



TESTIMONY LOOKS BAD FOR DR. VAN GESNER

Evidence Brings Congressman Williamson Into the Deal. Van Gesner's Letters.

Portland, July 11.—Aside from the testimony of three witnesses to having met and conversed with Congressman Williamson relative to filing on timber claims...

Prineville, March 12, 1905.—Christian Feuerhelm: That timber claim of yours and all the balance, I have got to throw them up. I am sure we would get into trouble over them before we got through with them...

Portland, July 11.—Examination of the witnesses of the prosecution in the Williamson land case continues. The evidence afforded tends to show implied contracts between Williamson and defendants to turn their lands over to him and provide work for him.

J. N. Williamson filed the first direct breach of the government's case against him yesterday afternoon, when John S. Watkins testified in the federal court that he had met the congressman on the woods near Prineville, and that Williamson had taken his job back from him and entered in the descriptions of the land he had sold him and his wife and brother-in-law to him upon an oral contract to deliver the claims to the firm as soon as patented.

The rest of the session of the afternoon, devoted as it was by the agreement near the Mitchell, motion for a new trial, followed the lines shown by the witnesses of the preceding days.

Henry C. Ford, the maintenance witness who confessed on the previous day to trial how he had perjured himself, before United States Commissioner Biggs, in order to file upon the claim asset out in his stipulated contract with coowner, was recalled to the stand for the rest of the cross-examination by Judge Bennett.

COWBOY SPECIAL BREAKS RECORD

Albuquerque, N. M., July 10.—The Santa Fe special chartered by Walter Scott, the "Cowboy Cowboy," to break the record between Los Angeles and Chicago, reached here at 9:32 this morning and remained just long enough to change engines and take on 100 quarts of champagne and other liquors.

Las Vegas, N. M., July 10.—The Scott special arrived here at 12:28, on time for a second. Scott rushed to the hotel and presented the engineer and fireman with a \$20 gold piece each and a large bunch of carnations.

Bert Madison, Iowa, July 11.—Scott's Santa Fe special arrived here at 7:55, having covered 221 miles from Kansas City in 25 1/2 minutes. It is now 1 hour ahead of its schedule.

Chicago, July 11.—Scott's "Cowboy" special arrived here at 11:57, three hours and six minutes ahead of the schedule prepared by Santa Fe officials for the run from Los Angeles to Chicago.

Scott escaped the crowd by jumping into an express wagon with its flaring top of protection by United States injunction, guarded by four policemen, and was driven rapidly to his hotel.

When the big engine came to a standstill a mob of 2000 fought like demons to get a first look at the Cosmos of Death Valley, who is intent on scattering his wealth in thorough Western style.

Ray was followed by Frank Watkins, who brought the name of Mr. Williamson into the case for the first time, but whose story was otherwise the same as those that had been told before.

Walter C. Crane, a young man, was before the eyes of the jury when the hammering of the property man in the corridor forced the court to adjourn for the day, in hopes that the noise would come. Crane apparently has the same story to tell of how he met Biggs, and joined others in filing on timber land.

Portland, Or., July 12.—Evidence was presented at the trial of Congressman Williamson and his co-defendants today, showing that the firm of Williamson & Gesner borrowed money to pay the cost of proving up on timber claims filed by 25 persons, at their own suggestion. Indictments were made by Henry C. Ford, the maintenance witness, who confessed on the previous day to trial how he had perjured himself, before United States Commissioner Biggs, in order to file upon the claim asset out in his stipulated contract with coowner, was recalled to the stand for the rest of the cross-examination by Judge Bennett.

JOAQUIN MILLER AT EXPOSITION

This is "Western Authors' Week" at the Lewis and Clark Exposition, in connection to Pacific coast literary people. Monday's telegram had this about one who came to manhood in Lane county and has achieved national distinction.

Joachim Miller arrived at the Lewis and Clark Exposition today, and after visiting the California building and registering, took a trip through the exposition grounds. His landlady form proved a big attraction, and he was everywhere pointed out as the poet of the West.

RAILROADS HATE LAWSON FEELING

Lincoln, Neb., July 11.—The Lawson feeling was given an ovation at Fairbury this morning and shook hands with hundreds of people at the courthouse square. This afternoon he spoke at the Chamberlain. The attendance was well represented as the railroad refused to grant rates and are openly charged with attempting to kill off the Lawson feeling.

POTEMKIN MUTINEERS OPENED SEACOCKS

Kuopio, Romania, July 10.—The announcement that the battleship Potemkin sailed with Rear-Admiral Kruger's squadron yesterday evening turned out to be incorrect. Before leaving the Kuga Potemkin, the mutineers opened the seacocks and flooded her hold. She is now lying at the bottom, but it is expected that she will be raised in time to leave for Constantinople July 12.

The Cross Bay Harbor sent two young ladies to the Portland exposition, the selection being made by popular voting. Miss Kittle Thom and Miss Ella Catling went.

PLEA FOR NEW TRIAL IN SENATOR MITCHELL'S CASE

Objections and Exceptions of Attorneys for Defense. Heney's Reply. Demurrers Overruled.

John H. Mitchell's motion for a new trial was argued before Judge De Haven in the Federal Court Monday by District Attorney Heney on behalf of the United States and ex-senator Thurston and Justice Bennett on the side of the Senator.

The failure of the government to prove that Senator Mitchell received a payment from Kibbe on January 4, 1904, as charged in the sixth count of the indictment, furnished the principal ground upon which the defense predicated its argument for a new trial. The defense contended that the District Attorney agreed that the government had not proved this allegation. The defense declared that there was error when the jury was instructed that it might return a verdict upon any or all of the counts, and that inasmuch as one count was not proven, the general verdict covering all counts must, as a matter of law, fall to the ground.

What Government Admits. District Attorney Heney answered that the government had announced from the very first that it did not expect to prove this count, that such evidence was introduced in its relation was for the purpose of showing knowledge, and that the jury had been informed three or four times that the government was not expecting to prove the sixth count.

Successor of the Late Secretary of State John Hay



ELIHU ROOT, LAWYER AND STATESMAN.

count. Wherefore, argued the District Attorney, the presence of this count in the indictment did not prejudice the defendant's interests.

Whether this state of facts and the remarks of District Attorney Heney relative to the unreturned indictment against Mitchell on a charge of subornation of perjury, Judge Bellinger's decision against the plea in abatement, the introduction of Broke's American Commonwealth at the time of the trial, and the various other contentions of error declared by counsel, for the defense to have been committed, shall defeat the historic verdict against Senator Mitchell is now for Judge De Haven to say.

Senator Mitchell was back in his old seat this morning. He looked contented and tired of it all as he sat there with knees crossed in his characteristic attitude and watched closely the effect of each word on the face of Judge De Haven. But the face of the court was a mask. He heard the arguments of the prosecution and the defense alike, but betrayed no sign of his opinion on any statement offered by either side.

Thurston Argues. When court opened Monday morning ex-senator Thurston announced that in connection with a motion for a new trial a motion for arrest of judgment had been filed and which would be submitted without argument. Ex-senator Thurston then began his argument for a new trial. He said that of the seven counts in the indictment on which Senator Mitchell was tried, there were five which charged as many separate and distinct acts. There was no authority upon the statute, the Senator said, for grouping together the various offenses charged in the indictment against Mitchell.

"We now come to a question," said Mr. Thurston, which I do not believe your Honor understood at the time you charged the jury. It is charged upon the sixth count that on January 4, 1904, defendant received \$155 from Kibbe. It is alleged that three separate payments constituted distinct and separate acts. It develops, and I think the District Attorney will confess that there was absolutely no proof below that there was a single payment as charged in the sixth count.

Question of Instructions. Mr. Thurston said that an instruction had been asked that there be a verdict of not guilty directed on the sixth count, but that it had been refused.

DRANK CARBOLIC ACID BY MISTAKE

Dr. Jesse Hinkle, an old time and respected citizen of Jackson county, and for many years a practicing physician at Central Point, where he also conducted a drugstore, died Thursday afternoon at 4 o'clock. Dr. Hinkle, who was 77 years of age, had been accustomed to take a dose of brandy from a bottle which he kept on a shelf in his drugstore.

Thursday at noon he started to go for his dinner, but turned and remarking to his faithful clerk, Miss Mary A. Mee, who has for years assisted him in the drugstore, that he felt the need of a little stimulant before undertaking a little walk to his home, he went to the shelf and taking down a bottle which he thought was brandy took a portion from it and drank it before he realized that he had made a mistake and taken down the carbolic acid bottle which was next to the brandy. He at once saw the seriousness of the situation, and his own terrible mistake. Every effort was made to relieve him but without avail, and after suffering agonies, the old doctor died at 4 o'clock.

Dr. Hinkle was formerly from Meriden, Conn., but had resided at Central Point for 20 years. His wife died within the past year. His funeral took place Friday.

Dr. Hinkle left an estate of the value of about \$4000, which will be his bequeathed to his clerk, Miss Mee, who was as a daughter to Dr. and Mrs. Hinkle, now both deceased.

JAPANESE GLAD TO GET SAKHALIN

Tokio, July 10.—The announcement of the landing of a Japanese force at Sakhalin Island and the occupation of Karakozki, followed by the northern flight of the garrison, has been received with great satisfaction by the Japanese.

The landing of the army at Sakhalin marks the first entry of the Japanese upon Russian territory proper. The Japanese have expressed themselves pleased to be again in possession of the island, declaring that they have long felt that the bargain under which they relinquished the place 40 years ago was unsatisfactory.

The Japanese express the belief that they will speedily control that entire island, as they regard the garrison there as being incapable of serious resistance, and are confident that it will certainly be captured.

From the start, and that was that the government had from the start informed the jury that there had been no payment made as charged in the indictment and that there would be no effort made to prove it.

"When some evidence was offered," continued Mr. Heney, "your Honor called that it was offered solely to show knowledge, and that alone. The jury was advised three or four times that the government would not attempt to prove the sixth count, and I cannot see where the rights of the defendant have been imposed upon in this regard."

"Now as to the statement made in the closing argument that the grand jury had returned another indictment against Senator Mitchell. That was equivalent to saying that the 21 men constituting the grand jury believed Tanner's testimony."

"When the attorney for the defendant has himself created the issue by asking a question, the court may allow an answer. The Supreme Court of this state and of the United States has held that an objection must be made at the time the question is asked. The objection of counsel in this case came too late. The rights of the defendant were not injured by the remark, for the reason that Tanner had been on the witness stand and told the whole story, and the fact that he could have done would have been to aid the jury in believing Tanner's testimony."

Heney Quotes Thurston. District Attorney Heney read the questions asked by Senator Thurston as to why an indictment had not been brought against Senator Mitchell for subornation of perjury, and declared that by the force of the question and the manner of answer he had been obliged to show why an indictment had not been returned, and that he felt justified in answering it as he did.

Bennett Speaks. Judge Bennett then addressed the court on behalf of Mitchell to support the argument of ex-senator Thurston. He referred to the plea in abatement, and said that he had no objection that Judge Bellinger allow the motion upon consideration of the case, but that there had been error, and a new trial had been ordered. He said that he had no objection to the plea in abatement, and that the only way for us to proceed would be by a challenge to the grand jury.

Judge Bennett also entered a protest against the suggestion of District Attorney Heney to charge the jury during his argument, on the ground that they were prejudiced. Principal witness there was the statement made by Mr. Heney near the close of the trial, that Senator Mitchell's house showed an amount of \$15,000 a year. At noon court adjourned until 2 o'clock.

OREGON STATE TROOPS GO INTO INCAMPMENT AT Gearhart Park. Company "D" Joined the Troopers at "Camp Lewis and Clark."

Amid the cheers and farewell greetings of wives, sisters, sweethearts and friends the members of Company D boarded their special car last night and were off to the annual encampment at Gearhart Park. The roster of those going from here follows: Capt. F. B. Hamlin, Lieut. F. W. Haynes, 2nd Lieut. H. C. Slocum, jr., Sergeants Z. N. Agee, P. A. Webb, M. F. Wright, F. G. Stewart; Corporals Henry Ritzman, Alva Dowell, Marion Pankey, Dr. G. E. Houck, J. A. Buchanan; Musician Thos. Carlon; Privates Berks, Cobb, Cloak, Chapin, Decker, Dr. DuGas, Leon Du. Gas, Dowell, Ferguson, Fraley, Gaddis, Goodman, Hedgpeth, Chas. Hedgpeth, Harpham, Johnson, Jones, King, Kidd, Kirk, Leavengood, Long, Marks, Miller, McNamee, Osmondson, Ragsdale, Ryan, Short, Sawyers, Thomason, Wilson, Winston, Buzzell, Hildeburn, McWilliams, Rast, Elmore, McLaughlin; J. Hamlin, cook; Edwin Moore, mascot.

recreation and amusement. Reveille will sound at 5:30, and after setting up exercises the men will breakfast at 6 o'clock. From 6:45 to 8:15 the troops will drill. Guardmount will be held at 8:45, and from 10 to 11:30 the soldiers will drill by battalions. Dinner will occur at 12:30, and the men will have the afternoon for their own amusement, of course subject to the regulations of the camp. A part of the companies will be on the target range in the afternoon, an arrangement being made whereby the different organizations will take their turn at the tents. Supper will be at 5:35, and the troops will form for dress parade, the prettiest ceremony of the day, at 6:15. When there is no parade, the ceremony of retreat will be observed at sunset. Tattoo will sound at 9 o'clock, call to quarters at 9:45 and taps at 10.

Provision is made in Colonel Gantenbein's orders for the regular toning of guard duty and other essential features. Men will not be allowed to leave camp without permission, and to punish breaches of this order and all other breaches of military discipline the delinquency court will convene every afternoon at 2 o'clock. Major John May has been named as delinquency court officer.

The orders of the day are arranged so that considerable drilling will be done and good work accomplished, and yet the work will not be so arduous but that the men will have plenty of time for recreation and amusement.

The Weyerhaeuser Timber company, Booth-Kelly Lumber company and Wentworth of Chicago have combined to maintain fire wardens in Lane county during the summer. By the forest fire bill timber rangers are appointed by individual timber owners, by county courts and clothed with police power.

The melon crop of Josephine county, until within the last few days, gave promise of a big yield. Some kind of a pest, however, has attacked the vines, and the melon growers have not as yet been able to determine what it is that is causing the damage. A vine will be in perfect vigor and within 24 hours will begin to wither and dry up, and will be entirely dead within two days.

Every shareholder in the ROSEBURG ROCHDALE COMPANY is purchasing groceries from himself cheaper and better than he could elsewhere, and at the end of the year takes home to himself the profits on these purchases. This is the Co-operative way.

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