

HOGES GOES ON WITNESS STAND TO DENY CRIME

**Land Fraud Defendant Asserts
That He Is Victim of Swindlers
Instead of Conspirator
With Them—His Wife Tells
Pathetic Story on the Stand**

The age of miracles is not past. Yesterday morning Martin G. Hoge, as one dead; this morning he walked into court. Such was the effect of the day's treatment by a physician selected by the government. Whether Hoge was to appear or not depended on the decision of Dr. K. A. J. McManis, who kept him over night at the Vincent hospital. The doctor said, "Go to court," and as Hoge's bond depended upon obedience, he went.

During the morning the government used its case and immediately thereafter Attorney Thomas O'Day began presentation of testimony in behalf of Hoge and Charles Nickell, who with Harry W. Miller and Frank E. Heney, both of whom pleaded guilty were indicted for conspiracy to suborn perjury. The first two witnesses were Martin G. Hoge and his wife, Mrs. M. Hoge, the latter's story preceding that of her husband.

It was soon made plain that Hoge's defense is that he was a victim and not a conspirator, that he had great faith in Harry W. Miller, believed the Emmetsburg of New Zealand was a genuine company, and that being poor both health and worldly goods he was easily duped by the swindler who pretended to be the agent of a rich corporation seeking timber lands.

Mrs. Hoge Tells Story.

Mrs. Hoge told of Hoge being mayor of Clarinda, Iowa, for two terms, as of being justice of the peace; testified that he had never been stricken by typhoid fever; that he came west in search of health; that his law practice in Medford was small and that she had to teach school to help support herself and her husband; that their first home in Oregon was a one-room house, 16 feet, built with her money. She

told of her husband meeting Henry W. Miller and of giving her husband \$25 to pay for locating a timber claim. Hoge took the money away and brought back a receipt signed by Miller.

Attorney O'Day wanted to bring out what the wife had been told by her husband in regard to the agreement with Miller, but this was objected to as hearsay.

"After what has gone in," said the attorney, "I got the impression that there were no rules of law in this conspiracy case that bound anybody."

Special Assistant Attorney-General Heney insisted that the question was self-serving and it was ruled out.

Easily Duped, Says Wife.

Mrs. Hoge said a little later: "My husband is a man easily duped. I love him, but I know he is not the shrewdest man in the world."

When she was asked as to the financial condition of herself and husband, the object being to show that they were in straitened circumstances, Prosecutor Heney objected that such testimony could only be offered in mitigation of punishment. The question was allowed, but Mrs. Hoge did not go into detail.

"Look into my face, and you'll see I'm very proud," she said. "I don't want to tell a pathetic story."

She concluded her testimony with the statement that her husband is unable to do hard work and that he is not physically able to practice his profession in court.

Martin G. Hoge then took the stand. He told of being afflicted with measles and sunstroke and of being driven out of Iowa by the severity of the climate. Next he told of meeting Miller and of filing on a timber claim. In direct contradiction of Miller, he swore

that he had paid \$25 in gold as his location fee. Miller had testified that Hoge was given the receipt in return for his services in getting five locators and did not pay a cent of money for it. Hoge further denied that he had ever rounded up locators at \$5 a head as Miller had testified. He declared that the contract he signed was not to deed over the land but to sell the stumpage.

Hoge Makes Denials.

Other important denials were made by Hoge. He did not meet Dr. Clive Major and his "bunch" at the Medford station and ask, "How much money is there in the crowd?" He thought possibly the man who did that was Walter C. Hoag, a barber of Medford. This witness further testified that Miller engaged him to write letters in regard to mining deals, telling Hoge that he would hire him as an attorney and pay him a percentage on sales of mines. He paid liberally for writing letters, which liberality, according to later testimony, amounted to \$15 in all. This gave Hoge faith in Miller, and thinking of big profits in future mining deals he wanted to help Miller all he could.

Hoge swore that he had personally examined the timber land on which he filed; that he heard nothing of the Emmetsburg of New Zealand until after he had filed, and that he believed the Emmetsburg was a genuine corporation. He was never in the office of United States Charles Nickell when filings were made, and any one who said so must have been mistaken. The one who said so under oath was Nate Webb.

The defendant Hoge was still on the witness stand when court adjourned at noon.

Other Witnesses Called.

During the early part of the morning session the prosecution put on five witnesses. Noah Leabo, like Solomon Landes and Adam Crawford, was a victim. He hailed from Placer, and his experience cost him \$71.50. Henry C. Buckman of Medford and Henry Zimmerman of Placer told what happened to them. Of the three, Leabo gave the most important testimony, for he swore that Commissioner Nickell mumbled the words of the affidavit and when asked to read it again said:

"It doesn't make any difference; it's merely a matter of form."

A. S. Bliton, United States commissioner at Medford, testified that whenever he took affidavits of locators he was careful to read everything that the printed form contained and never neglected the warning against perjury. The purpose of this was to contrast Bliton's method with that of Nickell, who had printed forms which omitted the note in regard to perjury. The Emmetsburg locators sworn by Bliton were Francis A. Fisher, Edith M. Butler, Thomas T. Hill, Fred C. Milton, William Devault, David T. Irwin, Martin G. Hoge, Charles G. Johnson, Max W. Luckenbach, Samuel T. Richardson, Andrew L. Johnson, Jennie P. Cleland, Samuel P. Cleland, Joseph Phelps, Martha E. Irwin, William P. Piening, Frank K. Fitch, John E. Plaisted, John E. Guiches and George E. Plaisted. At the time he swore the applicants Bliton knew nothing of the plan under which Miller was operating. Afterward he learned from Charles Tull that a swindle was being perpetrated, and thereafter he filed no locators for Miller.

Joseph T. Bridges, formerly register of the land office at Roseburg, was the government's last witness. He testified that the printed forms sent from Washington for use in making timber land entries contained a footnote relating to perjury and its punishment. On cross-examination, Bridges admitted that he had then removed from office.

The defense admitted that none of the Miller locators went to final proof, copies of Nickell's Jacksonville newspaper containing notices of location went in evidence without objection and the government pronounced its case completed.

Soldiers in Mt. Gretna Camp.

Mt. Gretna, Pa., July 25.—The great concentration camp for the troops of the department of the East was opened here last week, but not until yesterday was the camp completed and ready to receive the full contingent of troops ordered to concentrate here. The troops began to arrive here from all parts of the East yesterday and continued to come in today. It is expected that by tonight nearly all the troops intended for this camp will have arrived. The concentration movement is under the command of General Grant, who will direct the operations of the troops during the encampment, which will last until September 20. Everything is in good order and there is no confusion.

The Texas Wonder.

Cures all kidney, bladder and rheumatic trouble; sold by all druggists, or two months' treatment by mail for \$1. Dr. E. W. Hall, 2926 Olive street, St. Louis, Mo. Send for testimonials. Sold by Stone's drug stores. dw-177

PRUNE CROP GOOD

It is Believed That the Quantity of Crop Will Equal Capacity of Dryers

The condition of the growing crop of prunes in the Willamette valley is attracting more attention from the farmers in this section than any other crop at this time.

The early wet weather and the later extreme heat are, considered by some growers to be the causes of the prunes falling. In some communities the fall is quite heavy and is viewed with alarm by the growers. In other sections, the farmers think that the fall is no more than beneficial. One grower who was in the city today said that in some sections there was not more than 25 per cent of the prunes left on the trees. Other farmers say that unless the prunes keep dropping the trees will contain as many as can mature to perfection.

Taking what might be considered an average, it is believed that the crop of this year will be equal to the capacity of the dryers.

The dropping of the prunes this year is somewhat different from usual. In most years the heavy fall comes in June. The continued rains during that month probably caused the fall to come later this year.

All reports agree that the quality of the fruit will be excellent, judging from present indications. "The prune output of cured fruit will be equal to the capacity of the dryers and no more," says L. M. Gilbert, of Liberty, when interviewed as to the prune crop. Mr. Gilbert owns a large sized orchard and states that the crop in that locality will be particularly good in quality and quantity. The prunes are dropping freely but there is no alarm manifested over the great falling off of the fruit and the growers are rather glad that the prunes are falling, thus making it possible for the fruit remaining on the trees to grow larger and of a choicer quality. The Liberty neighborhood is one of the most productive prune centers of the valley and the conditions of the orchard in that locality are most promising.

New York's Vacation Schools.

(New York Dispatch.)

Over 300,000 children trooped into New York's vacation schools, which have just opened for the summer months. The attendance last year passed the half million mark and a much larger number will be given instruction this year. Accommodations are provided for 600,000 children. School



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It heals a wound from the bottom up and is thoroughly antiseptic. **KING CACTUS OIL** is sold by druggists in 15c, 50c and \$1 bottles, and is manufactured by **OLNEY & McDAID, Clinton, Iowa**. If not obtainable at your druggist.

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For Sale.—Wagon, team and two sets of harness, fresh milch cow, farm implements, hay rake, fanning mill, plow, disc and harrow. See Mrs. C. Nelson, Chemawa, Or., or phone Farm 318. 7-21-1wk*

For Sale.—A good stock ranch, good house, barn and outbuildings, plenty of good well and spring water, good orchard; situated at the north end of Howell Prairie. Address G. L. Binton, Gervais, Route 1. 7-11-1m*

For Sale.—115 acres, 7 miles east of Salem; 40 acres in cultivation; running water; good house, barn, outbuildings and orchard. Farming implements and stock go with premises. A bargain. Call on or address M. P. Mortenson, R. F. D. No. 6. 6-21-dw-tf

FOR RENT.

For Rent.—Furnished and unfurnished rooms at 790 North Commercial street. M. A. Dice, prop. 5-1-tf

WANTED.

Wanted.—Turkeys, geese, ducks, chickens and all farm produce. Highest cash price paid for same. Capital Commission Company, 267 Commercial street. Telephone 179.

Wanted.—150 hop pickers to register; picking begins about the 25th of August; good yard; good camping ground; mail every day; situated adjoining Eola. Call at Hop Lee laundry, Commercial street. 6-29-1m

Hop Pickers Wanted.—Old and new pickers registered now for this fall's picking. Parties living in the city transferred to and from yards free of charge. Camp sheds and wood provided. Frank W. Durbin, Bayne building, Salem. 7-21-tf

Wanted.—Special agent to appoint local canvassers for "Keyless Padlock." New invention. Demand enormous. Good salary and expenses payable weekly. Address Manufacturer, 723 Chestnut street, Philadelphia, Pa. 7-25-3t*

MISCELLANEOUS.

Hotel Scott—Newly furnished, everything clean and first class. Rooms at reasonable prices. In Cattle block, Salem. A. Scott, prop. 7-6-tf

Salem Iron Works—Founders, machinists and blacksmiths. Manufacturers of all kinds of sawmill machinery. Hop and fruit drying stoves, etc. Manufacturers of the Salem Iron Works Hop Press. 11-29-1m

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Cider, Champagne Cider—Genuine Champagne and vinegar. Wines from grapes and small fruits. Alcohol from cereals, vegetables, plants, fruits and woods, and valuable receipts. Send \$1.00 for book, which gives practical instructions how to make them. Address Leo Zabel, P. O. box 604, Portland, Or. 7-16-1m*

Wanted Hoppickers—Register now for the Holmes yard, 220 acres, three weeks' picking, fine camping ground, good accommodations, abundance of fine water, wood, etc. Will pick by measure any pay ruling prices. Address T. A. Livensley & Co., Salem, Oregon. 7-5-tf

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hours are much shorter than in the regular sessions and play takes up a larger part of the day's duties. Studies include sewing and domestic science for the girls, basketry and city historical excursions and kindergarten and connecting classes for the younger children. At the play grounds there are gymnastics, athletics and kindergarten work, and libraries and game rooms are also features.

A supplementary feature of the vacation school system—one that commands vastly greater attendance—are the vacation play grounds, which were opened on the same day. The latter include roof gardens, roofed piers on East and North rivers, reserved sections of the parks, and many school grounds. All these places are in charge of men who preserve order and give to the children opportunities to participate in the various games provided. Three million people, young and old, enjoyed the public play grounds last year.

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Frank E. Slater, M. D.—Physician and surgeon. Office over Fry's drug store. Hours 10:30 a. m. to 4 p. m. Office phone Main 1237. Residence, North Capital street, phone 617. Diseases of children a specialty. 7-23-3m*

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Dr. B. H. White.—Graduate of Kirksville, Mo., under founder of osteopathy. Room 21 Breyman bldg., Commercial street. Phone 87. Residence 590 State, cor. Church. Phone 1110. Treats acute and chronic diseases. Examinations free.

Dr. W. L. Mercer.—Graduate of Kirksville, Mo., under founder of osteopathy. Rooms 25-26 Breyman bldg., Commercial St. Phone 919. Residence 419 North Summer street. Phone 614. Treats acute and chronic diseases. Examination free.

MUSIC STUDIOS.

Musical Studio.—Frank E. Churchill, Musical Studio, Associate teacher Western Conservatory, Chicago, Ill., representing Inter-State System at Salem, Oregon. In the Gray block, room 3. Studio hours, 9 to 12 and 2 to 5. 8-19-tf

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Dr. E. J. Young.—Veterinary Surgeon and dentist, 33 years' experience. All work guaranteed. Difficult surgical operations a specialty. Phone 581. Office at Club Stables. Phone 7, Salem, Oregon. 8-9-tf

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Foresters of America—Court Sherwood Foresters, No. 19. Meets Tuesday in Hurst hall, State street. U. S. Rider, C. R.; A. L. Brown, F. S.

Central Lodge No. 18, K. of P.—Castle Hall in Holman block, corner State and Liberty streets. Tuesday of each week at 7:30 p. m. J. G. Graham, C. C.; W. I. Staley, K. of R. and S.

Modern Woodmen of America.—Oregon Cedar Camp No. 5246. Meets every Thursday evening at 8 o'clock in Holman hall. W. W. Hill, V. C.; F. A. Turner, Clerk.

Woodmen of World.—Meet every Friday night at 7:30, in Holman hall. A. J. Basey, C. C. P. L. Frazier, Clerk.

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