

JUDGE DECLINES TO DISMISS CASES

Motion for Verdict to Acquit Denied.

PROSECUTION WINS POINT

De Haven Says Cases Must Go to the Jury.

EVIDENCE MAKES IT A DUTY

Defense Argues That Testimony for Government Is Insufficient to Connect Williamson With Alleged Conspiracy.

Judge De Haven in denying the motion for dismissal of the Williamson case argued by Judge Bennett and H. S. Wilson for the defense, said: "The question of the validity of the indictment, whether it states facts sufficient to constitute a public offense, is one that can only be raised by demurrer or by motion addressed to the verdict. It cannot arise at this stage of the case on a motion to direct the jury summarily to find a verdict."

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 cause 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 his motion and before commencing his argument Judge Bennett asked the court that the jury be allowed to remain in the room during the argument in order that it might hear the positions taken by both sides in the controversy. This, it is alleged by some, was a mistake in the strategy of the trial, as the influence of the refusal of the court to allow the motion would tend to throw assistance to the side of the Government. It is argued that should the court have instructed the jury to return a verdict, then the instruction would have been sufficient and the arguments of the attorneys of no use in influencing their minds, while if the case had not been submitted the argument would have been equally void as far as the 12 men were concerned. But, as it proved, the court ruled against the contention of the defense and refused to consider the motion for dismissal, then the defendants would face throughout the rest of the trial the assumption on the part of the jury that the judge considered guilt to have been shown by his act in refusing either to dismiss or instruct.

RAGE BETWEEN AIRSHIPS

AERONAUTS PROPOSE NOVEL DISPLAY AT THE FAIR.

Winner of Prize at St. Louis Challenges Knabenhue for Joint Flight in Portland.

ST. LOUIS, July 13.—(Special.)—George P. Tomlinson, who managed the captive balloon at the Aeronautic Concourse of the Louisiana Purchase Exposition, passed through St. Louis today on his way to the Lewis and Clark Exposition, where he expects to enter aeronautic contests. Mr. Tomlinson stated that he had sent his airship, recently completed, to the Coast, where he expects to pull down some of the prize money. He and Roy Knabenhue spent Tuesday together in Toledo, and conferred on the practicability of making a dual flight. Tomlinson stated: "Roy and I were great friends during the St. Louis Fair, and I informed him I would challenge him after my first flight on the Coast. You know two airships have never made an ascension at the same time, and a dual flight would be novel, in fact, sensational. I feel confident my machine will stand the test against any ship I have seen, and I have seen a great many of them. My gas bag is 44 feet long, 19 feet in diameter, and inflates with 800 feet of gas. I carry a five-horsepower motor."

NEW PORTFOLIO FOR CABINET

Physicians Favor Creation of a Department of Public Health.

WILL INTRODUCE A BILL

American Medical Association Indorses Project and One of Its Members, a Congressman, Will Act Next Term.

Honey Answers Defense.

Dr. Linton H. Montgomery, of Chicago, was the author of a resolution adopted yesterday in the section on hygiene and sanitary science, advising the creation of a new cabinet position to be known as the Department of Public Health. The resolution declares that more stringent public laws should be enacted to apply in the treatment of preventable diseases, and urges Congressional action in behalf of the welfare of the people. The Secretary of Public Health, it is proposed, shall rank with equal power as possessed by other cabinet officers.

FOR NEW PORTFOLIO.

Backed by the indorsement of the American Medical Association and state associations, Dr. A. J. Barchfeld, of Pittsburg, Pa., who is a Representative to Congress from the 32d district of his state, will at the next session introduce what he terms "a universal health bill," providing, first of all, for a new cabinet position, the Secretary of Health.

Wilson Attacks Indictment.

Mr. Honey concluded his argument in the afternoon after which H. S. Wilson closed for the defense. He attacked the validity of the indictment and alleged that none of the defendants had been proved guilty of the specific offense charged in the document. He argued that when persons plan to suborn perjury they must have in their minds all of the facts and all of the acts that must be done relating to the transactions involved. They must know that the persons will not only have to swear falsely but that they will commit perjury. The arguments of Mr. Wilson were brief but well placed and concise.

Would Eliminate Disease.

"I believe that epidemic, endemic and zymotic diseases should be eliminated from the category of American fatalities. We are rich and powerful enough to handle this problem as successfully as other problems. I believe the health problem should be under national supervision, and not allow in any state any conflict between townships, boroughs or cities, nor would I allow state lines to interfere with the perfect and scientific eradication of endemic diseases which can be successfully avoided by proper, natural intervention."

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WANT THEIR ASSETS BACK

Stockholders Say Sale of National Masonic Association Was Fraud.

COUNCIL BLUFFS, Ia., July 13.—Suits were started here today on behalf of 200 stockholders in the National Masonic Accident Association, which formerly had headquarters at Des Moines, to set aside as fraudulent the sale and transfer of the assets last February to the North American Accident Insurance Company of Chicago. The action is brought in the name of L. W. Nichols, of Chicago, ex-

KAISER WILL BE ALLY OF OSCAR

Subject of Conference Between Monarchs on William's Yacht.

GERMAN NAVY IN SWEDEN

Great Demonstration Will Be Made in Swedish Ports—Kaiser Received With Much Enthusiasm at Gefle.

STOCKHOLM, Sweden, July 13.—The Associated Press is able to state on good authority that a German-Swedish alliance is seriously contemplated. The question, it is said, was discussed at a conference between Emperor William and King Oscar on board the imperial yacht Hohenzollern at Gefle yesterday. The conference lasted for four hours. King Oscar and his party will remain with Emperor William until he departs from Gefle Friday afternoon.

TOSSED BY BIG HURRICANE

Crew of London Hill Flung Whole Length of Ship. SAN FRANCISCO, July 13.—In a terrific hurricane that swept the South Pacific, the British ship London Hill was thrown on her beam ends and lay helpless for many hours during her passage from Newcastle, Australia, to this port. The big ship arrived yesterday.

RECEIVER FOR DEVLIN IN ILLINOIS.

TOPEKA, Kan., July 13.—From information received here today by Cyrus LeLand, receiver in bankruptcy for C. J. Devlin, it is understood that Walter Reeves, of Streator, Ill., will be appointed by the federal court as the receiver of the Illinois properties. This is in accordance with the wishes of the Illinois creditors. Under this arrangement the payroll of the miners in Illinois will be taken care of by Chicago banks. The two weeks' payroll falling due on Saturday amounts to about \$19,000.

CONTENTS TODAY'S PAPER

The Weather. YESTERDAY'S—Maximum temperature, 71 deg., minimum, 53. Precipitation, 0.11 in. TODAY'S—Fair and warmer. Northwest winds. The War in the Far East. Chilean vessels on way to Europe. Page 5. Choice of Witte welcomed by all powers. Page 5. Japan protested against Muraviev. Page 5. Baron Rosen calls on Roosevelt. Page 5. Partisan of capture of Korskavsk. Page 5. Foreign. Kaiser confers with King Oscar and discusses German-Swedish alliance. Page 5. Great German naval demonstration to be made off Sweden. Page 5. Renewed fear of war between Sweden and Norway. Page 5. Amsemy bill causes row in French Chamber and a duel. Page 5. British navy to be concentrated near home. Page 5. Russia. Odessa magistrates give rioters light sentences; court-martial hang them. Page 3. Terrorists warn Zerpoff he will be killed. Page 3. Rumored mutinies in army. Page 3. National. Cotton men will call on Roosevelt. Page 1. Politics. Lawson speaks on how to beat the system. Page 2. Mayor Weaver given a setback by Council. Page 2. Beck speaks on distrust of financiers. Page 2. Domestic. Deaths from heat in New York. Page 4. How the Standard Oil Company beats competitors. Page 4. Jerome demands Hendrick's report on Equities. Page 4. Depew's resignation denied by Morton and his explanation denied by Hendricks. Page 4. Chicago teachers on way to Fair with hearts of Butte men. Page 1. Aeronauts coming to face at Fair. Page 1. Great storm on Roebud reservation. Page 1. Sport. Big tennis tournament will take place. Page 12. Pacific Coast League scores: San Francisco 5, Seattle 4; Oakland 6, Los Angeles 0; Portland 4, Seattle 1. Professional golf tournament begins. Page 7. American tennis team defeats French. Page 7. Pacific Coast. Third Regiment, O. N. G., goes into camp at Seaside. Page 6. G. W. Laub executed at Salem penitentiary for murder of Mrs. Leonard B. Jones. Page 6. Harriman officials are examining the Corvallis & Eastern. Page 6. Anthony G. Collins, of San Francisco, held at Victoria, B. C., on perjury charge. Page 6. Charles Nichols, of Portland, commits suicide at Aberdeen, Wash. Page 6. Eight are indicted by the Federal grand jury at Boise for land frauds. Page 5. Commercial and Marine. City creameries advance better quotations. Page 15. Scarcity in fruit market being relieved. Page 15. Steadier feeling in hop market. Page 15. Restraining influence at work in stock market. Page 15. Weak undertone to wheat at Chicago. Page 15. Reaction in San Francisco grain market still in effect. Page 15. China steamer Aragona arrives after fast run from Japan. Page 7. Lewis and Clark Exposition. Admissions, 16,391. Page 11. Thirty New England teachers arrive to see the Centennial. Page 11. Mazamas have their day at the Exposition. Page 11. Portland and Vicinity. Judge De Haven orders motion to instruct jury for verdict of acquittal in Williamson-Gesner trial. Page 1. Senator Fulton recommends C. B. Hagar as receiver at Roseburg land office. Page 16. Property owners object to cost of improving Stark street and bids will be read. Page 16. Heavy judgment against railroad is paid. Page 16. Legal cases may be taken against complete enforcement of box ordinance. Page 14. Chief White Swan addresses Methodist Congress. Page 14. Doctors elect their officers. Page 16. American Medical Association favors creation of Department of Public Health in the Cabinet. Page 1. A. F. Sheldon makes bright address for the A. M. Men. Page 9. Visiting doctors say Portland has been more generous in its entertainment than any other convention city. Page 16. Scientific exhibits interests physicians. Page 16. Mrs. Charlotte Perkins Gilman talks to Chautauqua on public ethics. Page 4.

TEACHERS BREAK BUTTE HEARTS

Their Way to Lewis and Clark Exposition.

MINERS OFFER MARRIAGE

Vigorous Efforts Made to Keep Them in Montana City, for They Are Handsome and Vivacious, but They Resist.

WILL TALK COTTON TO HIM

Heads of Association Go to Call on President.

Investigating Cotton Scandal.

No Half-Holiday at Navy-Yards.

Guests of President.

RAISE QUARANTINE ON LA BOCA.

ACQUITTED OF BOODLING

Albright Escapes Conviction of Sharing in St. Louis Plunder.

KAISER WILLIAM IN SWEDEN

Visited on Yacht by King Oscar and Crown Prince.

OVERDOING HIS FRIENDSHIP

Kaiser's Armada Arouses Alarm Instead of Joy in Sweden.

BROTHER SAW HIS SUICIDE

Not Necessary to Dargan's Death Because He Was Irresponsible.

HIGHER RATES OF MACCABEES LEGAL

OPPOSES PRINCE CHARLES' ELECTION.

STOCKHOLM, July 13.—(Special.)—A large group of handsome and vivacious teachers from Illinois, who will arrive in Portland tomorrow, created havoc among masculine hearts here during their all-too-brief stay. If the sighing swains of this vicinity had their way the school marmas would now be affianced brides and arranging their trousseaus, instead of glorying in the wonders of the Lewis and Clark Exposition. But the haughty ladies from Illinois made it plain that they preferred the visit to Portland to anything in the matrimonial line that could be offered in Butte. Perhaps they were not aware of the devastation they caused in the affections of the male population hereabouts, and they will see their first "great white light" when they read of it in the Oregonian.

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STORM WRECKS TOWNS

ROSEBUYS ALL IN ITS PATH ON ROSEBUD RESERVATION.

One Person Killed, Two Will Die and Nine Others Injured—Many Buildings Demolished.

Great Lecture Manager Dead.

PHILADELPHIA, July 13.—James H. Hyde today resigned as vice-president of the Commercial Trust Company of this city, and the directors accepted the resignation. For the time being, at least, both Mr. Hyde and James W. Alexander, who also represented the Equitable in the Commercial Trust Company, are still in the latter's directorate.