BENNETT'S REPLY IS MOST CAUSTIC

Counselfor Williamson Attacks Heney.

MPUGNS HIS MOTIVES

Stinging Remarks Made by Attorney for Defense.

QUERY AS TO BIG FISH of self-imagined wrong and corruption.

Asks Why Government's Prosecuto Does Not Go After Pillsburys Millionaires Who Pillage the Nation.

"Heney says that Biggs is a lawyer, and a crooked one, and he does it to arouse in your minds that prejudice which many men hold against lawyers, but I maintain that it is a base thing for a man to arouse prejudice against a brother lawyer in this yer. Perhaps that is the reason he is so honest, but there is an old saying that has come down to us from the knewledge of old days that 'it is a dirty bird which befouls its own nest." These remarks and others worse were hurled at the jury and past it at the United States Attorney yesterday during the argument made by A. S. Bennett in closing the defense of Williamson, Gesner and Biggs before the Federal Court. The long days of the trial have gone, the first argument of the prose oution has been made, and A. S. Bennet who has waited patiently under the flings of the Government attorney, has had his say. Men are sometimes held up to sarcasm, to ridicule and to verbal chastise ment before their fellow-men, but it is seldom that one sits under all punishments combined, as Mr. Heney did yester-

Day of the Defense.

It was the day of the defense, and the attorneys for the defendants made all Wilson took the first hour of the session with his closing remarks, and ended his your neighbors have of you. clock and held the floor until 4 in the afternoon, when court was adjourned with him still unfinished. His address was one of the efforts of his long career, and ranged in expression from the half-audiecution, of its methods, and of its attorney. He followed the evidence from first to last, picking flaws as he saw them and arguing that throughout the case of the story, vindicated the defense and proved contentions and its plea of innocence.

Scathing Terms for Heney.

In his argument, as the testimony moved the thought of the speaker, Mr. Bennett arraigned Mr. Heney in scathto personalities. He likened the prosecuting attorney to the wicked gossip who bors." deigns to attack with her tongue the repsin, but who gathers with glee any re- tended. with his creatures, was holy and just. Places a New Construction.

derpool and the remarks made upon it by Mr. Heney in his argument, Judge a simple country girl, one of the few acter to remain openly true to her friendship for the defendants, had been cruelly

Passing to the testimony of Pearl Van-

and shamefully treated in the courtroom by Mr. Heney, who was a man without respect for age or innocence. He argued that when Mr. Hency had asked her in his examination whether or not she had visited Williamson at the hotel, a man who was old enough to be her father, and with whose children she had perhaps frolicked in her girlhood, the questioner had construed her admission to an evil purpose and had leered and grinned

Bennett Is Sarcastic.

insultingly at her statement.

The speaker threw sarcasm into his Mr. Heney, who had said that Russia was a land of unlawfulness and of graft. by stating that the dominion of the Czar treely, and before whom the evidence Attorney's cap if he can pull the man was placed fairly and openly. Up to this

time the system had given satisfaction and justice had been done, and it was the prayer of the speaker that the gulf between Russia and America would never be bridged.

Big Fish Will Move.

The iteration of Mr. Heney that he vas after the big fish was ridiculed by Mr. Bennett, who asked where were the Pillsburys and all the rest of the millionsires who had pillaged the Government of millions of acres of land and had gone free. It was not these big thieves that Heney wanted to capture in his net; Williamson was the big game in the present covey, and innocent or guilty, he must be caught for the honor and the fame of the prosecution, that the name of Heney might be exalted and his satellites gain

Mr. Heney was a modern Don Quixote, here to reform the world, Mr. Bennett said. A great man whose heart filled with the spirit of chivalry. He had out to right all wrongs and to do battle with the windmills and other fanoled terrors encountered by the personage of ancient fable, and here, with his three Sancho Panzas, Burns, Neuhausen and Rittenhouse, was trying to drag down some of the good citizens of the state into the mire of the penitentiary on account

Speaks on Contract.

In opening his address Mr. Bennett spoke to the court for a minute on a question of law relating to the character of a contract in the eyes of the law. He contended that a contract had to be such an agreement as would stant binding in the courts, something expressed in a tangible way, whether writte, or oral or by signs. It was not enough, that some person should say he would sell a claim if he could get \$500 for it, or if another man should say he would buy if he could gain a piece of property for \$100. Each would have to understand in a definite manner that the transfer would take

place. Turning to his main address the speaker said that it was with embarrassmer; way. Mr. Biggs may not be a good law- that he appeared before the jury. s it might be inferred from what has oeen said during the course of the tr al that he had a double interest to serve. He was a neighbor and a friend of the defendants, as was Mr. Wilson. Then, passing to the evidence, he took the jury into his confidence and talked to them as man to man.

Dramas of Real Life.

"I want to say to you," he said, "that the dramas written in the books are nothing to the dramas of real life as played out in the courts of justice. Your duty, emen, seems, perhaps, a perfunctory duty to you. It is not your future, your honor, your life, that is being tried. is the future and honor and reputations of the defendants, their wives and their children that are in the balance.

"These men are just as good men you are, as your neighbors are. They have not accumulated much of the goods of the world, but they have gathered to themselves much of good name, of char out of the occasion in their power. Mr. acter and of reputation. The Bing that counts as you get old is the orinton which address in a clear and carnest appeal for brought the neighbors of these defendants his clients. A. S. Bennett began at 10 here to show their honor and have chal-

lenged the state to show to the contrary.

Makes Zoological Comparison. The speaker then taught natural history to the jury for a moment, bringing back ble, heart-to-heart conversation to the to their recollection the scarcity of white jury, to the flery denunciation of the pros. | deer and of white squirrels. He compared the defendants to these animais, arguing that it would be as probable that they were guilty when they had held such un tainted reputations from boyhood to the Government ran a thread of corroboration present as that three white deer should which, when it was put together in one be found in one band numbering no more than the population of Prineville. Nor was it logical for the District Attorney to argue that the defendants saw no

wrong in stealing from the Government. "All good men love this Government of ours," said Mr. Bennett, "and by the Government I am not speaking of a ing terms, holding him up to ridicule be- District Attorney or any other officer, fore the jury, and at times verging close and are not any more ready to rob it than they are, their friends or neigh-

Circumstantial evidence was unsafe utation of a woman already stained by as an index of guilt, the speaker con-The charge in this case is Section against the virtue, the chastity or sustained, if at all, by circumstantial the good name of a woman of known evidence," he said. "No man has testihonor and good intention. In speaking of fied that any of these defendants asked the allegation made by Mr. Hency that him to commit the crime of perjury. the defense had tampered with the wit- The prosecution wishes to fix the crime nesses for the Government, Judge Ben- by the circumstances surrounding the nett said that it was an evil mind that defendants during the past three years. found evil on every hand, and he likened Such evidence, if unsupported, is not the prosecutor to an angel surrounded sufficient to convict of a crime. It with his satellites who had come here to may fasten the guilt, link by link, and purge the world of crime-a great angel yet unjustly, and this has been done who could do no wrong, and who alone, until the courts have ruled that before a conviction can be had in this way every hypothesis of innocence must be disproved."

Not a Symptom of Guilt.

Williamson was not connected with Bennett placed a new construction upon the case by any evidence, the speaker the matter and threw ugly insinuations contended. It was not a symptom of at the purity of the District Attorney's guilt that he had been in Prineville on mind. He argued that Miss Vanderpool, June 15, 1902, and had then forgotten the visit. The strain of the campaign who had possessed the strength of char- had brushed the matter from his mind. Mr. Bennett contended that the opportunity to steal did not prove a man a thief, and so, though Williamson had been at Prineville, it did not follow that he had planned to steal from the Government while on that visit.

"Williamson is the man Hency is after," continued the attorney. "He has admitted it. He is after big game, and in his eyes Newt Williamson is the biggest game in this covey. But where are the Pillsburys and the others who have stolen millions of acres of landmen big in crime? Who are these men, these big fish? Who are the big thieves -the men big in crime? It is not these who are sought, but the men big in peach in replying to the remarks of honor, in reputation in the neighborhoods in which they live. like the wicked gossip who does not at tack the woman whose name is smirchwas cursed with the secret service sys. ed, but who rolls as a sweet morsel untem; that it was a land where the de- der her tongue anything she can gain tective, the spotter and the spy entered against the good name of a woman rethe home of the innocent and dragged nowned for her good works, her chasthem away to unmerited though certain tity and her virtue. He is after Gesper conviction. This country had always and Biggs, but Williamson the most of heretofore been a land where a man all, for he is a Congressman, one who accused of crime was tried before a jury has fought his way from the foot, and of his neighbors, gathered honestly and it will be a big feather in the District

MENTAL GIANTS

Taft and Root Strongest Candidates for Presidential Nomination.

PROBLEM MAY BE SOLVED

Resignation of Chief Justice Fuller Would Leave Way Clear to Taft-Both Men Are of Roosevelt Type.

OREGONIAN NEWS BUREAU, Washington. Aug. L-The retirement of Chief Justice Fuller from the Supremebeach any time within the next three years would do much to clear away what promises to become a complicated situation in the Republican party. As events have shaped themselves in the last few months, it has been demonstrated that two very big Republicans will be in line for the Presidential nomination in 1998, Elihu Root, Secretary of State, and William H. Taft, Secretary of War. Not in many years hag any party been able to bring forward two such strong men for this omination. And yet, at this time, Taft is not annoyed by the Root boom, so-called, nor is Root at all uneasy on account of the frequent mention of

If Chief Justice Fuller should take tle question that President Roosevelt keep him in his Cabinet. would promptly fill the vacancy by appointing Mr. Taft as Chief Justice. That is a position the Secretary has ent long coveted, and it is but proper to say that it is a place he could fill with credit to himself and to the man who appointed him.

Court Needs Man Like Taft.

The United States Supreme bench is n sore need of big, brainy men like Taft. There is no man of his calther on that bench today. Of late there has been much comment on the character of men who have recently been appointed and the comment is not an ogether favorable. But the addition of William H. Taft would materially raise the Supreme Court in the estimation of the

American bar, and would give it a dig-

The appointment of Taft to the Supreme beach would leave Root the foreost and most likely Republican candidate for the Presidential nomination Root, in point of ability, outranks every other man mentioned as a possibility, or would do so if Taft were out of the way. He is a bigger man than Fairbanks, a bigger man than Shaw, a bigger man than any Repubmentioned as a Presidential possibility. But it would be hard to say which is the bigger man, as between Root and

Both Men of Roosevelt Type.

There is this to be said about both Root and Taft; they are not the kind of men who would be chosen by practical and lifelong politicians to lend the Republican party in the campaign of 1908. They are not the kind of men who are popular with everyday politicians. They don't lend themselves to the schemes of politicians; they don't play peanut politics. They are, to a great extent, patterned after the Rooseveit type; bold, firm, fearless and absolutely honest. No hint of corruption or graft ever attached to Root or Taft; it never will. They are, like Roosevelt, the kind of men the people can trust and, in this age when graft is rife and corruntion is unearthed at every turn, they are the kind of men the people want in power. And, like General, President Roosevelt is now re-Roosevelt in another respect, Taft and ported to be trying to make Wood a Root are men who do things.

Each Admires the Other. If the next Republican National Convention is controlled by men like Aldrich, Depew, Platt, Elkins, Penrose, neither Root nor Taft will receive the nomination, but, if the convention truly reflects public sentiment, and the will of the people is observed, the choice relations between them; so great the neither would resort to any unfair mulgation of orders by the general staff, means to prevent the nomination of Should one be nominated, the other, it into his head to relinquish his post- he would beyond a doubt desire tho tion on the Supreme bench, there is lit- support of the other, would want to

Roosevelt, Root and Taft make a strong team; they dominate the pres-ent Administration; they make a General Wood's health, and the indicamighty triumvirate. No Cabinet in re-The next Cabinet must be without osevelt, for he himself has said it, but it need not be without the other two master minds, unless, as above suggested. Taft should go on the Supreme bench, in which event Root if elected President, would have to pick an en-President, would have to tirely new official family.

Flood Cuts Off Russians.

SECUL. Aug. 1.—The heaviest rains in 30 years have occurred and the Tumen River is fooded. ... we Russians, who have been holding semi-permanent works south of the river, have been cut off from Viadivostok, and are unable to recreat.

ATTORNEY HENEY UNDER FIRE

ON GENERAL STAFF

lican of prominence who has ever been Desire of President Causes Army to Gnash Teeth in Anger.

BARRY HAD BEEN CHOSEN

President Holds Up Appointment at Last Moment and Wants Wood Appointed-Resentment at Rapid Promotion.

WASHINGTON, Aug. 1 .- (Special.) -- Major-General Leonard Wood is once more a bone of contention in the Army. Having forced his confirmation as a Majorported to be trying to make Wood a member of the general staff, against the wishes of that body and Lieutenant-General Chaffee As a result, the Army is gnashing its

teeth in rage. In the meantime, Genera; Wood is somewhere in Massachusetts, recuperating after an operation for a thickening of the skull due to a slight blow suffered some months ago.

Army officers say Wood was always will probably lie between trees two lucky. That influences have been brought mental giants. But so friendly are the to bear on the President to Induce him to boom Wood once more is evidenced by admiration of one for the other, that the fact that within a day after the pro which did not mention General Wood, the President suspended the orders, and the sole reason given was that the health of General Wood might prevent his return to the Philippines. Up to the receipt of the order of suspension nothing was tions are that he went over the head of everybody to make his condition known direct to the President.

As the result of the President's stand there are now three recognized candidates for the position on the general staff made vacant by the assignment of Brigadier-General Tasker H. Bliss to other duties When the vacancy occurred, Lieutenant-General Chaffee named as his candidate Brigadier-General W. H. Carter, now in command of the Department of the Vissyas, Philippines. General Carter is the man who drew up and passed through Congress the bill greating the general staff. For his activity in this respect he was dubbed the "legs of Root," and

among the opposition in the Army to the general staff measure has few friends. The remainder of the general staff recom mended Brigadler-General Thomas H. Barry, now with the Russian army in Manchuria, as its candidate. The board directed to choose between the caudidates consisted of Generals F. D. Grant, J. F. Bell, A. L. Mills, John C. Bates chairman, and Colonel Mills. This board overruled Lieutenant-General Chaffee and chose Barry. As a compromise, General Carter was to be transferred to Chicago as the commander of the Department of

the Great Lakes. The President has the final approval of assignments of Generals in the Army. Whether or not he approved the choice of Barry and the assignment of Carter and Bliss is unknown, but the fact remains that such an order was promulgated from the War Depart-ment last Thursday and General Barry was elected head of the War College a post that goes along with the ap-Staff. The next day the order was sus pended by order of the President and everybody has been told to keep mum

The fact that General Wood was over looked in the rearrangement of com manding Generals by the General Staff would make it appear that the Staff would be glad to see him remain in the Philippines indefinitely. He has been there less than two years and has just concluded a triumphant campaign against the Mores with small loss to his own troops and great loss to the enemy. The Army does not understand why he should want a transfer.

Whisperings around the War Department are to the effect that the Presi-dent would like to see General Wood come to Washington. Army officers are reticent about discussing the mat-ter, but underground mutterings show a plain resentment on their part against the forcing of Wood to the front over the heads of other men of larger experience, as was done when Wood was made a Major-General.

GLAD TO VISIT AMERICA

Interview With Sergius Witte, Sent From Atlantic Ocean.

ON BOARD STEAMSHIP KAISER WILHELM DER GROSSE, via Wireless Telegraph Station at Siasconsett Mass. Aug. 2-After a good passage across the Atlantic, Sergius Witte, Russia's envoy to the peace conference with the Japanes known of the really precarious state of representatives at Portsmouth. N. H., is in perfect health. Speaking of his approaching arrival on American soil, Mr. Witte said: "I am happy to visit America, which

> only regret is that I cannot speak English, as I should like thoroughly to appre clate the country whose progress and ievelopment are so interesting and instructive "I shall also be glad to have personal

ountry I am most anxious to know. My

stercourse with President Rooseveit, who has reached such a prominent position as a statesman, and to present to him the greetings of Emperor Nicholas.

"It has also been stated that I am to est the ground for fleating a Hussian can in America and discuss the relations between the two countries, and especially regarding commercial affairs. My only mission is the negotiations for peace, but I am quite ready to express my personal opinion on questions affecting the rela-tions between Russia and America, with a view to further strengthening the traditional friendly feeling betwee

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QUARANTINE MAY CAUSE CIVIL WAR

Yellow Fever Embroils Two States.

LOUISIANA IS INVADED

Armed Boats From Mississippi Are Aggressors.

GUNBOAT MAY FIGHT THE I

Lake Borgne Fishermen Ordered to Stop Fishing-Governor Blanchard Orders Out His Naval Brigade.

YELLOW FEVER CASES TO DATE. NEW ORLEANS, Aug. 1.-Following is the pellow fever record up P. 35.

Total cases to date, 318 Deaths today, d. Total deaths to date, 68. New foel, 4. Total foci to date, 30

NEW ORLEANS, Aug. 1.—The relations etweent the States of Louisiana and Mississippi have reached an acute stage, and, from indications tonight, it will change from interviews about the concalment of cases to a much more serious matter. From information that has come to hand, the dignity of the State of Louisland has been offended by an armed invasion from the sister state, and this morn ing Governor Blanchard communicated with the Captain of the naval brigade which has a fully equipped gunboat, with a view of having it dispatched to the borders to protect Louisiana citizens from further indignities.

Mississippi has five armed boats patrolling the coast to prevent dishermen from breaking through the quarantine lines. These vessels are also assisted by the United States revenue cutter Winona. The Mississippi boats will not allow Louistana fishermen to enter Mississippt Sound, east of St. Joseph Light, but, from reports received here, it appears that one of these patrol boats ca Borgne, which is distinctly Louisiana territory, and one report says it came up to the mouth of Lake Borgue canal, which extends from the lake to the Mississippi River, a distance of only its miles. The paval brigade vessel Stranger draws too much water for service in that vicinity, but a light-draft boat will be impressed into service, armed with a howitzer or two and manned by officers from the brigade, and will be sent out to prevent further aggressions.

Part of the territory now patrolled by the boats is now in dispute before the Supreme Court of the United States, both states having laid claim to it since the Legislature of Louisiann created an eyater commission and passed laws to protext oyster heds in that vicinity.

Later developments do not lessen the seriousness of the controversy. Commander Bostick, of the navat brigade, and General Perilliat are preparing a report to the Governor following their investigation, which will be continued. It is now reported that one of the Missi-stppi boats drove a Southern Yacht Club yacht far into Lake Pontchartrain.

BLANCHARD MAKES PROTEST

Tells Vardaman Invasion of Louisiana Will Not Be Tolerated. MEMPHIS, Tenn., Aug. L-A special to

the Commercial Appeal from Baton Rouge, La., says: A clash between the Mississippi and

Louisiana authorities over quarantine regulations is imminent. A private dispatch was received in the city today stating that Mississippi soldiers employed as quarantine guards had invaded Louisiana with arms, and that boats were patrolling the mouth of Rogilets Lake and Pearl Rover, off the Louisiana coast, to prevent Louisiana boats from leaving.

Governor Blanchard directed Brigadier-General Perraliat, of his staff, and Captain J. W. Bostwick, commanding the state's naval militia, to investigate and report. He also telegraphed Governor Vardaman, of Misstssippi, as follows:

"Have reliable information that Mississippi quarantine guards, armed, crossed over to Louisiana side at Pearl River. 1 do not believe this was on orders, but was the thoughtless conduct merely of a few. To obviate unfavorable comment and friction, please give orders that your guards remain on their own side of the

Late this afternoon Governor Elanchard received the following relegram from President Southon, of the State Board of Health:

"A patrol boat of the State of Mississippi patrolled Lake Borgne, and, after prohibiting fishermen from fishing in the take, is now guarding the exit of Lake Borgne Canal, preventing any boat from coming out. This is an unwarrantable usurpation

and invasion of Louistana waters, and our attorney advises me to ask you to wire proper authorities in Washington to interfere at once or to take matters in hand yourself." Governor Blanchard then telegraphed

Governor Vardaman, of Mississippi: "Have information Mississippi patrols

(Concluded on Fifth Page)

