

DILATORY ACTION ALL SWEEP ASIDE

Court Takes Stern Action Against Delay of Ruef's Trial.

DENIES CHANGE OF VENUE

Grafter's Lawyers Allege Prejudice, but Prosecution Offers Battery of Affidavits Denying It and Trial Will Continue.

SAN FRANCISCO, Nov. 17.—The trial of Abraham Ruef, interrupted by the shooting of Assistant District Attorney Francis J. Heney in the courtroom, will be resumed at 9 o'clock tomorrow morning where it was halted last Friday afternoon by the bullet of the assassin, Judge William P. Lawlor today denied the application of counsel for Ruef for a change of venue to some other city or town in the state; denied also in quick succession the motions for a continuance of thirty days until public feeling subsided, for the dismissal of the jury and the empanelment of a new one, and finally ruled against the defense on the request made to interrogate the trial twelve as to whether any of them was prejudiced against the defense as a result of the tragedy in the courtroom.

All Obstacles Brushed Aside. Brushing aside all motions and technicalities interposed by the defense, the court announced that the trial would proceed tomorrow morning and that it would continue no further delays. The action of the court followed the filing of 37 counter-affidavits by the prosecution which in general terms denied many of the allegations made by Ruef and his counsel in their affidavits yesterday in support of their application for a change of venue and set forth that no excitement or turbulence prevailed; that neither Ruef nor his attorneys were threatened with violence or their lives endangered, and, finally, that no condition existed that would prevent the defendant from having a fair and impartial trial.

Trying to Prove Prejudice.

For an hour this afternoon there was an echo of the muzzling at Dreamland rink Saturday night, as Henry Ach, chief counsel for Ruef, read an affidavit giving a stenographic report of the speaking made there and the courtroom rang with the eulogies of the stricken prosecutor. Hiram Johnson and Matthew I. Sullivan interrupted the reading of the affidavit repeatedly with objections to its admissibility, but the court ruled for the defense. Then followed affidavits from E. E. Kirke, an attorney, and William W. Murphy, a contractor, averring that certain ministers of the gospel had indulged in incendiary and inflammatory addresses from the pulpit and that there was much talk about the city that "Ruef ought to be hanged."

A supplementary affidavit by Ruef was filed by his counsel over the strong objections of the prosecution, in which he cited some newspaper articles denunciatory of the defendant and his counsel, which asserted "Ach has charged the wheels of justice for Ruef with a wagonload of affidavits," set forth the ejection from the courtroom yesterday of J. D. Cook, associated with the defense, and charged that the courtroom was daily filled with the "personal enemies" of the affiant, while his friends, messengers and even attorneys associated with his defense were denied admittance. Hiram Johnson, in objecting, declared that, if the defense was allowed to file more affidavits, the trial would degenerate into a battle of affidavits. He was overruled.

No Excuse for Delay.

Mr. Ach then asked for permission to put on witnesses and introduce oral testimony in support of his application for a change of venue.

"Denied," said the court. "Counsel for the defense asks until tomorrow to file further affidavits," said Mr. Ach.

"Denied," ruled the court. Judge Lawlor then announced in a lengthy decision his denial of the application for a change of venue. He said that the apprehension which naturally followed Friday's tragedy in the courtroom, which was well calculated to arouse the resentment of the community, had not been realized and that he had seen nothing to indicate any threatened violence, excitement or turbulence or that the defendant and his attorneys were in any danger, and that nothing prejudicial to the defendant had come to the attention of the jury.

Dilatory Motion Denied.

"Counsel for the defendant moves the court for a continuance of 30 days in the trial, until the feeling of the public has somewhat subsided," said Mr. Ach. "Denied," was the reply of the court. "Then counsel makes a motion that the jury be dismissed and a new jury empaneled to try the defendant, on the ground that the present jurors, knowing that Mr. Heney was shot in the courtroom, are prejudiced against the defendant, believing that he was in some manner connected with the crime."

The motion is denied.

"We make application to interrogate the jurors and ascertain whether they have any prejudice against the defendant as a result of the shooting of Mr. Assistant District Attorney," continued Mr. Ach. "The application is denied."

"We are ready to proceed with the trial," announced the defendant's attorney, with considerable vim.

Ejected for Cursing Ruef.

The only incident of the day was the ejection from the courtroom of R. A. Adams before court convened this morning. Adams had taken a seat directly behind Ruef and was said to be cursing and threatening him. Deputy Sheriff Doud declared that he recognized Adams as a man who had followed for some distance yesterday the patrol wagon bringing Ruef to court. Counsel for Ruef will resume the cross-examination of James L. Gallagher tomorrow morning.

CORONER INVESTIGATES HAAS

Jurors Test Possibility of Concealing Pistol in Shoe.

SAN FRANCISCO, Nov. 17.—Coroner Leland began an investigation today into the facts connected with the suicide of Morris Haas in the County Jail on Saturday night. The body of Haas

was brought into the jury-room and laid on a slab. The derringer with which Haas killed himself was placed in the shoe from which it was supposed to have been drawn and each juror ran his hand down the leg of the dead man in the manner of a police officer conducting a search, and in the case of each juror the derringer was struck by the hand. Sergeant Burke was closely questioned as to the position of the body when found. Some of the questions asked were objected to by Mr. Webb, who represented Chief Higby, on the ground that the coroner had no right to conduct the examination before the inquest. Several other witnesses were examined in the effort to obtain all possible information in regard to the tragedy. The inquest will begin Thursday. Funeral services over the remains of Haas will be conducted by the Improved Order of Red Men tomorrow, after which the body will be cremated.

ITS FLIGHT ENDS IN AUTO

BALLOON FAILS IN TRANSCONTINENTAL VOYAGE.

After Reaching Altitude of 10,000 Feet, United States Is Blown Back to Starting Point.

LOS ANGELES, Nov. 17.—The transcontinental balloon race, participated in by the two big balloons, America and United States, is at an end where it started. The last one of the big gasbags to return to this city after the start on Sunday by the America and on Monday by the United States, was the latter, which was brought in from Corona tonight in an automobile. The United States was the plaything of unfavorable winds all last night, and the occupants of the basket tumbled as the struggle to get over the mountains at 10:30 o'clock this morning. They descended at Corona, and in an automobile the big bag was brought to this city, arriving late tonight. A telephone message this morning from Merrill's ranch, two and a half miles from Corona, a pilot, about 50 miles eastward of this city, said the United States started over the ranch in a westerly direction at 9:30 last night. Pilot Wild, in the balloon, called on the ranchers to catch his guide rope, which was trailing on the ground. The rope was secured and the balloon anchored. Mr. Wild and his assistant spent the night on the ground at the ranch and this morning started eastward again at 5:30. The balloon crossed the summit of the San Bernardino range at an altitude of 5000 feet yesterday. A dispatch from the aeronauts, received at 11:45 A. M., reads as follows: "Bloomington, Cal., Nov. 17.—Associated Press, Los Angeles, Cal.: We have passed around the valley in a circle of about 12 miles four times during the night. We have been 10,000 feet high, and can get nothing but a wind blowing us north. We cooked breakfast at 7:30 and feel fine. We are keeping low to get the easterly drift, 9 A. M. Nine sacks of sand left at an altitude of 1000 feet. Wild and LeRoyxxz."

The above message was dropped from the balloon and picked up by C. C. Cully at Bloomington, 60 miles east of Los Angeles.

PLAN ESCAPE; MEET DEATH

EIGHT CONVICTS UNINTENTIONALLY KILL THEMSELVES.

Built Fire in Mine Shaft—Suffocate Before They Can Carry Out Their Designs.

BIENINGHAM, Ala., Nov. 17.—Eight state convicts employed in the mines, at Pratt city, formed a conspiracy last night to set mine No. 3 adrift and escape during the confusion and as a result eight of them were burned to death, one is missing and the other 41 are safely locked in the stockade. A pile of timbers lying in the manway was ignited and the convicts hoped that, when attention had been attracted to the flames, they could make their way through the mine and escape by the main entry. They had hoped to be able to make their way ahead of the smoke and fumes from the fire. In this they miscalculated, for nine appear to have been suffocated. The others appeared to be meeting with success, when the mine officials suspected something. One employee saw the flames burst out, and they came so suddenly and in such volume that he was sure some highly combustible matter had been used in starting the fire. Guards were at once placed and the 40 men were caught as they came from the main entry. Rescue work was then begun, for in addition to the convicts, there were a number of free laborers in the mine. All appear to have got out safely except the convicts near the source of the flames, who were quickly suffocated. In checking over the prison lists to-day it is able to be missing, and it is not known whether he perished or made his escape. The fire did little damage.

Sold Whisky, Sent to Prison.

KNOXVILLE, Tenn., Nov. 17.—S. R. W. Parr, manager and part owner of the Hotel Imperial, was yesterday given a sentence of six months in the workhouse and a fine of \$300 for selling whisky. The

Old People

NEED VINOL it strengthens and vitalizes

Vinol tones up the digestive organs, aids assimilation, cures the blood, and rejuvenates every organ in the body. In this natural manner Vinol replaces weakness with strength. We are positive it will benefit every old person who will give it a trial. If it don't we will refund their money. Woodward, Clarke & Co., Druggists, Portland.

"The Success Factory"

EMBOSSED LETTERHEADS OUR OWN NEW PROCESS Only 5¢ more per M. in 1000 lots. Right quality. Gladly. Write for Samples. Chapin & Co. PRINTERS OF ADVERTISING Portland Trust Bldg. 315 and 317. Portland, Oregon

RAISE \$6750 FIRST DAY

Eugene Confident of Securing \$50,000 for Y. M. C. A. Building.

EUGENE, Or., Nov. 17.—(Special.)—The first half day's work of soliciting for the new \$50,000 Y. M. C. A. building for Eugene resulted in raising \$6750. This amount was reported at luncheon today. Several committees did not report at all. The Y. M. C. A. members feel that the full amount will be raised by another seven days, and all are working hard toward that end. Tomorrow and Friday positively the last days for discount on East Side gas bills. Don't forget to read Gas Tip.

SUGAR LKELY TO GO ON FREE LIST

Spreckels Urges Abolition of Tariff on Refined Products.

CONSUMERS WILL PROFIT

Head of Federal Refining Company Says Neither Trust Nor His Own Company Is in Need of Tariff Protection.

WASHINGTON, Nov. 17.—That the opinions that had been expressed by Secretary of War Wright in favor of free trade with the Philippines for tobacco and sugar are the views of President-elect Taft was the freely expressed belief among those present in the ways and means committee-room of the House today at the hearing on the sugar schedule of the tariff. Secretary Wright's familiarity with the situation in the American Asiatic Insular possessions leads to the belief that he will disclose some interesting facts when he appears before the committee later. Asked to Defer Action. Edwin F. Atkins, of Boston, a large sugar plantation owner in Cuba, told the committee today that the reciprocity treaty with Cuba by which its products enjoy a 20 per cent differential in the sugar duties expires next month. He produced two cablegrams from Cuban sugar and tobacco growers asking the committee to defer action on the articles. Mr. Atkins urged that the tariff on sugar be reduced and that Cuba be given the existing differential on the lower rate. Representative Champ Clark of Missouri asked Mr. Atkins: "What is going to become of the American beet sugar growers when Cuba belongs to the United States?" "That is the question," answered Mr. Atkins. "There is the most imminent danger of this coming about." "If you get the reduction in tariff on sugar that you seek," Mr. Clark asked, "would there be any reduction to the consumer?" "Consumer's Benefit Half Cent. "There would be a reduction in the retail price of about one-half cent, I should say," was the reply. "How do you know that the sugar trust won't grab that half cent?" "If they could, I would join them."

An advocate for the free entry of sugar was Claus A. Spreckels, president of the Federal Sugar Refining Company, an "independent" concern of New York. "I would be perfectly satisfied if you should finally decide to agree upon free trade," said Mr. Spreckels, who was formerly connected with the American Sugar Refining Company, known as the sugar trust, "in both raw and refined sugar. I think we are entitled to a moderate protection on refined sugar, but would prefer abolition free trade to the present scale, under which the sugar trust is the principal beneficiary and enabled to exact special privileges and concessions on sugars produced in Louisiana and the Hawaiian Islands. It is evident that the country desires a revision of the tariff and expects a reduction of duty whenever it can be shown to be reasonable, feasible and advantageous. Mr. Spreckels was interrogated by Chairman Payne, of the committee, regarding the effect of the free entry of sugar. Mr. Spreckels said that his concern was compelled to buy its sugar in Java, Porto Rico and Cuba as the "Sugar trust" had the output of Louisiana and the Hawaiian Islands contracted for. Upon being questioned by other members of the committee he said the consumers would get the benefit of the reduction in the tariff. Mr. Spreckels claimed that those sugar manufacturers who were making sugar at 25 cents per pound were not appearing before the committee to give information about the cheapness of manufacturing sugar. He said that 12 per cent of the sugar-beds produced in this country were raised by Asiatic labor. That the American Sugar Refining Company or his own company, needed no tariff protection, was asserted by Mr. Spreckels. He admitted that he had bought sugar lands in Cuba as a speculation, hoping that the island would become a part of the United States and that as a result the value of those lands would be doubled.

Spreckels Advocates Free List.

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WINE IN PATENT MEDICINE

Capers Suspends Order Against It Pending Legislation.

WASHINGTON, Nov. 17.—Commissioner Capers, of the Internal Revenue Bureau, has suspended the regulations of May 18 last prohibiting the use of fortified wine in the manufacture or preparation of patent medicines or compounds. The California grape-growers opposed this ruling on the ground that it unlawfully destroyed an important market for their wines. The Commissioner insisted that to allow manufacturers of medicines, etc., to substitute fortified wines, which pay a tax of only 3 cents a gal-

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FOR MEN \$2.50 A PAIR FOR WOMEN \$2.00 A PAIR Sixth Floor Oregonian Building Rooms 600-601 Take Elevator

Knights' SAMPLE SHOE SHOP



Wind nor rain, nor cold, can enter in when a man is well-buttoned up to the chin.

This is really the only practical style for a thoro raincoat. (Waterproof shoes and one of our water tight hats of course should be part of the outfit.) Other style raincoats, too, and coats of every hue. We're making a great hue and cry about our overcoat stock this season—it's the best ever—\$10 to \$30.

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