

# JURY DELIBERATES BOOTH TRIERECT

## Retires Before 6 o'Clock and No Agreement Reached at Late Hour.

### LOOKS LIKE DISAGREEMENT

#### Entire Day Taken Up by Eloquent Appeals of Malarkey, for Defense, and Becker, for Government—Court's Instructions.

#### NO VERDICT AT MIDNIGHT.

At midnight the jury in the James Henry Booth bribery case had not agreed on a verdict. In view of the fact that the jury has been out for over six hours, it is expected that disagreement will be reported in that event. It is the intention of the Government to retry the case as soon as Judge Becker returns from San Francisco.

At 10:40 P. M. the jury came into court and at the request of Foreman Allen, who explained that no verdict had been reached, Judge Wolverton read his instructions in full. The jury then retired for further deliberation.

The case of the United States against James Henry Booth, ex-Receiver of the Roseburg Land Office, charged with accepting unlawful compensation while a Government official, was submitted to the jury in the Federal Court at 5:40 P. M. yesterday. The entire day was taken up by the earnest and eloquent closing addresses of Dan J. Malarkey, of counsel for the defendant, and Judge Tracy C. Becker, for the Government. During Mr. Malarkey's address and while he was making an intensely fervent appeal for the acquittal of his client, tears trickled down his cheeks and several members of the jury were affected visibly. The instructions by Judge Wolverton to the jury occupied 50 minutes for their delivery.

The address by Mr. Malarkey was an earnest and vigorous one, including a careful analysis of the testimony that had been presented by the prosecution and a request that justice be done the defendant, against whom it was insisted the Government had failed to establish a case. Mr. Malarkey repeatedly charged that the prosecution had failed to present sufficient evidence on which a verdict of guilty could be based and challenged the Government's representatives to point wherein their testimony supported the charge in the indictment.

#### Declares Contest Unequal.

Mr. Malarkey prefaced his address by remarking that the contest represented in the case on trial was an unequal one, charging that the Government's entire machinery had united to bring about the conviction of the defendant, Booth, against whom no substantial evidence had been offered.

#### Becker's Address to Jury.

Judge Becker presented the remarks of Mr. Malarkey, who had referred to him as the "gentleman from New York" when pointing out that the defendant was able to bring men from all over the country to assist in prosecuting men against whom indictments had been returned. Judge Becker's address was only interested the Government officials in the situation in this state was to assist in purifying the administration of its affairs, "even if it became necessary to drive grafting officials out of office and into the penitentiary."

The Government prosecutor reviewed the testimony step by step and averred that the prosecution had clearly established the allegations set out in the indictment. He charged that the talk of the \$500-check having been sprung by the option, which had been sprung by the defense, was a trumped-up story without foundation of fact. He declared that the defendant, Booth, had nothing more to forward securing the alleged option, for Kribs than any man interested in the property to be sold would have done, while, he said, the correspondence that had been offered by the defense showed that the transaction relating to the option was conducted almost entirely between the defendant's brother, R. A. Booth, and Kribs.

In conclusion Judge Becker quoted the celebrated declaration of the late ex-President Grover Cleveland—"a public office is a public trust"—and urged the jury to weigh the testimony carefully and to render a verdict that would emphasize a popular demand for honesty and better administration of public affairs.

#### Judge Wolverton's Instructions.

In his instructions to the jury, Judge Wolverton described at considerable length the method of acquiring lieu land selections. He also referred to the statute under which the indictment was drawn against Booth and said that before a verdict of guilty could be returned the jury must be satisfied beyond a reasonable doubt, which the prosecution and the defendant furnished Kribs information regarding the final cancellation of land selections and which had been introduced in the case by the prosecution. The jury was further instructed that it was to consider the testimony of ex-Register J. T. Bridges, detailing an alleged unlawful agreement between Bridges and Booth with Kribs, only as showing the conditions surrounding the parties and their relations and as leading up possibly to the alleged subsequent agreement that was reached between Booth and Kribs. Some of the instructions were: If any part of the \$500 was paid to Booth in payment for his unlawful services, a verdict of guilty must be returned; it was immaterial whether the performance of the alleged agreement between Booth and Kribs resulted in an injury to the United States; Kribs, not being an accomplice to the defendant,

It was not necessary for the Government to offer testimony corroborating his statements; that the affidavit of Kribs, made in January, 1905, was not to be accepted as proof or as substantive evidence regarding the subsequent agreement between Booth and Kribs; that the failure of the defendant to take the stand or to call any witnesses in his behalf was not to be considered against him.

#### TAKE UP ANOTHER LAND CASE

### Booth Conspiracy Trial Is Set for July 16.

The trial of what is known as the Booth "conspiracy case" will be the next of the Henry land-fraud cases to be tried before Judge Wolverton. It has been set for Thursday, July 16. In this indictment, which was returned April 8, 1905, ex-State Senator R. A. Booth and his brother, James Henry Booth, and T. E. Singleton are charged with a conspiracy to defraud the Government of public lands through the alleged use of false affidavits and proofs of homestead entry and settlement procured by an entryman named I. Thomas Agee, of Mapleton, Or. The early trial of ex-Senator Booth and his co-defendants were arranged yesterday, after a conference between Judge Becker and T. B. Neuhausen, representing the Government, and Judge Webster and Dan J. Malarkey, of counsel for the men under indictment. Judge Webster announced that his clients were desirous of having an early trial. After the Booth bribery case was closed yesterday, Judge Becker left for San Francisco, where he probably will consult with Francis J. Heuey regarding the future conduct of the land-fraud cases. Judge Becker expects to return in time to take up the next case promptly on July 16. Judge Webster has also had set for the same day the argument of a motion to dismiss the indictment against his client, Rufus S. Moore. In the indictment of February 8, 1905, and in which the other defendants are: Henry Meldrum, George E. Waggoner and David W. Kinnaird. The four are charged with conspiracy to



Dr. W. H. Byrd, Elected President Medical Association.

defraud the United States by means of false and fraudulent surveying contracts covering tracts of land in Harney County. The fraudulent surveys, it is alleged in the indictment, were made in April, 1902, and netted the conspirators about \$748,855. Mr. Moore is a brother of ex-State Treasurer C. S. Moore. Meldrum is serving a sentence at McNell's Island for conviction under a similar charge. Kinnaird is a surveyor and has resided at Oregon City for a number of years. Dates were not set for any of the other scaled land-fraud cases that are awaiting trial.

#### MORE HELP FOR MINTO

### PORTLAND POSTMASTER GIVEN 13 NEW CLERKS.

#### Addition to Force Based on Large Increase in Stamp Sales for Year.

OREGONIAN NEWS BUREAU, Washington, July 3.—The Postoffice Department today authorized the immediate appointment of 13 additional clerks in the Portland postoffice. Also one each in Salem, Marshfield, Medford and The Dalles.

Last April Postmaster Minto notified the Postmaster-General at Washington that the stamp sales at the Portland postoffice for the year ending March 31, 1908, exceeded \$450,000. On this showing Mr. Minto made application for the appointment of 13 additional clerks, that the tremendous increase in business at the office might be better served. The clerks whose appointment has been authorized will be selected from the civil service lists and immediately assigned to the different departments.

The next step proposed by Postmaster Minto for further improving the postal service in this city is another sub-station to be located in the southern part of the city. By establishing such an office the badly congested condition at the main office in the Federal building would be relieved.

# OREGON'S APATHY TOWARD DISEASE

## A. L. Mills Indicts Public for Neglecting Fight Against Tuberculosis.

### REVIEWS WORK ELSEWHERE

#### Other Interesting Addresses at Public Session of State Doctors—Officers Elected and Seattle Is Chosen for Next Meeting.

Including a fearful indictment against Portland and Oregon for inhumanity, A. L. Mills, president of the First National Bank, delivered an address at the public session of the Oregon State Medical Association at the First Presbyterian Church yesterday afternoon, which is causing no end of discussion, not only among members of the medical profession, but also among the laymen who heard it.

The topic of Mr. Mills' address was "What the Public Can Do in the Fight Against Tuberculosis." He reviewed what the people of other cities and other states are doing, and then referred to Portland and to Oregon. He severely denounced the action of the State Legislature of 1907 in refusing to appropriate money for the aid of tuberculosis patients. Mr. Mills was a member of that Legislature.

#### No Provision for Victims.

"Nay, more. Acknowledge that within the city there is not one nurse, specially trained for tuberculous work, to go about among the consumptive poor, giving aid and comfort and guidance to the afflicted ones."

However, Mr. Mills expressed the belief that the plea of ignorance of existing conditions should mitigate the severity of the judgment that should be passed. But he offered no excuse for the lawmakers of the state, whom he scored mercilessly. He told of what is being done by other states to aid the victims of the great white plague.

#### Public Allege to Peril.

Outside of Oregon, Mr. Mills said, the greater part of the civilized world is awake to the necessity for combined unremitting effort to check the further progress of consumption in every other place, he said, public indifference to the peril, the outgrowth of crass ignorance and selfishness, has ceased.

The meeting was the last session of the 34th annual convention of the Oregon State Medical Association, and a public one. Many physicians attended and a large number of those not members of the profession. They were chiefly women. A special programme followed designed to interest and instruct the public.

Others, besides Mr. Mills, who spoke were Dr. W. T. Williamson, of Portland, and Dr. E. E. Heg, State Health Officer, of Washington. Dr. Williamson spoke on "The Common Ground of the Medical Profession and the Public in Public Health Matters," and Dr. Heg on "Municipal Sanitation and Its Effects in Communicable Disease."

#### Women to Supersede Men.

The subject of his paper was, "Three Reasons Why Men Grow Old," and he advanced some startling ideas. He prophesied that unless a halt was called upon the business rush of the present day, men would retrograde and women would take their places and rule.

"The natural relation of the sexes is being rapidly reversed," he de-

# PLANS FOR HIGH SCHOOL

## BOARD ADOPTS DESIGN BY WHITEHOUSE & HONEYMAN.

### Cost of New Building in Albina Will Be Met With \$250,000 Bond Issue.

#### Working as Deckhand, Einar Halvorsen Injures His Foot.

#### Ellis Again Sues for Divorce.

#### Loses Ground, Suit Dismissed.

#### To Lewiston Without Change.

#### To Withdraw Part of Interest.

#### Additional Sleeper to Chicago.

#### WOMEN TO SUPPERSEDE MEN.

#### DESIGN FOR HIGH SCHOOL TO BE ERECTED IN ALBINA

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# UNHAPPY WIVES SET FREE

## TALES OF SELFISH, DRUNKEN HUSBANDS TOLD JUDGE.

### Nine Decrees Are Granted, Only Two of Which Go to Husbands on Grounds of Desertion.

#### Champion Mean Man.

#### Deserts Bride When She Is His.

#### Almea Gleason Said to Be in Jail.

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