

## WILL MOVE FOR A NEW TRIAL

Ground on Which Senator Mitchell Hopes to Get Court Order.

### LACK OF EVIDENCE CLAIMED

At the Same Time That the Motion Is Made for a Rehearing Arrest of Judgment Will Also Be Asked.

Senator Mitchell at 3 o'clock this morning will present his motion for a new trial in the Federal Court before Judge De Haven. At that time ex-Senator Thurston will argue before the court one new phase in his contention for a new trial which has not yet been ruled upon by Judge De Haven and upon which the defense bases great hopes of an order for a rehearing on error. This ground is that Mitchell was adjudged guilty by the jury as to the sixth count of the indictment, when in fact there was no evidence introduced tending to show the guilt of the defendant upon this count.

Senator Mitchell is charged in the sixth count with having received a check from Kribs on January 4, 1904, for \$500 in return for services rendered. Kribs, the defense will set up in its argument that the prosecution introduced no evidence at any time during the course of the trial tending to connect the Senator with having received the check named, or with having performed services entitling him to the check. Upon this contention no ruling of the court has yet been made, and upon it the defense bases a great deal of hope for the success of its motion for a rehearing.

Prepare for Motion.

During the time passed since the rendition of the verdict of guilty on July 3, Senator Mitchell and his counsel have been very busy preparing their motion for a new trial, and the writ of error upon which will be based the application for an appeal. A motion for suspension of judgment has also been prepared for presentation to the court this morning in conjunction with the motion for a new trial.

The grounds upon which the rehearing will be prayed for begin with the decision of Judge Bellinger in refusing to allow the plea of abatement and in ruling that such plea should be argued before the court and not before a jury as asked for by the defendant. It will be argued that this ruling was erroneous, that the failure of the late Judge Bellinger to allow the plea of abatement to be tried out before a jury and with witnesses was a violation of the constitutional right of the defendant and ground for a rehearing.

It will be argued further as ground for another trial that the jury returned a general verdict, declaring the defendant guilty on all of the counts in the indictment, by which action it found the Senator guilty of six separate and distinct offenses—under one indictment. The new portion of the motion upon which there has been no previous ruling of the court, will relate to the sixth count, it being alleged that this count, upon which the defendant has been found guilty, is unsupported by evidence connecting the defendant with the crime charged in the count.

Exception to Henry's Remarks.

Exception will also be taken to the motion to the remarks of Henry in his closing argument when he stated to the jury that an indictment had been returned by the grand jury against Senator Mitchell for subornation of perjury. It will be contended that this statement in the argument was prejudicial to the case of the Senator and should be ground for hearing before another jury.

The motion will also urge the introduction of the evidence of other transactions not mentioned in the indictment entered for the purpose of showing the guilty knowledge of the Senator was not according to the law and was prejudicial to the case and therefore ground for a rehearing.

May Appeal Simultaneously.

Thurston and his client have not as yet decided whether the case will be appealed directly to the Supreme Court in the case of the rehearing is denied by Judge De Haven. It may be that the appeal will be made both to the Supreme Court and to the Circuit Court of Appeals at the same time, as was done in the Burton case of a year ago, which was practically similar to the one just tried. If this is done, it is probable that the case will be argued in the Supreme Court first, as was done in the Burton case.

It is not thought that the arguments in the motion of this morning will consume more than the forenoon, if all of that time is taken. Most of the points to be considered have been already under the attention of the court and need but little argument. After the hearing of the argument, in case it is not successful, the filing of the application for a writ of error will be the next step to suspend judgment will defer the passing of any sentence for some time at least if not until after the case has been heard before the higher courts.

### TRIAL WILL BE RESUMED

Williamson Case Comes Up Again

This Afternoon.

The trial of the case of the United States vs. Williamson et al. will be resumed this afternoon at 2 o'clock, after the recess taken in order to allow of the argument in the Mitchell motion for a new trial.

It is expected that the sessions of the court will gain in interest from this time on, owing to the fact that the contention of Williamson with the alleged conspiracy will be taken up by the Government and an attempt made to show his connivance and co-operation in the subornation of perjury. Up to this time the testimony has connected Dr. Gieser and Marion Biggs with the allegations of the indictment, but the interest of Williamson in the conspiracy has only been hinted at. It is understood that there are Portland witnesses yet to be produced by the Government who will, in connection with the testimony of the people who made the filings on the claims mentioned in the indictment, show the alleged conspiracy of all the defendants.

Dog Falls Over Cliff to Ledge.

Information was brought to the city last night by Elwood Mills, a local contractor, to the effect that sometime during Saturday night a valuable setter hunting dog fell over the cliff known as "Elk Rock," situated about two miles north of Oswego, and had landed un-

jured upon a projecting ledge, fully 400 feet from the ground, where he still remains in plain view.

Mills suggested that some hunter might have lost him, and was even now mourning for his safety, and considered that it was the duty of the Humane Society to take steps looking to the animal's rescue, as yesterday was an exceptionally warm day and he must have suffered severely from the intense heat.

Henry S. Donnell, roadmaster of the Southern Pacific Company, who is camped with his family at Elk Rock station, was

### LAD GETS GASOLINE LAUNCH.

While the American cruiser, recently here, was being visited by hundreds daily, Will Eastman, of 415 Broadway, 12 years old, found a job to his liking. Of all the men and boys who rushed for passengers in their boats at the city landing and the float at the side of the war vessels, none worked harder or more persistently than the 12-year-old. He was employed by a man who made \$4 to \$7 a day rowing a boat from the city landing to the cruisers. It was Will's business to help get passengers into that rowboat. He went to it like a veteran boatman.

Did a party of men and women come upon the float and begin to row over numerous boats. Will was right there with the suggestion that they go with him. The women were particularly susceptible to the youngster's blandishments. The boat paid money, and Will got his share.

But running a rowboat is slow work when there are gasoline launches to operate with. What Will wanted every hour of the day was a launch that would travel much faster than a rowboat. "When my father comes back I'll get him to buy me a launch," was his announcement. The man with the rowboat didn't seriously believe that he would ever see his young helper the owner of a launch.

One day last week Will's ex-employer received a surprise. The boy's father had returned to the city and had bought for his son a launch costing \$485, and a bathroom as well.

"I'll give you a job running my boat for me," was Will's offer to the man he had worked for. But yesterday Will was running the launch himself. He took several loads of people to the Fair grounds, and was just the proudest boy Portland ever saw.

the first to discover the creature's presence, and at once reported the facts to passersby. It is probable that efforts at rescue will be made today.

### NO EPIDEMICS IN THE LAND

SURGEON-GENERAL WYMAN ON NATION'S HEALTH.

He Believes That Science Will Yet Overcome Disease on Isthmus of Panama.

Brigadier-General Walter Wyman, Surgeon-General of the Public Health and Marine Hospital Service of the United States Government, was among the early arrivals to attend the American Medical Association. General Wyman is at the Calumet, where he found quarters until today, and will transfer to the Hotel Portland to occupy accommodations made for one day later than his arrival. He has been absent from headquarters at Washington, D. C., since May 25, visiting the Hawaiian Islands, and landed at San Francisco only a week ago. This is the longest time he has been absent from his office for many years, and denotes that public health is generally good. Other representatives of the same department who will attend the convention in Portland this week are Surgeon Hugh L. Cummings, quarantine officer at San Francisco; Surgeon M. J. Rosenau, director of the Hygienic Laboratory, Washington, D. C., and Dr. F. Vaughan, Assistant Surgeon-General, who will arrive today from San Francisco, where he has been attending a meeting of the Surgical Society.

General Wyman is short of stature, round faced and has a fluent, conversational. His allegiance is to the country that he has served for 14 years in his present official position, and his energies and thought are devoted to the Public Health and Marine Hospital Service.

"My presence here at this time is the best possible indication that conditions affecting public health are very satisfactory," he said last night in answer to interrogatories, "for otherwise I could not be absent from Washington. There are no epidemics prevalent, and I believe sanitary conditions throughout the country are very satisfactory.

"We have had no epidemics of yellow fever since that at Laredo two years ago. The appearance of the epidemic there was prevented by destroying the mosquitoes and preventing their reappearance, which was accomplished by draining pools and marshes where stagnant water had been, and in cases where it was impracticable or impossible to destroy such pools, they were covered with oil. The same process was carried out along the Rio Grande and the Gulf Coast, and the Mexican government co-operated by agreement with the United States to prevent the recurrence of epidemics. The second year the city was divided into districts, and each house inspected daily, in order to discover the first case. If the epidemic should again start, but the precautions and sanitary measures enforced prevented a repetition.

"Every thing in connection with the Panama Canal and control of the zone is under the Isthmian Commission, and Major Gorgas, of the United States Army, has been detailed as chief sanitary officer. Several of our most experienced yellow fever and bubonic plague specialists have been detailed to the commission, and have been for some time on the isthmus. I believe that the situation will be handled, and believe firmly that all epidemics of the character that occur in the tropics can be prevented or overcome by scientific methods.

"There is really nothing in the service that is of particular public interest at this time. The Public Health and Marine Hospital Service has jurisdiction over all quarantines in the United States, the Philippines, the Hawaiian Islands and Porto Rico. All are National Quarantines except a few in the United States that are state or local, but all are subject to observe the Treasury regulations. We have to treat about \$5,000,000 of the merchant marine annually in our hospitals, and have hospital service in every important seaport of the United States, including the lake and river ports. Inspection of immigrants also comes under our supervision. The Hygienic Laboratory is also a part of the service, being the research laboratory of the Government for all matters relating to public health.

"The service is associated with all State Boards of Health through the annual conference required to be held by law, and which makes the whole a pretty thorough health organization, and thereby is a marked feeling of cordiality and friendly co-operation between the service and the state boards."

To Visit San Francisco.

Without seeing the Diamond Palace would be like visiting Europe without seeing Paris. It is a leading feature of San Francisco, and considered to be the most beautiful jewelry store in the world. Visitors cordially welcome. 221 Montgomery street, between Bush and Pine.

## ILL HEALTH CAUSE

Reason for the Suicide of Harry C. Boyd.

### BROKEN DOWN BY WORK

One of the Best-Known Insurance Men on the Coast, Man Who Killed Himself a Former Portland.

Harry C. Boyd, the assistant general agent of the Hamburg-Bremen Insurance Company, who committed suicide at Spokane July 7, by shooting himself through the head with a revolver, just purchased of a second-hand dealer, was formerly a resident of this city. He was one of the best-known insurance men of the Pacific Coast, and had hosts of friends in Portland, who remember him as a Portlander some 15 years ago.

Mr. Boyd was a son of Hamilton Boyd, who was the first representative of the Hamburg-Bremen Company in the Pacific Northwest. In 1853 the father, incapacitated by age, left the company, and the son was appointed agent here. In 1855 H. C. Boyd became interested with U. K. Arnold in forming the firm of Arnold & Boyd, which soon became one of the leading insurance firms in the city and the Northwest.

During the latter '50s Mr. Boyd, who was considered one of the best solicitors and agents on the Coast, was made special agent for Oregon and Washington, which position he filled until he was appointed Coast special agent between the years of 1890 and 1895. He then severed his connection with the local field and entered into the duties of his larger office. A short time after the latter promotion he was appointed assistant general agent, the second highest office on the Coast. In this position, he had charge of all the territory west of the Rocky Mountains, and made an annual trip into Old Mexico, where he checked the accounts of the company's agents and reported directly to the head office at Hamburg. He was expected to make an annual trip through his American territory, but was accustomed to cover the field twice each year when not delayed by press of business.

In this field Mr. Boyd was considered to do as much work as three agents occupying similar positions with other companies, and it is thought that overwork had a great deal to do with his death. For the past three years or more his health has been failing, and this had caused him to grow despondent while his mind has been affected to a greater or less degree. Last winter he suffered from an attack of pneumonia, from which he recovered with difficulty, and since which he had not been well. Some time ago while being examined by a physician, it was stated to Mr. Boyd that his mind was three days ahead of the day in which he was living, and he was ordered to rest, which order, however, he failed to obey.

To show the interest taken in his business by Mr. Boyd, it is related of him that while a resident of Portland he kept a fire-alarm box in his barn and whenever an alarm was turned in hastened to the scene of the fire in his buggy. If the building damaged was a risk of the company by which he was employed he would begin examination before the fire was out, and would be ready to make an adjustment almost before the ruins were cold.

The deceased had no immediate relatives in this section of the country, his wife and family living at Fruitvale, across the bay from San Francisco.

### COLUMBIA RIVER TRIP.

Steamer "Bailey Gatzert" Leaves Daily 8:30 A. M. for Cascade Locks and Return.

Fine daylight trip up the Columbia. Grandest river scenery in all creation. Regular line steamer Bailey Gatzert leaves from foot of Alder street daily at 8:30 A. M., arrives back 5:30 P. M. Restaurant on board. Seats for everybody. Round trip ticket, \$1.50. Phone Main 394.

### No Bad Effects From Heat.

IONE, Or., July 8.—(Special.)—The weather here for the past week has been very warm, but with no evil consequences. Farmers throughout this district say the wheat has not been burned any more than is usual in the best years, a spot here and there, and that the yield of wheat will be as large as estimated a month ago.

### SEE PACIFIC OCEAN.

Take the "Potter," Queen of River Boats, Down the Columbia.

The T. J. Potter, queen of river boats, sails from Ash-street dock for Astoria and North Beach as follows: Tuesday, July 11, 10 A. M.; Wednesday, July 12, 10 A. M.; Thursday, July 13, 12:30 (noon); Saturday, July 15, 1:30 P. M. Particulars and O. R. & N. Summer book by asking C. W. Stinger, city ticket agent, Third and Washington streets, Portland.

The Potter will make a trip down the river on July 14.

Burnett's Vanilla Extract

Is sold by all the best grocers everywhere, try it.

231 WASHINGTON ST. PORTLAND OREGON.

MAKER OF MENS CLOTHES

Reppling

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## The Meier & Frank Store's Bargain News

### Women's \$4-\$5 Slippers \$1.98 Pair

500 pairs of Women's hand-turned fancy leather Slippers; in patent leather and kid; French heels; broken lines of finest \$4.00 and \$5.00 values; your choice today, pair..... \$1.98

### \$3.50 Oxfords \$2.48

1000 pairs of Women's \$3.50 Low Shoes; Bluchers and Oxfords; in kid and patent leather; Goodyear welt; all sizes and widths; this season's best models; your choice at, pair..... \$2.48

Misses' Tan and Black Blucher Oxfords; heavy soles; best models; all sizes; at reduced prices for this week only—

5 to 8...98c Pair 9 to 11, \$1.08 Pr. 11½-2, \$1.18 Pr.

Misses' and Children's patent leather or vici kid three-strap sandals, all new styles, great values for this week only—

5 to 8...98c Pair 9 to 11, \$1.08 Pr. 1 to 2, \$1.18 Pr.

Misses' and Children's White Canvas Shoes; in all sizes. Misses' and Children's Tan Sandals, all sizes, at the lowest prices.

### Great Sale of Lace and Embroidery

5000 yards of Swiss and Cambrie Embroideries and Insertions, of fine quality comprise another grand bargain for Monday shoppers in our busy embroidery section; prettiest designs; immense variety; values to 40c yard, for this sale at, yard..... 19c

1000 yards of white, black and colored Silk Chiffons, fine quality; large assortment of leading shades; regular \$1.00 value for the very low price of, per yard..... 50c

Beautiful Net Top Laces daintiest patterns; values to 60c a yard, for this sale, yard..... 29c

Great clean-up of white; cream and ecru Venise Bands and Appliques—3000 yards; all the newest and prettiest styles; values up to \$2.00 a yard go on sale tomorrow

at the ridiculously low price of 69c yard; buy all you want at..... 69c

The great special values in Valenciennes Laces and Insertions continue on sale all this week; all grades; neatest patterns for dress and underwear trimming. Unusual bargains.

Just received by express a great new lot of Swiss Insertions for shirtwaist trimming; newest patterns; large variety at very reasonable prices. Let us show you.

### Tailored Suits at Nearly Half Price

Our entire stock of Women's High-Grade Tailored Suits go on sale today at decided reductions from the regular selling prices—This season's leading styles and materials are all included—Portland's only complete display of attractive tailored garments at a saving of one-half—

Desirable suits for dress, Coast, outing and traveling wear

THE DETAILS—Blouse, Jacket and Eton styles in Panama cloths, broadcloths, chevrot, covert, serge and shepherd worsteds in navy, brown, green, black, tan, gray and fancy checks. Blouses fancy gimp and braid-trimmed, skirts flounce-pleated or flared styles, all sizes. The very best bargains in Portland today at the following prices:

\$16.50 Suits for \$ 9.45 \$18.00 Suits for \$10.25

\$20.00 Suits for \$11.45 \$22.50 Suits for \$12.65

\$25.00 Suits for \$14.25 \$28.00 Suits for \$15.85

\$30.00 Suits for \$16.95 \$32.00 Suits for \$17.45

\$35.00 Suits for \$19.25 \$40.00 Suits for \$22.85

### Women's Percalé Shirtwaist Suits

Black and White Checks \$1.45 Ea.

Great special lot of 200 Women's black and white checked percale

Shirtwaist Suits, very attractive styles, waist box-plaited, skirt 7 gore; plain flare; just the suit for warm weather wear; all sizes. The grandest bargain of its kind we

have ever offered at the low price of, each..... \$1.45

### Sale of Bath and Toilet Supplies

A Few Very Special Prices for Monday Shoppers

Dr. Graves' Talcum Powder for the famous

"Fairy" Soap, for toilet or bath. It floats, special at the low price of bar..... 3c

Fairbanks' Glycerine Tar Soap, the very best at, cake..... 4c

La Premiera Castile Soap, the purest and best on the market; special at this low price..... 7c

Bath Brushes, with detachable handles, special at..... 39c

Adams' Shampoo Brushes, regular 60c values, for..... 43c

### Women's Knit Underwear Specials

100 dozen Women's Swan Brand Swiss Ribbed Vests; high neck and long sleeves; white, pink and blue; all sizes; our best \$1.00 values

for the low price of..... 73c

Women's low neck; no sleeve; grey ribbed Vests; in white only; all sizes; regular 35c value for..... 23c

### Infants' Summer Apparel

We're helping mothers keep the little ones comfortable during the heated term by providing almost everything they need at saving prices—Second Floor

Infants' Nainsook Dresses; lace and embroidery trimmed; reg. \$1.50 value; for..... \$1.29

Infants' Skirts, trimmed in tucks, lace and embroidery; \$1.50 values, for this sale at..... \$1.29

Infants' Open Front Gowns, ea. 43c

Infants' Nainsook Slips, with round and pointed yokes; 75c values, for this sale at..... 68c

Infants' fancy Dresses, trimmed in lace, insertion and fine embroideries; regular \$6.00 values

on sale for this sale..... \$4.98

Fancy Nainsook Skirts, with lace trimmed ruffles, insertion and beading; \$4.00 values on sale for this low price..... \$3.12

Infants' hand-embroidered Sateens, each, only..... \$1.27

Pique Jackets, hand-embroidered scallops; sizes 2 and 3; reg. \$3.25 values, for this sale, pair..... \$3.25

White Pique Shoes, \$1.00 values, for this sale, pair..... 83c

Infants' Kid Moccasins for the low price of, pair..... 27c

Infants' Barefoot Slippers for the low price of..... 43c

Infants' three-cornered, lace-trimmed Coat Bibs, great special value at the very low price of, each..... 18c

Pillow Slips, hemstitched ruffle and lace insertion; regular 50c values, on sale for this week at..... 33c

### \$1.00 Dressing Sacques 52c

300 lawn and cotton Dressing Sacques and short Kimonas \$1.00 values at 52c each will create excitement in the waist section, second floor, today for an hour or two—We don't expect them to last any longer considering the unusual value offered—

Polka dots, figured and fancy stripes and plain colors—Ruffle and braid trimmed—Light or dark colors—Large assortment—Only 300 remember, better plan to come early if you want one real bad—2d Floor

52c

No Phone or Mail Orders Filled

Great Reductions on all our fine Silk and Lingerie Waists Second Floor.

### Linen Specials

Colored Crochet Bedspreads; fringed, pink or blue; regular \$2.00 values, on sale for this week at..... \$1.52

Colored Satin Marseilles Bedspreads; fringed in pink, blue and red; \$3.50 values at this low price..... \$2.68

White Marseilles Pattern Bedspreads; hemmed; 700 dozen of them; great value at this low price..... \$1.70

White Marseilles Pattern Bedspreads; hemmed; regular \$1.25 values on sale for the low price of..... 90c

Hemstitched Damask Tea Cloths; 36x36 inches; very handsome pieces; regular \$2.00 values, each..... \$1.25

Knotted Fringe Damask Towels, 100 dozen of our 35c values to be sold at the low price of, each..... 25c

Bleached Cotton Huck Towels; 12x16 values, each..... 9c

Bleached Satin Damask Table Linen; handsome patterns; our best \$1.50 values on sale for, yard..... \$1.25

Bleached Satin Damask Table Napkins, in pretty patterns; regular \$3.50 values on sale for, dozen..... \$2.65

### Canning Necessities

Mason Fruit Jars—Pints, 60c dozen; quarts, 75c dozen; 1/2-gallon, \$1.00 dozen; best rubbers, 7c dozen..... 10c

Economy Fruit Jars—Pints, 55c dozen; quarts, \$1.05 dozen; 1/2-gallon, \$1.25 dozen; extra caps, 2c dozen..... 75c

17-quart Granite Dish Pans; suitable for cooking fruit; great value, each..... 75c

Fruit and Jelly Presses; great special value at, each..... 40c

1000 covered Jelly Glasses, great special value; dozen..... 31c

10,000 Jelly Tumblers, best value ever offered at the low price of, dozen 24c

Tin Fruit Jar Funnel, each..... 4c

Fruit Jar Wrenches, each..... 8c

Paraffine Wax for, cake..... 12c

1-Burner Oil Stoves at..... 40c

18 lbs. of Western Dry Granulated Sugar, full weight..... \$1.00

### Women's \$2.00 Shirts 89c

You Want Them for Coast Wear

The greatest sale of Women's Golf Shirts we ever inaugurated is announced for today—A special purchase from a well known manufacturer enables us to offer 75 dozen mannish shirts in mercerized lawns, madras, etamines, linens, fancy lawns, striped oxfords, chambrays, white oxfords, etc., in a wonderful array of pretty styles—The ideal garment for hot weather, golfing, beach and vacation wear—All sizes—

Regular \$1.50, \$1.75 and \$2.00 values—Your choice tomorrow at the phenomenally low price of 89c

On sale in Men's Furnishing Goods Department

### PICTURE DEPARTMENT BARGAINS

7x9 Passepartout Frames, red and gray mat; regular 19c values, on sale this week at..... 9c

Brass Toasts, 6x6 inches, 25c values, for, each..... 12c

Great odd lot of Framed Pictures ranging in value from 75c up to \$1.25, grand values at..... 25c

New arrival of double and single Metal Photo Frames, in all sizes, handsome styles.

New shipment of Framed Pictures just received; latest subjects and frames; all sizes.

Artistic Picture Framing to your order at the very lowest prices. New Moldings. Second Floor.

### BOYS' WASH SUITS REDUCED

Boys' Khaki Suits, for coast and vacation wear; Norfolk style; ages 3