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PRICE FIVE CENTS.

JURY LOCKED UP FOR THE NIGHT

Williamson Case Rests With Them.

HENEY'S SCATHING TALK

Bennett Winces Under the Castigation.

IS MASTER OF INVESTIVE

Accuses Attorneys for Defense With Cowardice and Boldly Charges Them With Tampering With Witnesses.

JURY LOCKED UP FOR NIGHT.
After deliberating from 2:30 in the afternoon until 11 o'clock at night, the jury in the Williamson-Gesmer-Biggs case was locked up for the night without having arrived at a verdict. Up to this time there had been no indication as to what the outcome would be, though it was evident that there was a disagreement.
Judge De Haven, after waiting in his chambers until 9 o'clock, retired to his home, leaving word that he would come in the courtroom if a verdict was reached before 11 o'clock.
There has been no indication from the jury room as to the cause of the disagreement. Supper was served to the men in the room at 6 o'clock, after which they resumed their deliberations.

Retribution came yesterday for A. S. Bennett during the closing argument of United States District Attorney Heney, and the attorney from the Dalles shed tears under the lash of the prosecutor's caustic tongue. The insinuations and the suggestions made on the previous day by Mr. Bennett in his closing argument for the defendants in the Williamson-Gesmer-Biggs case, in the Federal Court, were thrown back into the face of the speaker with stunning and stinging force, while for three hours the attorney for the defendants was forced to sit and listen to his honor, his motives and his intentions torn and twisted in a fiery denunciation such as has never before been heard in an Oregon court.

Personalities Have No Place.
"Personalities have no business in the trial of this or any other criminal case, and for my part I have desired not to drag them in," said Mr. Heney, but he continued to say that patience ceased to be a virtue when honor was persistently attacked, and he launched forth in a flood of invective, of criticism of motive and charge of fraud, under which Mr. Bennett sat with blanched face and tearful eyes, writhing at the blows until, unable to stand them longer, he appealed time and again to the court in objection to the remarks of the attorney who was torturing him. But it was Mr. Heney's ruling, and Mr. Bennett had made a mistake upon the previous day. His day of punishment was at hand.

His Wrath Bursts Forth.
In commencing, the speaker began slowly to address the jury, but the wrath nurtured by the insinuations of Judge Bennett, through the night soon burst the floodgates of self-control, and Mr. Heney soared for the first time since his advent in Portland into the distinct realms of oratory and oratorical diction and delivery. He has been noted as a man of direct speech, of forceful delivery, but yesterday he was more. He handled the English language as a fencer his foil, and each thrust went home between the joints of his adversary's armor. He hurled impurity of motive in the face of Mr. Bennett and designated him as a craven, guilty of a crime more damnable than all the crimes of all the defendants. He insinuated that he had personal motives in his interest in the defense, and implied in his remarks that future investigations might show the attorney from The Dalles to be still more closely connected with the land frauds than has yet been supposed. He charged so directly that Bennett had suborned the witnesses that the attorney appealed to the court, and Judge De Haven stopped the course of the speaker's remarks. He said that Bennett, if he had brought the name of Pearl Vanderpool into the case for his own protection, as he charged he did, was a craven who should never be taken by the hand, and who should be estranged from the state by all decent people.

Speaks to the Jury.
In beginning, Mr. Heney spoke to the jury in regard to his further argument, stating that he did not think it necessary, as far as the argument of the case went, to detain it longer, but that on account of things said he felt it his duty to address it.

"You are asking yourselves why I want to argue it any further at all," he said, "and I will tell you why. I think that I can demonstrate from the evidence in this case, and from the conduct of it by the attorneys on the other side that from the beginning to the end of this case Attorney Bennett has been trying not merely to mislead the jury, and not merely to attempt to implant a prejudice in your minds against me, but that he has had a deep-laid scheme and purpose to prejudice

the public mind for future juries and other cases in which he may be interested."

"My only reason for having so much confidence in the intelligence and the citizenship of the average jurymen of the State of Oregon that I know Attorney Bennett had no idea when he followed the vile suggestion made by Attorney Wilson that he could induce any man to believe that I would stoop so low and be so contemptible as to incite that Pearl Vanderpool, the young country girl who took this witness stand, had gone to the Imperial Hotel for any other purpose than a proper one in so far as everything except this case is concerned. Now, I say that he never made that suggestion to this jury with any idea of influencing a single man on this jury.

Heney's Scathing Remarks.
"You know, as everybody who was in this courtroom knows, that there was not a question asked of that young lady that was not asked with the purest thoughts as to what took her to that hotel, other than the fact that these people themselves were endeavoring to influence her testimony. Now, I propose to show you from her testimony and the admission made by Attorney Bennett himself in this case—and he can take either horn of the dilemma he chooses when I state—that either he is the most arrant coward who ever tried a case in a court of law, afraid to protect a lady witness upon the stand, or else he has conceived a defense for himself to explain his own agitation when he feared that that young lady was going to confess that he tried to suborn her to commit perjury. He has conceived a defense by which he is willing to drag her fair name before the public in a speech which he knows would be printed in the newspaper, and if he has, he has been guilty of a crime that is more damnable than that of all the defendants in this case put together.

Accuses Bennett of Cowardice.
"And if in the opinion of a single man upon this jury or of a single person who was in this courtroom at the time the examination of that young lady took place, or at the time I made my argument, I did stoop so low, then the President of these United States ought to drag me out of this courtroom and throw me into a prison cell to rot the balance of my life. But, on the other hand, if Attorney Bennett, through cowardice, thought that at the time and failed to protect that witness, or if his mind is so low that he conceived that defense to protect himself in the eyes of the public or of this jury against the evident testimony that he had been tampering with that witness, then Attorney Bennett ought to be disbarred from the practice of law at the earliest moment possible, and ought to be ostracized from the society of every decent man in Oregon and in the whole United States.

Ridicules Bennett's Statement.
Continuing, the speaker said that he proposed as long as he remained in Oregon to attack any theory of defense in any case where plan was known to him to be false, and that he would do it fearlessly, knowing that in Oregon he would not be hindered by a single man. He stated for he knew he was speaking and pleading to a band of American citizens whenever he addressed a jury. He ridiculed the idea advanced by Mr. Bennett that he had been able to influence the Federal grand jury to return unjust indictments, arguing that the grand jury was composed of men who would not be influenced by the nose by any man. He stated that he would not be in Oregon now if it were not for his belief in the masses, and that they held dear to their hearts the jury system and the freedom of the people under the laws.

Miss Vanderpool's Subpena.
Reverting again to the testimony of Miss Vanderpool and to the insinuations and charges made the day previous by Mr. Bennett, the speaker stated that if he could not show by her own words that Bennett had misrepresented him, then he ought to be driven out of office and out of the state. Mr. Heney showed that Miss Vanderpool had been subpoenaed as a Government witness at the first trial, but had not been put upon the stand, and he stated that it was because she had been too much in the presence of the defendants. Such had been the case with Charles Graves, the surveyor. The witnesses, being brought by the Government, could not be contradicted as to any former testimony, and the defense had known this.

A Fair Inference.
Mr. Heney argued that it was a fair inference that the reason the witness had not been put on the stand during the first trial had been because she had been told not to talk to the Government attorneys and not to remember what had taken place, if she was compelled to testify. He called all of the witnesses to mind, and showed how Watkins and Gaylord and others had been continually in the saloon of Minor Lewis and insisted that the defendants had tampered with all of the witnesses. But he could not get at the evidence as yet and was therefore powerless to show the fact. If he were able to do so, the speaker contended, he would make an example of those attorneys in the state who would resort to such methods to win a case.

Would Follow Jerome's Example.
"If they had a chance to reply," said Mr. Heney, "they would say, why didn't I put on the Government witness—that very witness we have a right to believe they were tampering with—and try to get him to tell it? Well, if I thought I could get him to tell it, I would not get at the evidence as yet and I would go after still bigger fish. I would follow the example that Jerome is setting in New York City today, trying to purify the bar of New York—doing what I consider the best work that is being done in the United States today. Because there is no more dangerous man in any community than a lawyer who is crooked, and who can advise his clients in a crooked way."

Attacks J. N. Williamson.
J. N. Williamson was the next object of attack in the address, and Mr. Heney argued that the moral obligations back of all law should be the first care of all those entrusted with the enforcement of the making of them. It had been the duty of Williamson when all the West was assaulting the motives of Secretary Hitchcock for trying to protect the people in their timber inheritances not to join in the clamor but to have co-operated.

Spends Night in Jail After Begging Money on Several Pretexts and Growing Hilarious.
OREGONIAN NEWS BUREAU, Washington, Aug. 2.—Dressed in the garb of a Catholic priest, Peter Kearns entered Washington police headquarters. He was in custody, although there was no specific charge against him. His arrest was the result of complaints being made that he had been annoying people by calling at their homes and begging for money. Some say that he represented that he was building a church, while others say he asked for money to pay his fare home. When he was placed under arrest, the morning his condition showed that he had been imbibing rather freely.
He told the detectives he came here from Spokane, Wash., and that he had been here three weeks. He has a sister living in Burlington, Vt. he said. In all

PICKING OREGON FEDERAL JUDGE

President and Attorney-General Try to Find Able Man Above Reproach.

MOODY FINDS DIFFICULTY

Official Who Indorsed One Candidate Said Appointment Would Be Disgrace—Heney Will Have Voice in Choice.

OREGONIAN NEWS BUREAU, Washington, Aug. 2.—One of the first things I shall take up is the appointment of the United States Judge for the District of Oregon," said Attorney-General Moody upon his arrival from Oyster Bay tonight. Mr. Moody says W. W. Cotton's resignation is in the hands of the President and will be accepted upon the appointment of his successor.

In his resignation Mr. Cotton merely declines the judgeship "for business reasons," which apparently confirms the report that he is to remain with Harrison. He does not enter into details, and the Attorney-General does not feel at liberty to discuss what he knows of this feature of the case.
While at Oyster Bay Mr. Moody discussed with the President every phase of the Oregon judgeship contest. The President insists that only a proper man shall be given this office—a man not only of high legal attainments, but one whose character and reputation are above reproach. He is especially emphatic on this score, because of the condition of affairs prevailing in Oregon—conditions which demand above all else a clean, fair, unassailable judiciary. Judge De Haven being detailed to try all the land-fraud cases, there is no special hurry about filling Judge Bennett's place, though there is no unnecessary delay after the man is selected.

Has Fulton's Recommendation.
"No man has yet been chosen for this judgeship," says the Attorney-General, "and I am unable to state who will be appointed. No one can say at this time."
"Has Senator Fulton been asked to recommend any one for this position?" was asked.
"We have already communicated with Senator Fulton at some length, and have his views."
"Whom does he recommend?"
"I can't say. It would hardly be fair for me to state Senator Fulton's views. He will probably prefer to speak for himself."
Mr. Moody admitted that Mr. Fulton, prior to Mr. Cotton's appointment, had recommended several men, including Mr. Cotton, any one of whom would have been satisfactory to him. Whether Mr. Cotton's successor will be selected from that list he could not say. When Charles H. Robb went to Oregon, two months ago, he made careful inquiry as to the standing of all the leading aspirants for the judgeship, and his report will be considered in making the selection.

Indorsements Don't Count.
"It is most difficult from Washington to make the selection of a judge in Oregon," said Mr. Moody. "When we were looking about before we had in hand the written indorsement of a man prominently mentioned for that office. The recommendation was signed by a very prominent official in Oregon. We sent to this official and asked for further information about the man he had recommended."
"Why, it would be a disgrace to Oregon to appoint him," he exclaimed.
"But you have indorsed him in a letter," he was told.
"Yes, but indorsements don't count," was his reply.
"That is what we have to contend with that is one reason we find it difficult to make a selection of a good man. We won't make any appointment until we are reasonably sure we have the right man, or you may be sure of that."

Indorsements Don't Count.
It is assumed that District Attorney Heney will be consulted before the selection is made, and judging from the confidence which the Attorney-General affords President Roosevelt have in him, it is safe to say that his objection will be sufficient to defeat any man, no matter what his backing may be.

PIREST IS IN DISGRACE

HAILING FROM SPOKANE, HE IS DRUNK IN WASHINGTON.

Spends Night in Jail After Begging Money on Several Pretexts and Growing Hilarious.

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He told the detectives he came here from Spokane, Wash., and that he had been here three weeks. He has a sister living in Burlington, Vt. he said. In all

probability he will be released tomorrow, when he has fully recovered from the effects of liquor.

WILL REPLANT THE FORESTS

Forest Service Proposes to Restore Western Tree Crops.

OREGONIAN NEWS BUREAU, Washington, Aug. 2.—The Forest Service is making examinations of a number of Western forest reserves to determine what proportion of their area needs reforestation, and while planting will best succeed. After studies in detail have been completed, plans will be made for reforestation of large tracts now unproductive. Preliminary examinations for planting plans are now being made in the Gantow forest reserve, Colorado; Gila River reserve, New Mexico, and Salt Lake reserve, Utah.

HITCHCOCK WILL BUY DITCH

Approves Option and Will Use It in Klamath Irrigation.

OREGONIAN NEWS BUREAU, Washington, Aug. 2.—The Secretary of the Interior has approved the option to purchase the property of the Klamath Falls Irrigation Company, known as the Ankeny ditch, for \$50,000. This ditch will be enlarged and improved by the Government, and a large part of it ultimately will be used as the upper end of the main canal of the Klamath project.

IS ARRESTED ON ARRIVAL

Woman Returning From Europe Is Accused of Picking Pockets.
NEW YORK, Aug. 2.—Mrs. Dora Jennings, who said she lived in Scranton, Pa., was arrested by a Central Office detective as she left the gangplank of the White Star steamer Oceanic, which docked tonight. She was taken to headquarters, charged with larceny, the complaint being Benjamin Hayrick, of South Easton, Pa., who alleged that the woman took from his pocket a purse containing \$24 as they were coming down the gangplank. Both complainant and prisoner were first-cabin passengers on the Oceanic, and Mrs. Jennings is reported by the police to be the wife of one P. E. Jennings, a former racehorse owner of Burke, Mont. Mrs. Jennings refused to make any explanation and was locked up.

WIRELESS TO HONOLULU

Steamer Solace Sends Message From Far Out in Ocean.

HONOLULU, Aug. 2.—The Solace, which has arrived here, reports having had successful wireless communication with Honolulu, while 200 miles from land. This is the best wireless record ever reported here.
The Solace will depart next Saturday, and will begin trying to get into communication with San Francisco, while 300 miles out, that being the distance at which the Solace first attempted to communicate with Honolulu.

FAIRBANKS IS TAKEN ILL

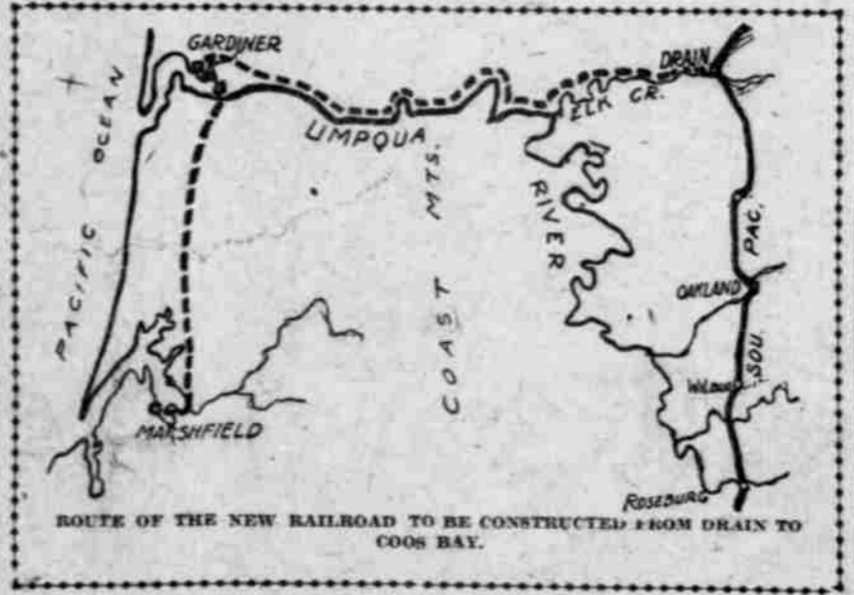
Vice-President Seized With Acute Indigestion at Reception.

DETROIT, Aug. 2.—A Tribune special from Sault Ste Marie, Mich., says: Vice-President Fairbanks was seized with an acute attack of indigestion at the reception tonight and had to be assisted from the stand in the park. He walked to the Iroquois Hotel and repaired to his room immediately. To all callers he sent word that he would be unable to see anyone until morning.

THREE CHURCHES TO UNITE

Final Consolidation With Over One Million Members Agreed On.

PITTSBURGH, Aug. 2.—A joint committee of the Methodist Central, Presbyterian and United Brethren Churches met here today and, after discussing in



formally the question of consolidating the denominations, decided to gather at Dayton, O., February 7, 1906, and take formal action on the matter. The Congressional Church has a membership of 800,000; the United Brethren, 2,000,000; and the Methodist Protestant 200,000.

IS OUT FOR RATE REFORM

Stuyvesant Fish Favors Law to Prevent Rebates.

CHICAGO, Aug. 2.—President Stuyvesant Fish of the Illinois Central Railroad in discussing the work of the Interstate Commerce Commission today, said he was in favor of making that body a court of record, capable of enforcing its rules, or passing the strongest kind of legislation tending to wipe out every form of rebate that bears the marks of discrimination.

WITTE DOES NOT EXPECT PEACE

Unofficial Opinions Repudiated in Official Interview on Arrival.

NO POWER TO MAKE TREATY

Prediction Is That Conference Will Break Up Soon After Meeting. Witte Pays Fulsome Compliments to America.

NEW YORK, Aug. 2.—(Special)—With the arrival here today on the steamer Kaiser Wilhelm der Grosse of M. Sergius Witte, chief of the Russian plenipotentiaries, and his party, the belief became general that the negotiations which are to begin next week in the quiet little seaport town of Portsmouth on the coast of New Hampshire, must prove fruitless. This, too, despite the fact that both the Japanese and Russian delegates profess to be hopeful of the outcome, in fact, judging by the attitude of M. Witte, he is here more because the Czar desired to give the world an unmistakable proof of his friendship for President Roosevelt and the American people than because he was willing to bring to an end the conflict in the Far East which has proven so disastrous to Russian arms.

Officially Denies His Opinions.
The first thing that the distinguished Russian did upon arriving at the Hotel St. Regis, where he and his party are quartered, was to issue an "official denial" of the interview sent by wireless from the big steamer to the London Daily Telegraph last Sunday, and that sent to the New York Herald today, in which he was quoted as saying that he did not believe that the Japanese and Russian envoys would be able to reach a common ground of agreement. M. Witte denied these interviews, because they were the fruit of private conversations, and did not represent the official attitude of the Russian party.
However, inasmuch as he intimated that he was not clothed with absolute powers to conclude a treaty of peace, and as the Japanese envoys have from the first insisted that they will not be a party to any conference which has for its object merely the transmission of the terms upon which Japan is willing to end the war, well-informed diplomats here are forced to conclude that little progress will be made at the Portsmouth meeting.
Only Comes to Learn Terms.
They base their opinion upon a paragraph contained in a typewritten statement given out by M. Witte's secretary to the newspaper reporters who met him on board the steamer in the lower bay, which says:
"The terms offered must first be ascertained, weighed and judged admissible by Russia before she can proceed to formal negotiations."
To a correspondent, who accompanied him from Cherbourg, M. Witte took occasion to declare that the reports that Russia was at the end of her resources and could not longer continue to fight were absolutely untrue. He intimated that it would be much easier to raise a billion dollars to continue the war than to pay an indemnity.

Russia Far From Exhausted.
"Most everywhere in Europe," he said, "as well as in America, not only Russia, her resources and her power of resistance are not known, but the people are even mistaken about the true results of the war."
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Contents Today's Paper.
The weather. Yesterday's maximum temperature, 71 degrees; minimum, 39. Precipitation, none. Today's—Fair and slightly warmer. West-coast winds.
The war in the Far East.
Witte arrives at New York and talks of mission. Page 1.
Witte does not expect conference to bring peace. Page 1.
Russia preparing to continue war. Page 1.
Foreign.
Great debate in Russian commission on national assembly. Page 4.
Kaiser declares for Prince Charles for King of Norway. Page 4.
Strong German fleet at Stockholm. Page 4.
National.
Attorney-General Moody discusses Oregon judgeship. Page 1.
Utah reservation boomers try to get even with land commissioner Richards. Page 5.
Chicago boycott being agitated throughout empire. Page 4.
Domestic.
Spokane priest arrested in Washington. Page 3.
Operators' strike is general and hampers traffic on northern roads; rumored collisions. Page 2.
Yellow fever war between Louisiana and Mississippi averted. Page 4.
Riotous strikers stone police at San Juan. Page 5.
Governor Polk and his staff preparing to come to the Fair. Page 3.
Globe-trotters on way to Portland to win water. Page 4.
Fardon granted Moore, husband of Fanny Strahan. Page 4.
Sport.
Pacific Coast League scores: Oakland 4, Portland 1; San Francisco 1, Seattle 3; Los Angeles 1, Tacoma 1. Page 6.
Oregon man wins world's A. C. U. individual championship. Page 1.
Good day for favorites at the track. Page 7.
Pacific Coast.
Jack Chesterfield tries to blow up cell in Seattle with dynamite and then shoots himself. Page 6.
Richard Watkins commits suicide at Oregon City. Page 6.
Four avowed candidates for Secretary of State in Oregon. Page 4.
Washington Supreme Court upholds former decision by a bare majority. Page 5.
Commercial and Marine.
California buying holds wheat prices steady. Page 15.
Reports of short hop crop in New York confirmed. Page 15.
Chicago wheat market turns firm late in session. Page 15.
Fluctuations in stocks at New York. Page 15.
California wool market firm. Page 15.
New Hartman line tariff greatly increases north-bound coast rates. Page 14.
Steamer Telegraph to alternate daily on Upper and Lower Columbia. Page 14.
Lewis and Clark Exposition.
Admission, 25 cents. Page 10.
Plan for Labor day at Fair. Page 10.
Great crowd at Exposition witnesses sham naval battle. Page 10.
Excitable attendance has now passed the million mark. Page 10.
Portland and Vicinity.
Following United States District Attorney Heney's laying of A. S. Bennett, Williamson case goes to jurors, who are locked up for the night. Page 1.
Southern Pacific makes official announcement that it will build from Drain to Coos Bay. Page 1.
Woodmen plan great event. Page 11.
Hagrinian steamers plying between Portland and San Francisco change all the traffic will bear. Page 5.
Annand chosen President of City Council. Page 11.
Detectives' sentence acquits alleged bunco man. Page 14.
Views as to Portland's population cause much discussion. Page 16.
Judge De Haven returns to San Francisco Saturday and Judge Hunt, of Montana, will try remainder of land-fraud cases. Page 9.
First hotel chaplain who preaches to smart set explains his work. Page 14.

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COOS BAY WILL HAVE RAILWAY

Southern Pacific Says It Will Build.

DECLARES SO OFFICIALLY

Line From Drain to Marshfield Is Planned.

PORTLAND GETS TRADE

One of the Richest Counties of the State Will Shortly Be Placed in Communication With Rest of Oregon.

Southern Pacific Will Build From Drain to Coos Bay.
Official announcement was made yesterday afternoon from the office of General Manager O'Brien that the Southern Pacific would build a branch from Drain, Douglas County, along the course of Elk Creek and the Umpqua River to the coast at Marshfield, thence south along the coast to Marshfield, opening the interior of Coos County to development and commerce as soon as the final surveys and right of way work can be completed. The route has been decided upon. The distance is 81 miles. The estimated cost for a standard gauge line of first-class construction is \$5,500,000.
Coos County is one of the rich divisions of Western Oregon, comparatively slightly developed because of lack of transportation facilities. It has heretofore been obliged to trade almost entirely with San Francisco. The following statistics are stated from recent information:
Population, approximately 12,000
Area, square miles 1,374
Standing timber, feet 13,321,000,000
Manufactures, value \$1,318,924
303 farms, value at \$21,700
Farm products, value \$804,354
Value of stock, value \$282,119
Value orchard products \$27,239
Unimproved acreage, farms 162,422
Milk, gallons 2,724,422
Butter and cheese, pounds 347,477
Wool, pounds 174,200
Potatoes, bushels 115,534
Wheat, bushels 11,929
Hog, head 24,369
Harley, bushels 28,183
Corn, bushels 19,619
Lignite, measures 450
square miles 450

A survey has been made by the Southern Pacific Company of a line from Drain, 165 miles south of Portland, to Marshfield, on Coos Bay. A satisfactory route has been found and the line is now being definitely located. The announcement was made at the offices of the Southern Pacific Company yesterday that as soon as the line was definitely located and right of way obtained, the work of constructing this line would begin. General Manager O'Brien departed last night for Southern Oregon.
This is one of the most important undertakings in the Northwest for several years, as the new line means the opening up of a vast country between the present line of the Southern Pacific and the ocean, the resources of which are enormous. The road will be about 81 miles in length, and will closely follow the waters of Elk Creek and the Umpqua River toward Marshfield, thence south along the coast to Marshfield. It will have the distinction of being the first line to cross the Coast Range Mountains in Oregon, as well as the first one to penetrate the heart of one of the greatest timber belts in the world.

Aids Portland's Trade.
The opening of the new section will directly benefit, in a large way, the trade of Portland. It will overcome the present isolation of the extensive Coos Bay country, so long accessible by water only, and the trade, now in its infancy, will grow proportionately with the increase of transportation facilities.
Aids from the lumber industry, which has already reached vast proportions, notwithstanding its only outlet by water, coal is mined in large quantities. Other products are shipped, such as apples and potatoes, walls livestock and fish form the bulk of the present outward tonnage. The dairy business tributary to Coos Bay is proportionately greater than any other on the Pacific Coast. Canned salmon will also form a part of the shipments to come out by rail and the improved transportation facilities will, no doubt, encourage the establishment of other manufacturing plants.

San Francisco Has Had Trade.
Heretofore, nearly all of the dairy products, fruit and vegetables, as well as shipments of livestock, from the Coos country, have gone directly to San Francisco. Under the new conditions, it is reasonable to expect that Portland should receive the larger share of this traffic. Coos Bay rivals the famous dairying sections of the Tillamook and Nestucca country, but is much more extensive in area. The standing timber along the line and adjacent to the proposed railway, will now find a ready outlet to markets long denied, owing to lack of adequate transportation facilities.
Probably no announcement made from