LAW NOT IN EFFECT

But War Department Acts Under Its Provisions.

AWARDING TRANSPORTATION

Seattle Company Gets Contract at a Higher Rate Than Was Offered by Portland Shippers-Local Brokers Are Still Sore.

OREGONIAN NEWS BUREAU, Washington, May 27.-The War Department acted under the provisions of the law passed at the recent session of Congress, requiring the employment of American vessels in the transportation of Government supplies by sea, when it awarded to the Boston Steamship Company the contract for carrying to Manila the large consignment of lumber recently purchased from the Portland Lumbering Company. Their ship, the Picindes, will proceed immediately to Portland and commence loading Monday next. About half the lumber will be carried by this vessel. Another ship of that line will arrive at Portland

smp of that him and all the middle of July and take the remainder of the lumber.

A flat rate of \$10 per thousand is paid for the transportation of this lumber, which is above the bids submitted by some competitors controlling foreign ships. The War Department felt it had authority and would be expected to make

the shipments by an American line.
While the law under which this contract is made dess not go into effect until June 28, the department holds that the lumber ald not be landed in Manila by foreign ships before that date, hence it provided for shipment in American bottoms.

NO CONSOLATION TO BIDDERS.

War Department's Queer Interpretation of Transport Law.

The War Department's explanation of its reason for giving the transportation contract to the Boston Towboat Company contract to the Boxon lower conjugated to the law covering such business will become effective before the cargoes reach Manila—offers very little solace to the unsuccessful bidders of Portland. Without going into an interpretation of the statute. they thing the Government did not ac-cord them fair treatment when it failed to notify them that the new law would be taken into consideration in the awarding of the contract. Supposing that only actual bidders would be dealt with, they held their vessels open for the Govern-ment and were thereby at considerable

Although the matter is now looked upo by most shipping men as a closed inci-dent, the local bidders have not altered their opinion on the subject. Taylor, Young & Co. was one of the firms that made tenders for the business and Mr. Taylor said yesterday of the proceedings:

The various shippers here were requested by the local Quartermaster to put in bids, which they did, eight vessels being offered by the several firms, none of which were American steamers. Nor was there any bid put in by the Boston Towbeat Company for any of their American steamers. Consequently they must have got to work after the bids had been published here. In reply to a telegram sent to Washington, the Quartermaster there wired today the act of Congress of last session requires the use of American bottoms for the transportation of army supplies, but it is generally understood that this law does not go into ef-The various shippers here were re army supplies, but it is generally under-stood that this law does not go into ef-fect until June 28, by which time the first steamer will be away from here. "At any rate, if the Government in-tended to the only American

tended to use only American steamers, the hidders should have been so notified, either at the time of making bids or the next day, so as not to have to hold their s in hand for the Government for

"There can be no objection on the part of any one to the Government using American steamers, but when no American vessel is offered until after the other bids are opened, to accept such an offer then is rather queer business." J. Ernest Laidiaw, of Laidiaw & Co.,

J. Ernest Laidlaw, of Laidlaw & Co., was equally of the opinion that the Portland bidders had been shabbily treated by the Government. So far as Frank Waterhouse, the Seattle agent of the Boston Towboat Company, is concerned, the shippers here congratulate him on getting the business, but they blame the Government for its manner of proceeding. The Boston Towboat Company offered to transport the lumber from Portland to Martin for 150 per thousand feet, which

Manila for \$10 per thousand feet, which is considerably more than was asked by the Portland shippers. The local bids

Frank Woolsey Company, \$9.40 for 25 lay days for 2,000,000 feet each for two Taylor, Young & Co., \$9.45 for 32 lay

lay of 10 for 36 lay days and \$9.80 for lay days for a full cargo of about James Laidlaw & Co., \$9.75, with 30 lay

days for 2000,000 feet each for two steamers, or the Government's privilege of filling up with forage at \$3.50 per ton, in which case the rate on lumber would have been \$9.50.

have been \$5.50.

The only further information received by the local bidders yesterday was a telegram which stated that the first contract had been awarded to the Pleiades. tract had been awarded to the reacher Private advices from Seattle say that the Boston Towboat Company will send the Pictades and Hyades to Portland and that other vessels will follow if needed, Mr. Waterhouse's representative will be Portland today to arrange for the

first sailing.
The new law that the War Department has so interpreted as to give the Portland shipping husiness to a Seattle firm was passed at the last session of Congress and was approved April 28. One of the sections provided for the act going into effect 69 days after approval. The law reads as follows:

'Vessels of the United States or be-longing to the United States, and no others, shall be employed in the transothers, shall be employed in the data-portation by sea of coal, provisions, fod-der or supplies of any description pur-chased persuant to law for the use of the Army or Navy, unless the President shall find that the rates of freight charges by said vessels are excessive and unreasenable, in which case contracts shall be made under the law as it now exists; provided, that no greater charges shall be made by such vessels for trans-portation of articles for the use of said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies."

only American steamers in the trans-Pacific trade are those of the Bos-ton Towboat Company, running out of Scattle, and a San Francisco line. At the latter port, Government transports attend to this business. This leaves all the Northern Government traffic at the dis-posal of the Boston Towboat Company un-til James J. Hill's big ships are ready. Then he will be heard from. Hill, him self, is supposed to be the father of the new law.

FRESHET IS CHECKED.

River Will Remain Stationary at Portland for Several Days.

After reaching a stage of 20.8 feet, the Willamette at this point has ceased to rise and for several days will remain Yesterday the water only came up four-tenths of a foot along the JUDGE BRADSHAW AND THE GENTLEMEN OF THE JURY.



dock-front. At some of the points in the upper Columbia country, rises are been notified which will sail this way still being recorded, but the Snake is falling all along the line. The water is also falling slightly at The Dalles, Uma-tilla and Pasco. Points reporting an advance are Wenatchee, where the river came up only one-tenth of a foot; Northport, half a foot, and Newport, three-tenths of a foot. The heaviest fall in the Snake River was at Lewiston, nine-tenths, while at Riparia the water fell eight-tenths and at Weiser three-tenths of a foot. At Pasco the Snake is also falling faster than the

Columbia. The check in the freshet means that the Cascade locks will not be closed this week, as was expected. The steamboat companies, however, have not changed their plans. The Regulator Company is still transferring passen-gers around the locks.

NICOMEDIA SAILS TODAY.

Carries in Addition to Other Cargo 36 Flat-Cars for Japanese Rallway.

The Portland & Asiatic liner Nico media will sail this afternoon for Yo-kohama, Hong Kong and other Orien-tal ports, with about 1600 tons of tal ports, with about 1690 tons of freight, one of the smallest cargoes carried by a Portland and Asiatic steamer for many months. Of flour, which is usually a large item in outward cargoes, the Nicomedia takes but 500 tons, owing to the depressed condition of the flour market on the other side. The steamer is now localing 25 The steamer is now loading 36 side. flatcars for a Japanese railway. The cars were made in Chicago and were sent to San Francisco for shipment, but as no steamer was available there, they were brought up to this city on the Southern Pacific. The Nicomedia also has as freight 492,000 feet of lumber, 208 cases of cigarettes and 10 packages of machinery.

The next steamer of the line to reach

Portland will be either the Aragonia or the Arabia. Both vessels are now at ly-Sierra, from Yokohama, but the local office of the and Auckland,

F. D. Morrison, Illustrated.

Stovall. Illustrated.

L. Wallin. Illustrated.

Harlod Baynes.

paragraph.

IN TODAY'S TELEGRAM

PEOPLE WITH THE LIBRARY HABIT-An interesting

TWO WEEKS IN THE OREGON MOUNTAINS-Inter-

VERDANT COZY CORNERS WHERE PORTLAND

TOMORROW'S TANGLE-Another installment of Geral-

NATURAL HISTORY STUDIES-Interesting treatise on

THE ART OF BEING AGREEABLE-Adelaide Gordon

DEPARTMENTS-Complete resume of social happenings of

EDITORIAL PAGE FEATURES-Snappy, gossipy resume

the week; best sporting department published in the

Northwest; theatrical news, including the passing show;

of the week's events at San Francisco; Arthur Dunn's

usual bright weekly review from Washington; another

lot of "gingery" new anecdotes; a few of Kelly's splashes

to make you smile, and the usual quota of editorial and

events at home and the world over; interesting because

NEWS-Everything that's worth printing about the day's

well written; distinctive because absolutely reliable.

contributes another letter on this important topic.

musical notes; church notices; Puzzle Club, etc.

the life and habits of coyotes and swallows. By Ernest

dine Bonner's fascinating serial story.

treatise for which material was obtained by contact. By

esting account of a hunting expedition. By Dennis H.

FINDS REST AND RECREATION-A description of

some of the splendid "breathing spots" out doors. By J.

Big Cargo on the Nal.

The big German bark Nal, which finished loading wheat at Columbia dock No. 2 several days ago, cleared yester-day for the United Kingdom for orders, and will leave down the river Sunday morning. She is dispatched by the Portland Grain Company and carries 149,276 buhels of wheat valued at \$112,-000. The next grain ship to leave will be the French bark Marechal de Noailles, which will complete her cargo at Oceanic dock early in the coming

Domestic and Foreign Ports. ASTORIA, May 27.—Arrived down at 6 and mailed at 10:30 A. M.—Steamer Goo. W. Elder, for San Francisco. Arrived down at 7 and mailed at 10:30 A. M.—Schooner A. F. Coats, for San Pedro. Left up at 7:30 A. M.—Barkentine Northwest. Condition of the bar at 5 P. M., emooth; wind northwest; weather clear, St. Helena, May 27.—Passed up at 6:15—Barkentine Northwest.

Barkentine Northwest.
Tacoma, May 27.—Arrived—Steamer Olympia. from Seattle; steamer Cottage City, from from Seattle; steamer Cottage City, from Alaska. Salled-Steamer Olympia, for Seattle; steamer Cottage City, for Alaska; German steamer Serapis, for down Sound ports.

Hoquiam, Wash., May 27.(Special.)—Salled—Steamer Olympia, from Hoquiam for San Francisco; schooner Comet, from Aberdeen, for San Pedro. Arrived—Steamer Sausalito, from San Erancisco, for Aberdeen, steamer, Cheba.

San Fedro. Arrived—Steamer Sausalito, from San Francisco, for Aberdeen, steamer Chehalls, from San Francisco, for Aberdeen.
San Francisco, May 27.—Salled at 11:30 A.
M.—Steamer Columbia, for Portland. Arrived
—Steamer City of Sydney, from Panama;
steamer Siberia, from Hong Kong; steamer Mincola, from Tasoma; steamer Jeannie, from Seattle, Salled, Steamer Controlls, or Cravic, Seattle, Salled, Steamer Controlls, or Cravic, Seattle, Sailed-Steamer Centralia, for Gray's Seattle. Sailed—Steamer Centralia, for Gray's Harbor; steamer Rosecrans, for St. Michael; Prench ship Helene Blum, for Port Townsend. Suez, May 22.—Arrived—Tydeus, from Vanceuver and Tacoma, via Yokohama, Hong Kong, Manila, etc., for Liverpool.

Auckland, May 27.—Sailed May 20—Ventura,

from Sydney, N. S. W., for San Francisco. Sydney, N. S. W., May 27.—Arrived previousm San Francisco, via Hon

MURDER IN FIRST DEGREE

(Continued from First Page.)

the crowded courtroom listened breathless to the gruesome and astonishing chronicles of justice gone awry. From one book and from another Judge McGinn read authentic records of cases new and old wherein the innocent had suffered for crimes which had never been committed.

Roasts the Expert Testimony.

"How common it is," cried the attorney for communities to be bitterly prejudiced in such cases as this. How the breath of dislike or suspicion spreads and grows to a whirlwind which wrecks the object of its wrath, whether its cause be just or unjust. It is for just such cases that the law was made. For the protection of just such friendless men as Norman Williams the law insists that the body of the victim must be found."

Against the testimony of Dr. Hampton. who identified the blood and hair as human Judge McGinn swung the cream of all his sarcasm and all his arguments. "Upon that young woman who talked so pertly upon the stand, who talked so glibly of human blood and human hair, rests an awful responsibility," thundered the lawyer, as he beat one hand upon the other. "So positive was that young woman that she would see unmoved this man dangling at the end of a rope in order to support her theory that this was human

Judge McGinn then proceeded to quote a mass of authorities who scorned the testimony of paid experts. He quoted Cicero, who said in ancient days that no cause was so absurd that some philosopher could not be found to argue in favor of it

Because Jury Is Tired.

"In cases where both sides have money, aid Judge McGinn, "there are two armies of expert witnesses facing each other in battle array." That great authorities medical and legal, put no confidence in bloodstains was shown by many quota-

Judge McGinn made a strong plea that the jury should be instructed to regard all evidence regarding bloodstains as unreliable, and then he submitted the case without argument. "Because I am sure the jury is tired," said the considerate attorney.

Thus the wind was taken out of the sails of District Attorney Mehefee, who had been saving his breath to make the closing speech for the state. He made a vallant effort to incorporate his speech in an ostensible address to the court, but found it unsatisfactory, and abandoned the attempt. Judge McGinn had practically made the speech for the defense, but unofficially. So, as the prosecution in the person of Deputy District Attorney Wilson had addressed the jury last, Mr. Menefee could not proceed.

Corpus Delicti Defined. After some consideration, the court then instructed the jury, giving the following definition of corpus delicti for their in-

formation:

It has sometimes been assumed that th phrase, corpus delicti, means the dead body of the deceased, but the usage of the phrase in this sense is an abuse of words. The true meaning is the body of the offense, and when I use the word body. I do not mean it in the sense of the human body, I do not mean it in the sense of the human body, but as meaning the gist of an offense; in other words, this phrase may be defined as the substantial fact that a crime has been committed by some one. It is true that, until the fact of a crime has been established, no one can be punished for the crime, but when the fact is established, then the inquiry should be made as to who then the inquiry should be made as to wh committed the crime, and it is the establish ing of the fact that a crime has been com-mitted which given is termed the corpur

delicti.
Direct and positive evidence is unnecessary to prove the corpus delicti. It may be proved by circumstantial evidence of a character which will leave in your minds no room for reasonable doubt. If from the evidence in this case you believe beyond a reasonable doubt that the crime alleged in this information has been committed, then I charge you that the corpus delicti has been sufficiently proved for the purposes of this case.

I charge you further that, in order to prove the corpus delicti, it is not necessary that the

dead body liself be found or produced, al-though such a condition might be more satis-factory. In fact, it often happens that the dead body cannot be found, although the proof of such death is clear and estisfactory. Instruction Denied by Court.

The following instructions to the jury asked for by the defense were refused by the court:

The law does not require the state to produce the body of Alma Neabitt, still it requires the state to excuse its nonproduction by showing that it has been disposed of in some manner so that production of it is impossible. In weighing the testimony of an expert witness, you may take into consideration the interest that she has in the case and the fee which abe has received.

Among the instructions asked for by the

Among the instructions asked for by the prosecution which were refused by the court were the following:

Innocent men may have been executed or circumstantial evidence, but innocent me have been also executed upon direct evidence Such convictions are accidents that must b

FAMOUS CASE CITED.

Two Men Convicted of Murder When No Murder Had Occurred.

THE DALLES, Or., May 28 .- (Special.)-Among the cases cited by Judge McGinn in support of his argument that supposedly murdered people afterwards have posedly murdered people afterwards have made an appearance after the conviction of the accused was the case of the two Baorns, convicted in the Supreme Court of Vermont in September, 1815, of the murder of Russell Colvin, May 19, 1812. In this case Colvin was a weak-minded brother-in-law to the prisoners. The day he disappeared he had a quarrel with the two man and one struck him, felling him to the ground. Besides this it was well known that he was considered a burden to the family. After Colvin's disappearance, suspicions were aroused and these were increased by the finding of his hat in a field where the quarrel took place. Nine years afterwards a thorough search for evidence of a crime was undertaken as the result of the dreams of a neighbor relative to the supposed crime and the place of concealment of the remains. As the result of the search a knife and a button off his clothing were found in an abandoned cellar in the field. In a hollow stump not far from the cellar, were found a number of bones, supposed to be those of a human being and two nails. Faced by this evidence the prisoners deliberately confessed their guilt and were condemned to die. Later on the confession was denied and a request was made for a commutation of sentence to made an appearance after the conviction confession was denied and a request was made for a commutation of sentence to life imprisonment. The request was granted in the case of one prisoner but execution of sentence was ordered in the case of the other. Before Boarns could be executed, the missing man was found in New Jersey, where he had fled because he feared he would be murdered. It de-veloped that the bones were those of an animal and the men had been induced to confess, believing that was the only way to escape death sentence.

Flowers for Second Oregon Graves. All persons wishing to donate flowers for decorating graves of Second Oregons in Riverside and Lone Fir Cemeteries will kindly leave same at McKinnon Grocery Co.'s store, 173 Third, Sunday, between 1 and 5 o'clock.

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tion has been committed, then I charge you that the corpus delicti has been sufficiently proved for the purposes of this case.

I charge you further that, in order to prove the corpus delicti. It is not necessary that the

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Dr. C. A. Perrin, Helena, Mont.—I wish to mane you for the cure your wonderful medicine has done for use. I had the piles some five years, and under the advice of a doctor lad them removed by the knife and left free for awhile, but they returned and I at once got a bottle of your Perrin's Pine Specific and one bottle has entirely cured me, and I am as good as I ever was.

Yours triby.

JACK SULLIVAR,
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