GIVE NEW EVIDENCE

Effect of Judge Hunt's Ruling in Land Fraud Cases.

HAD BEEN SHUT OUT PREVIOUSLY

Prosecution Scores Point Despite the Vigorous Efforts of Attornews for Defense.

Portland, Sept. 9. — The sensational feature of the Williamson-Gesner-Biggs case yesterday was the admission by Judge Hunt of a line of testimony that Judge Hunt of a time of testimony that had been excluded by Judge De Haven in the previous two trials, and whe had also delivered the hospital and completed their work with the bayonet. had also declined to permit United States District Attorney Heney to argue the distinctions existing between the various title papers. Replying to an inquiry from the court, Heney assured Judge Hunt that he had not been per mitted to "get beyond the front door" with any of his authorities bearing upon the admissibility of the evidence. The question came up is the course of the direct examination of Benjamin F. Jones, a government witness. Attorney Bennett, for the defense, made a vigoruos effort to exclude the testimony, and took an exception to the ruling of the court.

The indictment charges that the conspiracy was to induce a large number of persons to commit the offense of perjury by taking their oaths that they would depose truly that certain declarations and depositions by them to be subscribed were true, which in fact contained material matters which were not true, and which they did not at the time believe to be true, to the effect that certain lands which these persons would then be applying to enter and purchase in the manner provided by law, were not being purchased by them on speculation, but were being purchased in good faith to be appropriated to the use and benefit of those persons respectively, and that they had not, directly or indirectly, made any agreement or contract, in any way or manner, with any other person or persons whomsoever, by which the titles which they might acquire from the United States in and to such lands should inure, in whole or in part, to the benefit and put down rioting, which threatens of any person egxcept themselves, when to involve the enitre nation. in truth and in fact such persons would be applying to purchase such lands on speculation, and would have made arrangements and contracts with Williamson, Gesner and Biggs to convey the titles so obtained by them to Williamson and Gesner.

TWO ARE INDICTED.

Sheriff and Dr. Gesner Accused of Trying to Intimidate.

grand jury returned an indictment ve terday afternoon against C. Sam Smith, there hourly. What the casualties were sheriff of Orook county, and Dr. Ges- to the crowds cannot be estimated, as ner, charging them with intimidating many of the hurt were carried off by witnesses in the pending land fraud

It is charged that on August 17 Smith and Gesner endeavored to influence Lark Elliott and John S. Watkins, of Prineville, Crook county, not to appear as witnesses in the Williamson-Gesner-Biggs case, and that the sheriff offered to secure the acquittal of Elliott from an indictment previously returned by the Crook county grand jury charging him with the larceny of a horse and a calf.

To See Japan's Hand.

Washington, Sept. 9 .- Secretary Root will at once take steps to ascertain the real attitude of Japan on the question of maintaining the "open door" in Manchuria. The secretary will ask Japan for permission to locate a consul at Dalny, which has been leased to that country. He will make the same request for a consul at Harbin, which will be again under the jurisdiction of China. Russia refused to permit consuls at these places because Dalny was declared to be a military fortress and Harbin likely to become the center of military operations.

Russian Army Waits News.

Lamatenzi, Manchuria, Sept. 9 .- The result of the Portsmouth conference was officially announced to the Russian forces today. The army, however, is still without official orders from St. outburst of active work at the Foreign Petersburg to cease its warlike activities, and the situation is intense. The will be supplied with an official copy to soldiers are waiting for an armistice to be declared, and they cannot understand how Russia can talk of peace while the Japanese continue rconnaissances in force and outpost engagemnts. The fighting of September 3 in Cores cannot be understood here.

Famine in Nine Provinces.

St. Petersburg, Sept. 9. - The first sitting of a ministerial conference to deal with the famine which threatens a number of provinces was held today. It was attended by the governors of the provinces, representatives of the Zemstvos and Red Cross and philanthropic societies and marshals of the nobility. Reports were presented showing that distress is acute in the provinces of been received that Germany does not

Last of Missouri Bribery Cases.

Jefferson City, Mo., Sept. 9 .- The bribery case against ex-State Senator Charles A. Smith, of St. Louis, was dismissed today. This disposes of all for San Francisco to be docked, painted the legislative bribery cases except the legislative bribery cases except those against D. J. Kelly, said to be in three days to the navy yard to take on offices have had telephone service in

TERROR RULES.

Russian Oil Industry is Destroyed and Thousands Killed.

Baku, Sept. 8. - The situation here tonight shows no signs of amelioration. It hardly could be worse. The terrorstricken inhabitants are fleeing from the city, knowing that the gerrison is utterly inadequate to protect them and, although the worst scenes of fire and massacres have not yet occurred in Baku itself, none dare think how far the excesses may proceed.

The principal fighting is not in Baku itself, but at Balakhan, where hundreds have been shot by the infantry and artillery and where 1,000 were killed or wounded during a desperate attack on the military camp and provision depots. The troops sustained few casualties. A large number of workmen barricasted themselves in the Balakhan hospital. The soldiers began

The entire oil and commercial quarters of Balakhan, Sabunto and Romani have been wiped out by fire and the inchabitants remaining behind were masencred and thrown into the flames. Bibiebat continues to burn and is threatened with the same fate as Balak-

The consulates, banks and buildings in Raku are guarded by troops. All of the English residents and almost all other inhabitants of the better class steamers have been employed for this

Martial law has been proclaimed in the city. Nobody is allowed on the streets after 8 o'clock at night, and inhabitants of houses are held strictly responsible for shots fired from them.

There is a general panic in the city. whole army of hungry workmen driven in from the burned suburbs has flocked into the city. There is the greatest destitution, and measures for transporting the workmen from the city are imperatively necessary.

RIOTS IN JAPAN.

Martial Law Proclaimed as Result of Dissatisfaction with Peace.

Tokio, Sept. 8. - Martial law has been declared throughout Japan and the full power of the army is being used to uphold the Mutsuhito dynasty

Rioting was resumed throughout the country Thursday night and mobs swarmed through the streets of this and other cities, barning and destroying homes, churches, and schools of he suggests October 15 as the date for native Christians.

It is reported, although not confirmed, that the few mission churches and schools that escaped the vengeance of the mobs Wednesday night are now destroyed.

the fact that there are now more than property double that of last year. In Portland, Sept. 9. — The Federal 200 badly wounded policemen in the 1904 the valuation was \$2,034,095; pany requires the employment of only long guess indeed to attempt 100 convicts in the stove foundry, and what that committee will do. hospitals and more are being taken this year it is over \$4,000,000.

BOGUS VOTERS CUT OUT.

Philadelphia List Purged of 48,000 Names Illegally There.

Philadephia, Sept. 8 .- The assesors of the 1,104 election districts of the city, whose duty it is to place in voting lists the names of all qualified electors, completed their revision of the lists today. Unusual interest was taken in their work, because of the allegations that more than 50,000 fraudulent names had been placed on the lists. For the last two months the policemen and other employes, under the direction of Mayor Weaver and the City party, have been making a canvass of the city for the purpose of purging the lists of illgeal voters. The police made reports alleging that more than 60,000 names were on the lists in violation of the election laws. The assessors set yesterday and today to revise the lists.

The number of names stricken off by the assessors will not be known for several days. The secretary of the City party tonight estimated that at least 48,000 names had been dropped.

Russia Putting Treaty Into Effect.

St. Petersburg, Sept. 8 .- The news of the signing of the peace treaty resulted immediately in an unwonted office. Each ministerial department the end that every provision of the by each minister, particularly on its bearing on the changes provided for by the treaty, which must be carried out by the different ministers and departments. The carrying out of the provisions will be proceeded with at once.

France Ready to Act.

Paris, Sept. 8 .- The government still in Josephine county. awaits word from Fez regarding the sultan's answer to the second ultimatum to Morocco, the time limit of which expired yesterday. The firm entention of the ministers is to enforce redress without reference to outsied in-Saratoff, Rizan, Samara, Penz. Tamboff, Orel, Voronesh, Toula and Viatka. demonstration against Morocco, though she would not interfere.

> Interned Cruiser Prepares To Go. Vallejo, Cal., Sept. 8.—The Russian cruiser Lena will leave here Saturday

OREGON STATE ITEMS OF INTEREST

STRIPES TO BE DISCARDED.

Oregon Convicts Will Wear Uniform of Bluish Gray in Future.

Salem-Stripse have been anandoned. placed upon a prisoner only as a means of special punishment.

It is expected that the uniforms now in use will be sufficiently worn by the end of the year to justify their being discarded. Many suits have already half the law has been in operation and been cast away and all new prisoners are given suits of gray. When the change has been perfected every prisonence has shown that a large proportion er will be dressed in gray trousers, of the patients received are without shirt, blouse and cap and this uniform known relatives, or they are have no will be worn during good behavior.

vict may be condemned to wear a striped suit for a specified time or until collected under this law is inconsiderhis conduct improves. This punish-ment, it is thought, will be sufficient of maintaining the state insane asylum. to reduce all ordinary violations of rules to the minimum. It is thought that out of 350 convicts not more than have boarded ships and gone to sea to escape from danger. All available time. This system is in use in New York, and is said to give satisfactory

It has been suggested that prisoners would more easily escape if they wear gray suits than they could if dressed in stripes. The prison officials say that experience shows that convicts who es-Artillery was employed against one cape manage to exchange their prison house from which shots were fired. garb for civilian clothing as soon as garb for civilian clothing as soon as they get out, so it will make no difference what their uniforms are. At the time of a break, if one were made, the over ordinary clothing.

Limit May Be Set.

Klamath Falls-It now seems likely that a limit will be set for the time on which excess land holders in the Klamath irrigation projects may sign the excess trust deeds. So far the Klamath Water Users' association has been unable to get all of the large landowners to sign up and become members of the association. Consequently Chief Engineer F. H. Newell says a limit will be set before which time those who do not sign up will Isoe all benefits to accrue from government irrigation, and the closing of the association's subscription books.

Valuations Nearly Doubled. Grants Pass-The completion of the assessment roll for Josephine county The temper of the mob is shown by shows a total valuation on assessable remarkable showing is the result of both the rapid growth of the county and of Assessor Fallin's policy of assessing all property to its full cash value. This will mean a lowering of the tax rate. The valuation of much of the property of the county remains unchanged, but many of the mines, city property and railroad lands were raised.

Grand Ronde Electric Road. La Grande-The Central Railway of

Oregon has filed in the office of county recorder a bond and mortgage in the sum of \$2,000,000 to the American Loan & Trust company, covering rights of way, roadbed, rolling stock and other property now in possession or to be acquired. The Central Railway of Oregon is the corporate title of the company which proposed to construct an electric railway system in the Grand Ronde valley, embracing a trackage of about 60 miles and connecting Hot Lake, Union, Cove, Elgin and La Grande.

Buys Big Farm.

The Dalles-One of the most important real estate transactions that has been made here recently is the sale of the W. H. Taylor fruit farm, one mile south of The Dalles, to R. H. Weber, proprietor of The Dalles nurseries, for \$100 an acre. The farm consists of 110 acres, 80 acres of which is in orchard. the balance being wheat land. It is one of the oldest orchards in the vicinity and has always been a fine bearer, producing fruit of finest quality.

Sell Last Year's Hops.

Grants Pass-De Armond & Sons, hopgrowers of Josephine county. have treaty shall be understood thoroughly sold their last year's crop of 60,000 pounds at 18 cents. They had an opportunity to unload their crop last fall at 30 cents, but held for a higher price. As the season for picking is at hand and the need of funds urgent, it was necessary for them to sell at the prevailing low price. There yet remains some 70,000 pounds of last year's crop

Assessments Raised.

Baker City - The county board of equalization has just adopted the suggestion of the Citizens' League committee and raised the rate of assess- 14%c; 1904, choice, 15@17c per ment of the O. R. & N. company from pound. \$5,000 to \$10,000 a mile, and that of the Sumpter Valley road from \$2,000 19@21c; lower grades down to 15c, ac-

Telephone Exchange at Capital. Salem-A local private telephone exchange has been installed at the state RELATIVES WILL NOT PAY.

Large Majority of Insane Patients Live at Expense of State.

Salem-The act of the legislature of as prison garb in Oregon, and soon as 1903 requiring that the cost of keeping as the change can be effected without insane patients at the state insane asylthrowing away good clothing, practical-ly all the convicts will wear uniforms financially able and who are legally reof a bluich gray. The change has been sponsible, is not working quite as well ordered in the interests of discipline as was hoped. Though several hunand referention, and stripes will be dred patients have been received at the asylum since that law was passed, only 38 are on the list of those whose maintenance should be borne by relatives. relatives who are liable for their sup-For infraction of prison rules a con- port and who are able to pay the required \$10 a month. The amount

Test Law's Validity.

Grants Pacs-A suit of much interest to this state, and which may result in the repeal of the \$300 household exemption law, passed by the state legislature, has been filed here, and will be heard at the next term of the Circuit court. Ex-Representative W. C. Hale, of this city, is plaintiff, and Judge J. O. Booth, Assessor W. H. Fallin and County Clerk S. F. Cheshire are made defendants in the case. In substance, the complaint alleges that the law passed by the Oregon legislature in December, 1903, exempting from taxation of certain effects of householders gray suits could be distinguished as far tion of certain effects of householders as they could be seen, and this would to the amount of \$300 is contrary to be all the advanatge striped suits have the constitution of the state, and is, therefore, void.

War on San Jose Scale.

Charles A. Park, of the Seward district, will make a vigorous campaign grower and reports it to the commischards will be notified to spray this be selected. winter. Mr. Park hopes to be able to the state.

Convict Labor for Farmers.

Salem-The leasing of convict labor to farmers in this vicinity is a subject Governor Chamberlain and Superintendent James, of the penitentiary, have under consideration. The conpany requires the employment of only 100 convicts in the stove foundry, and what that committee it is problem, and it would be a long guess indeed to attempt to predict court was convened and a small and there are many prisoners for whom there is no employment. About 60 men have been worked on the roads all summer.

Nearly a Million at Interest.

Salem-The monthly report of the state land office shows cash collections for August amounting to \$20,089.21 and a total of outstanding unpaid balances amounting to \$77,822.81, this latter sum drawing interest at an average of 6 per cent.

PORTLAND MARKETS.

Wheat - Club, 69@70c per bushet bluestem, 72@73c; valley, 71c. Oats - No. 1 white feed, \$23@24

gray, \$22 per ton. Barley—Feed, 20 per ton; brewing, \$21; rolled, \$22@23.

Rye-\$1.30 cental. Hay-Eastern Oregon, timothy, \$14

@15 per ton; valley timothy, \$11@12; clover, \$8@9; cheat, \$7.50@9. Fruits-Apples, 90c@\$1.75 per box;

peaches, 50@90c per crate; plums, 50 @75c per crate; blackberries, \$1.25@ 1.50 per box; cantaloupes, \$1.00@1.50 per crate; pears, \$1@1.25 per box; watermelons, 34@1c per pound; crabapples, \$1 per box; grapes, 50c@\$1.65; prunes, 70@80c; huckleberries, 8c per pound.

Vegetables-Beans, 1@4c per pound; cabbage, 1@11/4c per pound; cauliflower, 75@90c per dozen; celery, 75@85c per dozen; corn, 8@9c per dozen; cucumbers, 10@15c per dozen; pumpkins. 71/4@71/c; tomatoes, 20@35c per crate; squash, 5c per pound; turnips, \$1.25@ 1.40 per sack; carrots, \$1.25@1.50 per sack; beets. \$1@1.25 per sack. Onions-Oregon, \$1 per sack; Globe,

Potatoes-Oregon, extra fancy, 85@ 90c; good, 60@75c per sack.

Butter-Fancy creamery, 2716@30c per pound. Eggs-Oregon ranch, 24@25c per dozen.

Poultry-Average old hens, 10%@ 12c; mixed chickens, 10%@11c; old roosters, 8@9c; young roosters, 10@ 11c; dressed chickens, 12@13c; turkeys, live, 20@21c; geese, live, 8@ 9c; ducks, 13@14c.

Hops - 1905, choice, 16c; prime, Wool-Eastern Oregon average best,

per pound; mohair, choice, 30c. Beef - Dressed bulls, 1@2c per pound; cows, 3 @ 4c;

steers, 4@4%c. Veal-Dressed, 3@8c per pound. Mutton — Dressed, fancy, 6%@7c

Pork-Dressed, 6@7%c per pound.

OIL INDUSTRY DESTROYED.

Destruction of Vast Tanks Means a Loss of Many Millions.

St. Petersburg, Sept. 6 .- The latest reports received from Baku indicate Government Irrigation in Name that the reign of terror there is slackening somewhat. There was only desultory fighting up to last evening, but the disturbances of yesterday marked by immense property losses, which fall with crushing weight on the Russian oil industry centered at Baku

The combatants resorted to the torch, as the result of which hundreds of tanks of oil, naphtha and a number of important refineries in its vicinity are now in flames. Oll men here are unable to estimate the loss while the conflagrations continue, but believe that it will run into millions of dollars in Baku alone.

The fire, which commenced in the refineries of the Moscow-Caspian society, according to private reports, spread to 300 tanks and to one tank in the "black town" quarter, containing 5,-000,000 pounds of oil. At Biebat, near Baku, the works of the Mantaschell company, among the most important Mr. Newell is unable at this time in Russia, and the works of the Tiffis society are on fire. Refineries at Nomani and Sabunto have been destroyed.

The oil men have telegraphed to Emperor Nicholas, imploring the protection of the government and asking for assistance to prevent the complete destruction of their properties in the Baku district, "which give to the state 100,000,000 roubles in revenue and furnish heat and light to Russia."

The blow will be felt all the Leavier through Russia as there is already a great scarcity of oil for fuel purposes.

TO OUST MITCHELL.

Senators Find Him Obstacle to Progress on Canal Committee.

Washington, Sept. 6. - When the committees of the United States senate are being reorganized next December a fight is to be made to wrest the chairmanship of the isthmian canal committee from Senator Mitchell of Oregon. Because of the prominence which canal legislation is likely to attain at the Salem-Horticultural Commissioner coming session, it is desirable that the senate committee should be in the hands of some good strong man, fully against San' Jose scale this fall and competent to conduct hearings, direct winter. Local Inspector Armstrong the work of the committee and assume has been watching the local market charge of whatever canal legislation closely and whenever infected fruit is may be reported to the senate. It is brought in he secures the name of the recognized that Senator Mitchell can do none of these things. Therefore there sioner. All owners of infected or- is a general desire that a new chairman

Even though he did not care to reexterminate the pest in this section of sign his seat in the senate, Mr. Mitchell fraud circles. The jury, though might relinquish his chairmanship in kept together, has not been swen order that there need be no fight to pry Judge Hunt has not passed upon thim loose. This would simplify the eligibility of E. Presnall, the said situation and make way for some other and more active man. But it is not believed that Senator Mitchell will and Biggs will be carried on all pursue this course. It will be up to been done twice already in the Fein

BUILDS NEW MOUNT.

Huge Volcano Is In Eruption in the Samoan Islands.

Honolulu, Sept. 6. - The steamship Sierra, which arrived here from Australia on the way to San Francisco, reports a volcanic outbreak on the island crime charged was a misdemeanor, of Savaii, in the Samoan group, which not a felony, the defendant could is very extensive. The outbreak is three miles south of Mautau and has not be present in person during

The lava flows from the base of this mountain a distance of several miles, such an arrangement. Travelers report that five or six hills tions. Some have advanced several since the attorneys objected, and the miles from their starting place, indiare moving, apparently on lava foundacating a vast molton lava area beneath. order that an examination an Ernest Neill and George Furlong, who visited the scene, say many million tons of lava are being ejected. The hills are now moving very slowly and the lava is solidifying on the surface. This will eventually stop their further progress, which threatened much dam-

The natives have held gatherings and had decided to abandon the threatened towns, but having become assured that there is no danger of loss of life, they protection of forest reserves, the are settling down again.

Third Trial Commences.

have faced the Federal court. For the enable the forest rangers to notify third time the attorneys for the defense have attempted by technical means to break out. In so large an area at delay the trial and quash the indictment and once again the court has disallowed their motion and ordered that munication is obvious. the case proceed. The first day was slower in action than the other first days, and the evening found the attorneys yet battling over the selection of a jury.

Cholera In Prison.

Berlin, Sept. 6 .- A serious outbreak of cholera is reported in the prison at Krone, a small town 13 miles from ally the Japanese artillery successions. The information attacked the Russian left and occ has created a condition of panic at Bromberg, a city of 50,000 people, ing. The Russians strongly The prison authorities content themselves with the bare announcement that some of the prisoners have the disease. It is believed that the cases number to \$3,000 a mile on tracks and rolling cording to shrinkage; valley, 25@27c many and that the disease is running riot within the prison walls.

Parker Gets Fat Job.

New York, Sept. 6 .- Ex-Judge Alton B. Parker will succeed Professor Collins as chief counsel of the Brooklyn deaths during this time in the Bel per pound; ordinary, 4@5c; lambs, Rapid Transit company, at an annual of Panama, making the total salary of \$100,000, according to an anisthmus for the month 30 cases nouncement today.

WORK SA

Basin Now Assured.

WILL LEAVE OUT LARGE DWD

Malheur, Project Hopeless Only Belligerent Attitude of Owners of Wagon Road Lands,

Washington, Sept. 7. - The government ment irrigation project in the Klass basin in Oregon is certain to be h and construction will commence early day. This assurance is give. F. H. Newell, chief engineer of Reclamation service, who was no in Klamath county and at Portle may along what lines the Klamah ; ject will be constructed. Its es and aggregate cost depend eith upon the amount of land that is to

If the owners of large ranches willing to co-operate with the Kin Water Users' association, and will vide their land into farm units and pose of them according to the term the reclamation law, every irrigatore in Klamath Basin for which the is water will be reclaimed, but, one other hand, if these large landown are unwilling to sign for their in the project will be built upon restre lines, and possibly not more than 1 000,000 will be expended, not standing that more than \$4,000 have been set apart for this work.

Mr. Newell speaks disparaging the situation in Malheur county, seems thoroughly disgusted with manner in which the owners of wa road lands under that project b acted, and, while he does not them, he clearlfy indicates that, wh those persons change their tactics. for their lands on a fair basis and in absolute good faith towards the tlers of Malheur county, these set must suffer.

BIGGS IS ILL.

Third Trial of Land Fraud Cases M Have To Be Postponed.

Portland, Sept. 7 .- Marion R s ill, and uncertainty regins in h

of, H. S. Wilson, attorney fense, arose and stated that Mr. H was not in the court room, being a fined to his room by a serious illus which, in the estimation of Dr. He McKsy, who had attended him, s necessitate a severe operation and

sequent extended convalescence. Mr. Heney suggested that at represented by his attorney, and is created a new mountain estimated to be nearly 7,000 feet high. trial. This, however, was objected by the attorneys for the defense, stated that they would not conse

> Judge Hunt did not like to force trial without the presence of Mr. Be made of the patient. At the time the attorneys reported that the pip-cian could not determine the exactor dition of the patient, and whether not he would have to undergo an o ation. A few hours would tell, so court was adjourned until this mor at 10 o'clock.

Telephones in Reserves. Washington, Sept. 7. - For be

estry service, in co-operation with Weather bureau, will install a sym of telephone lines and stations Portland, Sept. 6.—For the third time Congressman J. N. Williamson, is being installed on the big Hond is being installed on the big Honds est reserve in Wyoming. Weather department when forest Big Horn reserve, which comprise 151.680 acres, the value of rapid on

> Last Japanese Victory. Tokio, Sept. 7. - An official my eays: "The Japanese army attache Russians at Chyongtuyang on & tember 1. The Russians forces sisted of four battalions, six guns a several hundred cavalry. The was mountainous and diffielt, but is their position at 9 o'clock in the ma but were forced to retire.

Fever Cases on Isthmus-Washington, Sept. 7.- According the summary of yellow fever co in Panama, as compiled by the lamian Canal commission, there were cases and two deaths from the in the canal sone during the month.

August. There were 14 cases and of Panama, making the total of