went over the history of the Meldrum cases, making it plain to the jury that Meldrum had been indicted and convicted for conspiracy against the government, and that there were still two indictments pending against him.

He brought out that W. J. Burns had promised that the penalty against the witness would be modified should he testify against Hermann. At first Meldrum said he had refused to testify against Hermann, and that Government Attorney Baker, in Washington, had told him it would be better for him to testify.

**Meldrum and Letters.**  
Meldrum said he left the letters from Hermann, concerning Miss Silverstein, in his desk at the custom-house, and that they disappeared. He did not know what became of them.

Meldrum said that Mays made no reference to school lands in his talk with the witness in June, 1902. Mays said there was objection to forest reserves throughout the west and not in Oregon only.

Mr. Worthington asked about testimony given by Mays in Washington, when he said that everyone in the room where Mays, Hermann and others were in 1902, knew that Mays was after the creation of a forest reserve. In his direct testimony Meldrum said that Hermann and Mays did not discuss the reserve until the others had left.

The witness testified that the conversation was open and above board and that there was no attempt made to conceal it.

**Knew Nothing About Hermann.**  
Meldrum said he had called on Hermann at the Imperial hotel in 1904 and had told him that he knew nothing against him in regard to the Oregon land frauds that would injure him. Mr. Worthington closed his examination here.

Mr. Heney, on redirect examination, drew from the witness that the conversation in his office, between Mays and

Hermann, when others were present, had been entirely about the character of the eastern Oregon lands, and that nothing was said about the creation of a forest reserve until Mays, Hermann and Meldrum were alone in the room. Meldrum said he had not been promised immunity by the government, and that he had refused to testify because the government had done nothing for him, and that he did not care to assist the government. His friends had persuaded him to testify, and Baker had told him he owed it as his duty as a citizen to testify. He could not see it that way.

The government never had done anything for him and never would, the witness said. He was not afraid of the two indictments hanging over him, and was not testifying through any hope of reward. Meldrum was excused temporarily.

**Patterson Takes Stand.**  
H. L. Patterson of Oregon City was called by the government. He said he had known Meldrum for 20 years or more. He had metlinger Hermann. Patterson said in the fall of 1901 he had seen Hermann in the office of Meldrum. F. P. Mays, Richard Morton, Fritz Heiser and some others were in the room.

Before Hermann came in he did not hear what Mays was saying, the witness said. Hermann was not talking to Mays while the witness was in the room.

On William M. La Force, the next witness, said he was a lawyer and a friend of Captain Ormsby. He said Ormsby had told him that Mays wanted to compliment him and for La Force to call on Mays. The witness went to see Mays, and Mays had asked him to hold in his possession four school land certificates for Ormsby until the Blue Mountain reserve was created.

La Force got into hot water with Heney over his knowledge of the action between Mays and Ormsby. He testified that he did not know that the certificates were being given to Ormsby as a bribe. He said he had no cause to suspect Ormsby of being engaged in crooked work at that time.

**Mays Complimented Ormsby.**  
When Mays said he wanted to "compliment" Ormsby by the presentation of the certificates he let it go at that. The witness said he had gone to see Ormsby to find out when his report was to be sent in and to find out where the boundary lines of the proposed reserves would be laid. Ormsby had refused to tell about the boundaries. Mays paid him \$5 and his expense for the trip to see Mays.

On cross-examination Mr. Worthington showed by the testimony of the witness given at Washington that he had said he could find out nothing from Ormsby when he visited him. La Force said his statement was correct in both instances.

Worthington showed that La Force had agreed to hold the certificates until the reserve was created, when he was to give them to Ormsby. If the reserve was not created they were to be given back to Jones or Mays.

**Attorney and Witness Clash.**  
Mr. Worthington called the witness to account, asking him if he did not know the certificates were a bribe held by him. La Force said he did not know. Worthington asked La Force if he was still a member of the bar, and if so action had been taken against him by the state, the United States or the Bar association. The witness said no action had been taken, and Worthington sank

## RECIPE FOR CATARRH

The only logical treatment for catarrh is through the blood. A prescription which has recently proved wonderfully effective in hospital work is the following. Any druggist has the ingredients or will quickly get them for you. Any one can mix them.  
One ounce of Sarsaparilla; one ounce of Toris compound; half pint first-class whiskey. These to be mixed by shaking well in a bottle, and used in tablespoon doses before each meal and at bedtime. This cured many people here last winter.

back in his seat with a disgusted look on his face.  
On redirect examination, La Force said Mays had asked him to see Dan Tarpley and persuade him to make a division of lands with him and Horace G. McKinley, who had got in ahead of Mays and Jones. Mays authorized La Force to make a demand on Tarpley.

**Mitchell's Letter Introduced.**  
At the conclusion of La Force's testimony Mr. Heney introduced a letter written by the late Senator Mitchell, secretary of the Interior Hitchcock, asking for the creation of the Blue Mountain reserve, and including the petitions made up through the efforts of Mays, Smith and Jones.

H. D. Langille, formerly of the geological survey, said he was instructed late in 1902 to make an investigation of the Blue Mountain reserve. Mr. Worthington objected to the witness testifying concerning the report he made, on the ground that it was not made until after Hermann was out of office, holding that the judgment of the department after Hermann's term of office expired was not binding as to Hermann's connection with the case. Mr. Worthington said he had no objection to the witness telling of conditions in the reserve territory as he found them.

Heney agreed to this and Langille said that the southern part of the tract designated by Ormsby was in part wholly devoid of timber. Here and there were little valleys which could be used for agricultural purposes. A little timber had been cut here and there in the timbered portions of the townships. It was mostly for firewood, however.

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## LEWIS HUNTERS KILL MANY WILDCATS

(Special Dispatch to The Journal.)  
Chenails, W. Va., Jan. 14.—A determination of the coyotes and bobcats is a thriving business in Lewis county, according to the number of bounties paid on these animals in the office of County Auditor Swafford in December. In all 21 coyote bounties were paid and 109 wildcats.

## TWO STEP CONTEST

On roller skates at Exposition Bink, every night next week, commencing Monday, January 17. If you have never seen the gracefulness of two-stepping on skates, an excellent opportunity is presented for doing so. Hundreds of couples are enjoying the beautiful and invigorating pastime of skating every afternoon and evening. Band music. Hall can be rented for private skating parties.

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Elegant new Tailored Suits, long coats, best satin lined, pleated skirts. All are made of pure wool worsteds and panamas. Colors are navy, green, gray and black. Women's \$30.00 and \$32.50 Tailored Suits at \$15.35. Colors are navy, gray and black.

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The popular new Neck Furs at half or less the regular price.

## Men's Black Sateen and Blue Chambray Shirts at 35c

For Saturday only, the greatest Shirt values you ever saw. Men's Black Mercerized Sateen and Heavy Blue Chambray Shirts, in all sizes. Cut full in width and length. Made with yoke, double stitched. Well made and perfect fitting. Soft collar shirts at less than the cost of materials alone. Not more than four to a customer. No phone orders.

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Nobby Hats for little boys and girls. The newest cloth and felt styles in red, blue, green, brown and tan. To close out at 49c.

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