

THE OREGON MIST.

VOL. XXII.

ST. HELENS, OREGON, FRIDAY, JULY 21, 1905.

NO. 32.

NEWS OF THE WEEK

In a Condensed Form for Our Busy Readers.

HAPPENINGS OF TWO CONTINENTS

A Resume of the Less Important but Not Less Interesting Events of the Past Week.

Portland is shipping cattle to Japan. King Oscar says he does not favor a forcible union with Norway.

A severe wind storm has wiped out the town of Anawa, Wisconsin.

All telegraph operators on the North Pacific railway are ready to go on strike.

The Union passenger depot at Louisville, Kentucky, has been burned. Loss, \$350,000.

A Boston man has been arrested in Kingston, Jamaica, for taking photographs of the fortifications.

Witte says that while he favors peace with Japan, he will not agree to it at any terms that may be offered.

Unusually heavy rainstorms are reported in various parts of Germany. Immense damage has been done to crops.

The Chinese government is sending a number of its aristocrats to various countries to study foreign ways. It is regarded generally as a step in the right direction.

Within nine days 98 infants under one year of age have died in Cleveland, Ohio. The health authorities are making a close investigation into the sanitary conditions of the milk supply.

The Japanese are driving the Russians north.

New York City has purchased a home for convalescents.

Sweden will send an ultimatum to Norway and is ready for war.

Japan is well pleased at the appointment of Witte as a peace envoy.

Terrorists have attempted to take the life of the governor general of St. Petersburg.

It is fully settled that Witte is to be one of the Russian peace envoys and will be given full powers.

During the past two years the United States government has spent \$78,000,000 more than it has taken in.

A move is said to have been started to force the czar to abdicate and that he will turn the affairs of the government into other hands to administer for his son and heir.

An aged man living under the name of Livingston has his home at Freeport, Illinois. He greatly resembles pictures of John D. Rockefeller's father and it is believed by many that he is.

The president has signed a proclamation opening to homesteaders and townsite entry the Utah reservation in Utah. The reservation contains 2,445,000 acres, but lands reserved for military, forestry and other purposes will leave only 1,069,000 available for entry.

The Kaiser is trying to prevent Norway from becoming a republic.

The mutineers of the Russian battleship Potemkin have all been shot or are in chains.

A party has been formed by prominent Italians for the exploration of the upper Amazon river.

Minister Witte has had a stormy interview with the czar and may refuse to act as a peace envoy.

Major Langditt, government engineer, with headquarters at Portland, is to be succeeded by Major Boessler.

Indiana officers have arrested 11 men believed to be a gang who have been systematically robbing freight cars of silk.

Chief Forester Pinchot has ordered that forest supervisors must accept no fees for services performed, under pain of dismissal.

During a high wind, following a severe rain and electric storm, the walls of a brick building in course of construction at Winnipeg, Manitoba, fell, burying a number of people. It is feared at least ten are dead.

The battleship Oregon holds the trophy for high scores in gunnery among all battleships of the American navy.

The salaries of the Russian plenipotentiaries have been fixed at \$200 per day each, besides an allowance of \$7,500 for traveling and other expenses.

The British navy is to be concentrated near home.

Dynamic has been found in the czar's palace at Moscow.

A great German naval demonstration is to be made off Sweden.

Sweden will oppose to the last the election of Prince Charles, of Denmark, as king of Norway.

Terrorists have warned Trepoff, assistant minister of the interior of Russia, that he will be killed.

The Citizen's bank of Yellow Springs, Ohio, has closed, owing depositors between \$25,000 and \$30,000.

Emperor William has held a conference with King Oscar and a German-Swedish alliance was discussed.

WANT A LONG CONTRACT.

Only Terms on Which Japanese Will Work on Canal.

Seattle, July 18.—Japanese labor contractors will not agree to the Isthmian commission's programme of experimenting with the labor of different countries. A recent dispatch from Washington says the commission has decided to secure 2,000 laborers of different nationalities under a 500 day contract, with the idea in view of renewing the contract for such laborers as were found satisfactory.

The question of employing Japanese laborers on the isthmus was first taken up with the commission and Secretary Taft by the Oriental Trading company, of Seattle. This is the most important labor contracting firm in the Northwest.

Vice President C. T. Takahashi said today that his company would not agree to such a proposal. "There is no money in such a short contract," he continued. "If we could get a four-year or a five-year contract, Japanese laborers could be supplied. As it is the laborers would have to be brought from Japan and returned to their homes after the work was completed. To collect 2,000 men, carry them to the isthmus and then return them to their homes after a 500-day contract had been completed is not practicable.

"Our proposal to supply Japanese labor has been before the commission and Washington officials for some time. We have not been notified that an experimental contract might be made and I do not think we would accept a contract if offered."

The Oriental Trading company proposed to provide its own foremen, choosing men accustomed to directing railroad and similar construction work.

MINERS IN TERROR.

Appeal to Government for Protection Against Outlaws.

Seattle, July 18.—Miners operating on the creeks near Fairbanks, Alaska, have appealed to the United States government for protection from outlaws who are terrorizing that district.

General Constance Williams, in command of the Department of the Columbia, has been instructed by the War department to investigate, and if conditions are as bad as the miners claim, troops will be rushed into the Tanana country.

The telegraph lines into Fairbanks are down and General Williams' investigation is likely to be delayed for several days. In the meantime a large Alaska community is terrorized, for the situation is even worse than that which existed at Skagway during the "Soapy Smith" days.

Telegraphic advices from the North declare that hold-ups and the boldest of robberies are becoming so frequent that an attack on some of the banks is feared by the miners. The mine owners are afraid to either bring their dust into town or keep it at their camps.

The outlaws are holding up strong pack trains and robberies at camps are so numerous that they have become expected.

The miners in the Tanana country have but a few weeks in which to make their annual cleanup and the depredations of the outlaws threaten the year's business. The district about Fairbanks has had a remarkable winter and the cleanup would be the heaviest in the camp's history if the miners are able to work. Fear of losing everything by robbery is holding back the spring cleanup.

INDEPENDENCE FOR COREA.

Honolulu, July 18.—Coreans here have raised a fund to send Rev. P. T. Yun, a Korean Methodist minister, to Washington to see President Roosevelt for the purpose of asking that efforts be made by the United States in the forthcoming negotiations to bring about an agreement by which the Korean nation will become independent within 20 years if it shows fitness for self-government. Rev. Mr. Yun will solicit the good offices of President Roosevelt to ask Japan to grant independence as the United States did Cuba.

OFF FOR THE NORTH POLE.

New York, July 18.—The Roosevelt, in which Captain Robert E. Peary started hopes to reach the north pole, started on her long voyage today. Captain Peary and a party of guests were on board at the start, and remained with the ship on her trip down the bay, but she left her at the narrow, returning to the city on a navy tug. Captain Peary started tonight by rail for Sydney, Cape Breton, where he will join the ship.

CAPTAIN KING IN BLACKMAR'S PLACE.

Baltimore, July 18.—By the death of General Blackmar, Captain John R. King, of this city, senior vice commander in chief, becomes, under the laws of the G. A. R., acting commander-in-chief, and will continue such until the next National encampment. Captain King is pension agent for Maryland, District of Columbia, Virginia and West Virginia, and has an office in Washington.

RIPE FRUIT CAN BE CARRIED.

Sacramento, Cal., July 18.—Harold Powell, of the United States Department of Agriculture, says he has demonstrated conclusively that ripe fruit, well refrigerated before shipment will arrive sound under ordinary rail road refrigeration, even after being from 10 to 15 days on the way.

PACKING PLANT IS DESTROYED.

Columbus, O., July 18.—The plant of the Columbus Packing company on the South Side, was destroyed by fire today. Loss, \$185,000. The fire is believed to have been of incendiary origin.

OREGON STATE ITEMS OF INTEREST

BIG CROPS IN LINN COUNTY.

Hay, Wheat, Oats and Hops Giving Great Promise.

Albany.—The hay crop of Linn county is greater this year than ever before, and thousands of tons of hay will be shipped away. In addition to the extra acreage is the yield. It is unusually good. Hay is selling for \$4 and \$5 loose, and \$6 and \$7 baled—low prices even for the opening market. Haying has been in progress for some time, and this week will see the crop cut and in the cock. Most of it will also be in the barn or stack ere the end of the week.

Never did wheat in Linn county look better. Binders will begin moving the yellow grain this week, much of it being now fully ripe and ready for cutting. The aphid mentioned early in the summer during the rains have all disappeared, leaving no mark behind. The output of the county will not be much larger than in the past, for the acreage is not much larger than usual, but the yield is the greatest in years.

Threshing will begin the last of July or the first of August, on the fall sown grain. Three or four weeks later work will begin on the spring grain, which is looking fine where sowed early enough, but that sown late will ripen very close to the ground, making binding difficult.

Oats are looking fine, and will be a fairly heavy crop. The acreage is not as large as in some years, but the yield is excellent.

One of the bumper crops of the county will be hops. There is every indication of a full crop—better than last year. No damage has been done by the lice, the hot weather coming in time to put an end to the ravages of the little pest. The few yards that were infested with lice have been sprayed, and the crop is not affected in the least. If we have warm weather until picking season is over, the crop will be a full one. A prominent Albany hopgrower estimates the output of Linn county at about 150,000 bales.

INDIANS GO INTO LAW.

Chemawa.—Among the 32 young men who were recently admitted to practice law before the Supreme court of Oregon were two Indians, graduates of the Chemawa Indian school. Both young men were successful, and give great promise of a creditable career. They were Oscar Norton, of California, who graduated in 1898, and George Bernier, of Oregon, of the class of 1900.

Word has also reached here that Richard Graham, another California Indian, who was a student of Chemawa in 1897, has been admitted to practice law in the courts of Washington City. Mr. Graham has been a government department clerk for a number of years, and has attended and graduated from the Columbia law school.

FROZEN WHEAT SHORT.

The Dalles.—Through the High Ridge and Fifteen-Mile country, the section of Wasco county where grain was most seriously damaged by the freeze of February, and where much reseeded was necessary, crops are looking fairly well. Some of the spring sown wheat is short and rather thin, but is of good color, and with favorable weather will make a comparatively good crop. Farmers in that section estimate that their spring grain will average 15 bushels to the acre. In that section the fall grain that was not frozen out will yield from 35 to 40 bushels to the acre. Everywhere throughout the county fall grain is ripening rapidly, and heading has already begun.

BOHEMIA MEN WANT SMELTER.

Bohemia.—At an important meeting of the Bohemia Mineowners' association this week steps were taken to interest some smelters in Bohemia camp. One mining man stated that in case interested parties put up a smelter, he would sign a contract to deliver 50 tons of ore per day. With this amount of ore from one man, it is considered an assured fact that a smelter would pay if once put in operation. Men who are now doing nothing with their properties would proceed to active development.

CLERK ROBINSON SUSPENDED.

Pendleton.—Charles M. Robinson, clerk of the Unatilla Indian reservation, has been suspended from office by Major J. J. McKoin, United States agent in charge of the reservation, pending an investigation of the affairs of Robinson's office. This action on the part of the agent is understood to be a result of the investigation of the affairs of the reservation, by R. G. Valentine, private secretary to Indian Commissioner Leupp.

ALBANY SUMMER NORMAL.

Albany.—A summer normal school for the benefit of public school teachers is being conducted in Albany this summer by County School Superintendent W. L. Jackson, City School Superintendent Hayes and I. E. Richardson. A large number of the teachers in the public schools of Linn county are attending this summer school, where instruction in practical pedagogy is given.

STATE LAND IN KIAMATH.

Salem.—State Land Agent Oswald West has returned from a trip to Swan Lake, Klamath county, where he inspected a large tract of land believed to be swamp in character, and therefore the property of the state. He found 5,000 acres to which he believes the state is entitled to a patent, and he will take steps immediately to perfect title.

RAILROAD FOR WALLOWA.

Independent Capitalists Will Build a Branch to Joseph.

La Grande.—A corps of engineers are at work establishing a line for a new railroad down Grand Ronde river to the mouth of the Wallowa river, thence up the Wallowa to Wallowa valley. The right of way has been secured to the mouth of the Wallowa river. The new road will be independent of all other lines and is backed by New York capital.

A construction company is ready to begin grading as soon as part of the line is established, and will be at work within the next 30 days, and it is stated the road will be completed to the Wallowa bridge this year and will be extended to Joseph next year.

This activity has caused agents for the O. R. & N. to go to Elgin this week and buy themselves securing rights of way on all deeded land through which their final survey was established about five years ago.

The probable purpose of the new promoters is to get the right of way in the Grand Ronde and Wallowa canyons away from the O. R. & N., which it is supposed has already expired or soon will expire by limitation.

The outcome will likely be the forcing of the O. R. & N. Co. to build on its proposed line. If it does not in some way renew its pre-emption of the surveys already made, it will lose its rights, and this the O. R. & N. Co. is not expected to do. In any case, Wallowa county has a better prospect for a railroad than ever before.

READY TO START CUT-OFF.

Eugene.—C. S. Freeland, construction engineer of the Southern Pacific company, is in Eugene with a force of men preparatory to the construction of the bridge across the Willamette river at Springfield for the Henderson-Springfield cutoff branch line, which will be built immediately. The people of Eugene herald the news of the beginning of the work on this line with great satisfaction. They have looked for it long and earnestly. It means the making of the Woodburn-Natron and Springfield-Wendling branches, increasing the population of the city considerably by the addition of the trainmen and their families, and affording the people residing along the aforesaid branches a quicker and better means of reaching this city to do their trading.

PLATINUM ON SANTIAM.

Lebanon.—George B. Whitcomb, who lives about 30 miles above Lebanon on the South Santiam river, reports having discovered platinum in paying quantities. A quantity of black river sand was sent to the government assay office at Washington, D. C., and partly concentrated sand went \$50 to the ton, while reconcentrated sand went as high as \$175 to the ton. Mr. Whitcomb has sent other samples to the government assayer at the Lewis and Clark fair. He expects an expert in a few days who will make a thorough examination.

MR. KREBS AT DALLAS.

Dallas.—Growers report the Krebs hop pool meeting in Dallas a success in every respect. All those present are said to have signed up, and the scheme in this vicinity seems to be progressing, while news comes from other hop localities in this county indicating that Polk county will be quite generally in the pool. Evidently the project is giving speculators considerable concern. It is reported that Salem speculators were here the day of the meeting.

PORTLAND MARKETS.

Wheat—Club, 82@83c per bushel; bluestem, 89@90c; valley, 85c. Barley.—Feed, \$21.50@22c per ton; rolled, \$23@24.

Oats—No 1 white, feed, \$29 per ton; gray, \$29.

Hay—Timothy, \$14@16 per ton; clover, \$11@12.

Fruits—Apples, new, \$1.50@1.85 per box; apricots, \$1.15 per crate; peaches, 80@90c per crate; plums, 85c @ \$1 per crate; Loganberries, \$1.25 per crate; blackberries, 10c per pound; cherries, 7@12½c per pound; currants, 8c per pound; prunes, 85c@1.15; raspberries, \$1.25@1.50 per crate.

Vegetables—Beans, 1@4c per pound; cabbage, 7@1½c per pound; cauliflower, 75@90c per dozen; celery, 90c per dozen; corn, 20@27½c per dozen; cucumbers, 40@75c per dozen; lettuce, head, 10c per dozen; parsley, 25c per dozen; peas, 2@5c per pound; tomatoes, \$1.25@3 per crate; turnips, \$1.25 @1.40 per sack; carrots, \$1.25@1.50 per sack; beets, \$1@1.25 per sack.

Potatoes—Oregon, new, 75c@81c per sack.

Butter—Fancy creamery, 17½@21½c per pound.

Eggs—Oregon ranch, 21@22c per dozen.

Poultry—Average old hens, 12½@13c; mixed chickens, 12@12½c; old roosters, 9@10c; young roosters, 11@12c; turkeys, live, 18@19c; geese, live, 7½@8c; ducks, old, 13c; ducks, young, 15c per pound.

Hops—Choice 1904, 16@19c per pound.

Wool—Eastern Oregon average best, 19@21c; lower grades down to 15c, according to shrinkage; valley, 25@27c per pound; mohair, choice, 31c per pound.

Beef—Dressed bulls, 1@2c per pound; cows, 3½@4½c.

Mutton—Dressed, fancy, 5c per pound; ordinary, 4c.

Veal—Dressed, 3@7c per pound.

Pork—Dressed 6@7½c per pound.

NEW TRIAL DENIED.

Judge De Haven Denies Motion in Mitchell Case.

Portland, July 16.—"The motion in arrest of judgment will be denied. "The motion for a new trial will be denied.

"Is the defendant in court?" Senator John H. Mitchell was not in court when Judge De Haven pronounced the words quoted from his decision in answer to the motions made last week by his attorneys. Senator Mitchell was represented by Judge Bennett and ex-Senator Thurston, and while Judge De Haven did not say that he would have rendered judgment upon the senator, had he been in court, it is believed from the fact that he asked if "the defendant was in court," that he would have done so. Senator Thurston, when Judge De Haven put his query, rose and stated that he wished further time in which to draw up a bill of exceptions, and he was given until a week from Monday morning to present them.

This means another ten days before Senator Mitchell will have judgment pronounced upon him. The senator's counsel informed the court that by tomorrow they would have their bill of exceptions ready in the hands of United States District Attorney Heney, so that he might in turn have his answer ready by the time that the case will again be taken up by the court. Judge De Haven seemed willing to grant the delay, and as there was no objection from Mr. Heney, His Honor set Monday, July 31, as the day for receiving the exceptions.

BIGGS TESTIFIES FOR DEFENSE.

Vigorously Denies Any Thought of Perpetrating Fraud.

Portland, July 16.—This coming week, unless some unforeseen accident should occur, will see the end of the Representative Williamson, Dr. Van Gesner and Marion R. Biggs trial. Yesterday Marion Biggs, who is the United States land commissioner, took the stand in his own behalf, and when Judge De Haven adjourned court until Monday morning, he had passed through the hands of the district attorney. On the whole, he made a fair witness for himself, and the two defendants charged jointly with him in the alleged conspiracy. Under the skillful hands of Attorney Wilson, Biggs told a plausible story, but District Attorney Heney, during the course of an extremely rigid cross examination, tangled the witness up several times.

From the beginning of his testimony to the end, Biggs contended that he was innocent of any wrongdoing, and he denied having any part in the alleged conspiracy of suborning entrymen to commit perjury.

DIES AT BOISE.

Commander-in-Chief of G. A. R. Was Touring Northwest.

Boise, Idaho, July 16.—General W. W. Blackmar, commander-in-chief of the Grand Army of the Republic, died at 5 o'clock this evening of intestinal nephritis. His wife was with him during his illness. The body will be embalmed and taken to the home of the family in Boston.

The general arrived here on the 10th on a tour, during which he intended to visit Grand Army posts throughout the Northwest. He was ill when he arrived and gradually failed. The seriousness of his condition was kept from the public at the request of his wife.

General Blackmar was born July 25, 1841, at Bristol, Pa. He enlisted in the Fifteenth Pennsylvania cavalry and subsequently joined the First West Virginia. He served with distinction throughout the war and at Five Forks was promoted on the field by General Custer to the rank of captain. Through the three administrations of Governors Long, Talbot and Rice he was judge advocate general of Massachusetts. At the last National encampment of the Grand Army of the Republic he was elected commander-in-chief.

COSTLY DIRT IN NEW YORK.

New York, July 17.—From the exempt tax list, as published today in the City Record, some idea of the value of earth in that part of the globe covered by New York City may be gathered. The total estimated value of real property which pays no taxes is more than \$1,000,000,000, and it is safe to say that the real worth of the property is more than \$2,000,000,000. Adding to this more than \$5,000,000,000 of real estate which was taxed, the actual value of the city is more than \$7,000,000,000.

RAIN RUINS INDIANA WHEAT.

Indianapolis, Ind., July 17.—Reports to the News from all counties of Indiana show that continuous rains have prevented almost entirely the threshing of wheat in this state so far. Two weeks ago Indians apparently had the greatest yield of wheat in many years, but since harvest there has been rain practically all the time. Returns so far indicate a yield of 20 bushels to the acre. The Indiana corn crop will be tremendous.

CANAL LABORERS LEAVING.

Panama, July 17.—Owing to dilatory methods of paying laborers, a general exodus of workmen is taking place among employes of the canal. Reports from Culebra indicate that, because they cannot get paid, laborers are quitting in scores, and have taken to the woods of bananas and other tropical fruit to ward off starvation.

CLAIMS INNOCENCE

Williamson Denies Entering Plot to Suborn Perjury.

KNEW GESNER LOANED MONEY

Cross Examination by District Attorney Heney Brings Out This Fact from Witness.

Portland, July 18.—After the counsel for the defense places several witnesses on the stand this morning to show that the timber claim of Marion R. Biggs, one of the defendants in the trial of Representative Williamson and Dr. Gesner, was valuable for timber, all of the evidence will have been laid before the jury. By refusing to permit the defense to place on the stand a long list of witnesses to prove the good character of the three defendants, Judge De Haven shortened the trial and for the next few days the courtroom will be ringing with the voices of the attorneys making their argument to the jury.

Yesterday morning Representative Williamson took the stand in his own behalf and declared to the jury that he was innocent of the charge of conspiring to cause certain applicants for government timber land to commit perjury. He was inclined to be combative under cross-examination but District Attorney Heney, apparently had no desire to press the witness to the point where he would lose his temper. During the direct and indirect examination, Representative Williamson frequently turned full upon the jury and delivered his evidence at various times directly at the 12 men who will later pass judgment upon him. Naturally his testimony was the feature of the day, and while he made a good witness for himself, Mr. Heney nevertheless got admissions from him that tended to show that he knew that Gesner was making loans to entrymen.

TO TAKE VLADIVOSTOK.

Japanese Hope to Capture Fortress Before Envoys Reach America.

Tokio, July 18.—Judging from the activity at present being displayed at the Navy department, it seems certain the investment of Vladivostok can be expected before the end of this week.

All arrangements are known to have been completed, and it is reported, evidently upon the best authority, that Admiral Togo's entire fleet will sail from Sasebo before nightfall. In addition, an army of invasion, which was landed from transports in Peter the Great bay very recently, is already moving to complete the investment by land. Since June 1, 50 ocean-going foreign steamers have been placed under the Japanese flag, laden with ammunition and supplies, and will accompany Togo's fleet.

It is the hope of the Japanese government that Vladivostok will be taken before the peace envoys land on United States soil. With this object in view, nothing is to be left undone to make the campaign, as planned, brief and eminently successful.

HEAT IS KILLING.

Temperature in Metropolis of United States Causes Prostrations.

New York, July 18.—After a respite of one day, the hot wave that swept over New York last week, causing scores of deaths and hundreds of cases of prostrations, returned today with renewed intensity, the temperature being by far the highest of the season.

The highest point reached was at 4 o'clock in the afternoon, when the weather bureau thermometer touched 95 degrees. In the streets, however, the heat was much greater, some thermometers recording as high as 103.

While the heat was intense, the air was stirred by light breeze, and the general suffering was somewhat mitigated by the absence of the excessive humidity that prevailed last week. It was largely owing to this that only two cases of death directly resulting from heat were reported.

Nothing to Investigate.

Caracas, July 18.—Venezuelans were very much surprised on receiving the news that President Roosevelt had appointed Judge Calhoun a special commissioner to Venezuela to investigate the claims of America. The Constitution, the government organ, says: "If the claims of Americans or others existed, they would have been already heard before competent authorities. It may be the president requires information regarding the case of the New York & Bermudez Asphalt company, which is still pending."

Rapid Transit for London.

London, July 18.—A bulky bluebook tonight contains the report of the royal commission on locomotive transport in London. The advisory board of engineers recommends the construction of two main avenues through London, 140 feet wide and between four and five miles long, carrying four lines of tramways on the surface and four lines of railways below the surface. It is estimated that the cost of construction will be £12,000,000.

Assistant Engineer of Canal.

San Antonio, Tex., July 18.—Jackson Smith, formerly passenger agent of the National railroad of Mexico, has been appointed assistant to Chief Engineer Stevens, of the Panama canal, according to a telegram received here tonight.

Honolulu Chinese Push Boycott.

Honolulu, July 14.—Local Chinese are trying to raise a fund of \$50,000 to assist in the boycott of American goods in China. It is reported they have already raised \$30,000.

DENIES MOTION.

Judge DeHaven Refuses to Dismiss Land Fraud Cases.

Portland, July 14.—The case of the United States against Williamson, Gesner and Biggs will not be dismissed by the court, nor will the jury be instructed to acquit as prayed for in a day-long argument by Judge Bennett and H. S. Wilson. But by the ruling of Judge De Haven the case will have to be fought out before the jury to the end. According to the opinion of the judge, the prosecution has furnished sufficient evidence against Williamson and his associates to warrant his submitting the case to the jury.

Judge Bennett opened the case for the defense yesterday morning with a motion to dismiss, owing to insufficient evidence to connect the defendants or to convict them. He asked that the case be not submitted to the jury, or, if such had to be done, that the court instruct the jury to return a verdict of acquittal. Following this motion the attorneys for the defense made exhaustive arguments of their position, bringing citations from the law to show that their contentions were within the rule.

Upon making this motion and before commencing his argument Judge Bennett asked the