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BOISE TRIAL NEARS CLOSE

Counsel for Defense Announces Its Case Is Practically Before the Jury.

HAYWOOD WILL TESTIFY.

Court Takes Adjournment Till Monday Morning.

JURORS WANT EXERCISE.

Witnesses Give Additional Strength to Story in Refutation of Orchard's Testimony.

Boise, July 5.—The beginning of the end of the Haywood trial was reached today. Counsel for the defense announced, with the exception of three or four witnesses, its case is before the jury. Moyer will be called Monday, to be followed by Haywood, the defendant. Judge Wood has asked the counsel on both sides to submit their requests for instructions to the jury. He informed the counsel he would consider these requests and will agree with the counsel as to what his instructions shall be in order that the arguments on both sides may be limited to what the jury will be allowed to consider in the evidence. Court was adjourned this afternoon until Monday, the court expressing the hope that the interval will be used by the counsel in preparations that would prevent further delay to bring the case to as speedy a close as possible.

It is expected the rebuttal evidence in behalf of the state will commence Wednesday, perhaps Tuesday, much depending on the extent of the cross-examination of Moyer and Haywood. The counsel on both sides were willing to admit this afternoon the possibility of a verdict or a disagreement in two weeks. Some uneasiness on the part of the jurymen as a result of their long confinement developed this afternoon. Just before the adjournment of court, Juror Russell turned to the bench and asked if the jury would be allowed to exercise during the two days' adjournment. He explained some of the jurors were disinclined to taking walks, and for that reason other jurymen were unable to take the exercise to which they are accustomed and without which there is danger of sickness. Juror Sebern addressed the court in a similar strain. The court and counsel agreed to arrange anything within the lawful improvement of conditions.

Juror Burns complained that the bailiffs were too strict in the enforcement of trivial rules, where upon Juror Robertson, a good humored Scotchman, defended the bailiffs by laughingly saying: "Well, I don't know about it being too strict. I know I never had a better time in my life;" the announcement being greeted, with roars of merriment even the court participating.

Five witnesses were on the stand this morning and added support to those who preceded them, testifying that conditions existing in Colorado were not such as to call out the militia. Orchard was further discredited by Owen Barnes, a miner who lived near Independence mine and who, Orchard said, assisted him in making bombs. Barnes knew Orchard, Adams, Easterly and others and denied he ever planned or discussed any criminal expedition with Orchard.

J. Wolff, a financial clerk for Pettibone, and who closed up Pettibone's business after he was arrested proved a strong witness for the defense in its contradiction of Orchard's story. Orchard testified that when he was in San Francisco on the Bradley killing expedition he sent to Pettibone for money and received a registered letter with five \$20 bills, signed J. Wolff. The state

EVANS WILL HAVE CHARGE

Pacific Coast Fleet Will Consist Probably of Sixteen Battleships.

WILL INCLUDE CRUISERS.

Headquarters of Armored Cruisers in California Waters—Composition of Fleet.

Washington, July 5.—It is conceded that Admiral Evans will have charge of the fleet which is to go to the Pacific. It will consist probably of sixteen battleships and as many colliers. The armored cruisers Washington and Tennessee, now in French waters, are under orders to immediately refit and proceed to the Pacific ocean to form part of an armored cruiser squadron to be assembled there. It is possible they will be detained and will accompany the battleships on their voyage. When Admiral Evans arrives off the coast the fleet will be increased by the addition of the battleship Nebraska. She is newly completed and is awaiting the rounding out of her crew. The battleships Oregon and Wisconsin, now at Bremerton, will probably be ready for sea by next March, so that they, too, may be added to the fleet, which will then comprise nineteen battleships, besides the armored and protected cruisers of the Pacific fleet.

The composition of the fleet today is as follows: Battleships—Connecticut, Maine, Missouri, Virginia, New Jersey, Rhode Island, Alabama, Illinois, Kearsarge, Ohio, Minnesota, Vermont, Kansas, Georgia, Oregon and Wisconsin. Protected cruisers—Charleston, Chicago, Milwaukee, St. Louis, Gunboat—Yorktown. Armored cruisers of the squadron of the Pacific coast fleet, which will have headquarters in California waters, will be composed of the Washington, Tennessee, California and South Dakota. Rear Admiral Stockton will command the armored cruisers squadron, the Tennessee being the flagship.

AGED MAN IS RESCUED.

Is Found Almost Dead on the Rocks Near Seattle.

Seattle, July 4.—Edward Cunningham, aged 69, was ordered away from Neah Bay by Indian Agent and Physician C. L. Woods, and later was found on the beach by J. M. Coleman, lighthouse-keeper at Talbot, and carried half dead to Clallum. Cunningham had gone to Neah Bay to look for land, but the Indian agent warned him away. He started but was advised to wait for a regular boat. The Indian agent saw him again and repeated his warning.

The old man, unfamiliar with beach conditions, tried to walk to the nearest town, and was driven into the rocks by the tides and storms. When found Sunday by the lighthouse-keeper his was jammed between rocks and he was nearly dead.

GOVERNMENT CLOSES MINES

Rock Springs, Wyo., July 5.—As a result of suits filed by the government against the Union Pacific Coal Company, forcing the company to abandon property alleged to be illegally secured from the government through big mines situated on the disputed property closed up. The effect will be a further shortage of coal in the west.

intimated this was the name under which Pettibone passed. The witness swore he sent Orchard no money but sent a registered letter to Orchard as "Jack Dempsey" addressed to him in San Francisco. This letter Wolff swore contained a Masonic charm and a union card left with the Federation and for which it has been testified, he wrote for after his arrival in San Francisco.

HARD AT WORK.



—New Orleans Times-Democrat.

JAPANESE RAILROAD FINANCIAL SUCCESS.

Tokio, July 4.—At a general meeting of the South Manchuria Railway Company, President Goto announced that since it had acquired the railway the company had been engaged in making improvements. He himself had had an audience with the Chinese Emperor and interviews with a number of mandarins, which had proved highly beneficial to the company's business. The directors approved the declaring of a 6 per cent dividend and carrying forward of almost 400,000,000 yen (\$200,000,000). The company's prospects are said to be excellent and cause rejoicing.

The Tokio newspapers agree in praising the liberal views of the new Viceroy of Manchuria, who has pronounced irrational and injurious the policy of quarreling with Japan over trifles. While China, he says, seeks merely to preserve her own prescriptive rights, he credits the Japanese with intending sincerely to pursue the programme of the open door and equal opportunities.

THAW WITHDRAWS MOTION.

New York, July 5.—A. Russell Peabody and Daniel O'Reilly, attorneys for Harry K. Thaw, have served on Acting District Attorney Smyth notice of withdrawal of the motion recently made in the Supreme Court for an order directing District Attorney Jerome to show cause why he should not set Thaw's second trial for the October term of court. Thaw decided that the district attorney intends to act fairly by him in the matter of bringing him to trial as soon as possible and therefore directed his lawyers to withdraw the motion which will be set for argument tomorrow.

IGNORE THE MAYOR'S VETO.

Portland, July 5.—It is believed the ordinance granting the Oregon & Washington Railway a permit to construct a tunnel across the peninsula, a distance of one mile, will be passed by the city council this afternoon over the veto of Mayor Lane. It will take five dissenting votes to sustain the veto, and from all indications this number cannot be mustered. The railway is using every argument possible to gain votes in favor of the permit.

If the veto is sustained the corporation will begin immediate action in the courts, it is said, to condemn a right of way across the peninsula according to the authority granted them by State laws. In this case the city will receive no concessions whatever from the company. The representatives say the only reason they consented to a common user clause was to obtain quick action that they might proceed immediately with the construction work. If the matter is taken into the courts they claim it will delay their work many months and will cause great damage to their enterprise.

BASEBALL RESULTS.

Seattle, July 5.—Seattle 11, Tacoma 9. San Francisco, July 5.—San Francisco 4, Oakland 0. Los Angeles, July 5.—Los Angeles 4, Portland 5. Butte, July 5.—Butte, 1; Spokane, 5.

SEATTLE "JAPS" OBSERVE FOURTH.

Seattle, July 5.—The Japanese Association appropriated \$1000 to aid the Nippon Yusen Kaisha in celebrating the Fourth of July in Seattle. Japanese Consul S. Hisamidzu was present a band discoursed American airs and the Japanese gave a reception to the Americans. The reception closely approached an official Japanese testimonial, given with all the eclat that the consulate and Japanese Association can lend.

The highest point on Queen Anne hill, Seattle's fashionable residence section, was chosen for the day and night displays of fireworks, and an adjoining lawn was tendered for the reception. Aside from the celebration there was no other Fourth of July celebration in Seattle.

CHILD'S LONG VOYAGE.

New York, July 5.—Edith Deane, a pretty child of 12 years, arrived here today as a second cabin passenger on the Umbria. The little girl is traveling alone to San Francisco, where she is to live with her relatives. The passengers petted her on the voyage and the immigration officers saw her safely transferred to the train.

TOURIST LOST ON MOUNT HOOD.

Man Rescued Was in a Starving Condition.

Hood River, Ore., July 5.—Wandering aimlessly far up on Mount Hood, Frank Lymington, who tried to reach the top of the mountain without a guide, managed to reach Cloud Cap Inn Sunday in an almost fainting condition. Had it not been that Howard Meeklin, who is managing the Inn this year, had reached there, it is possible that Lymington would have died from exposure and exhaustion. After being cared for, he stated to Mr. Meeklin that he had left Mount Hood settlement at 5 o'clock in the morning with the intention of going as far up the mountain as possible, and got lost in the forest reserve. Not knowing which direction he was going in, he fortunately kept moving toward the Inn and finally reached it just as he was about to give up. Lymington was Mount Hood settlement.

A UNIQUE COURT CONTEST.

Government and City Engage in Suit.

Rochester, N. Y., July 5.—The contest of the will of Captain Charles Y. Hooker by his relatives began today in the Probate Court. At the time of his death, early this year, it was found that Captain Hooker, who left an estate worth more than \$550,000, had ignored all his relatives and bequeathed his money to the United States Government, naming Theodore Roosevelt and his successors in office as executors. Most of the real estate was left as a site for a military academy at Galeburg, Ill., with money to be used as an endowment.

The city of Galeburg is fighting for probate of the will through Mayor George Shumway, who is here looking after the interest of the city. Attorney-General Bonaparte has directed District Attorney Bass of Buffalo, to protect the interests of the Federal Government.

JUDGE FINDS FOR SAILORS

Four Men Aboard Whaler Herman Receive \$500 Each for Cruelties Sustained.

TELL HORRIBLE TALES.

Claim They Were Given Scurrilous Food and Brutally Maltreated—Object Lesson.

San Francisco, July 5.—Judge J. J. De Haven, in the United States District Court, yesterday filed his opinion in the libel brought by Harry Reynolds and others against the whaling ship Herman and H. Liebes & Co., in which it was claimed by the libellants that by the captain's orders certain members of the ship's crew had been triced up so that their feet barely touched the deck, and afterward imprisoned. Judge De Haven gave judgment for \$500 to four of the libellants, Noble, Pressley, Reynolds and Castleman.

The Herman shipped the nine libellants, William Noble, William Pressley, Harry Reynolds, J. R. Castleman, all of whom claimed \$20,000 damages; J. S. Joy, who shipped as steerage boy and asked \$2,000 for being compelled to perform degrading services; R. Micke, T. Aspe, B. G. Castelle and J. Hewett, who complained of the insufficiency of food, lime juice and other anti-scorbutics, through which they were made to suffer from scurvy, and asked from \$150 to \$500 damages.

The ship while away captured two whales, which rendered 3,800 pounds of whalebone, valued at \$28,500.

Judge De Haven, in his opinion, says that in the libel it is alleged that Reynolds, Noble, Pressley and Castleman were wrongfully, and in breach of shipping articles, handcuffed with hands behind them, by order of the master, and then a rope was tied to the handcuffs and run through a ringbolt fastened overhead, and that the libellants were triced up, so as to bring the weight of their bodies upon their arms, with their toes barely touching the deck, and were at other times clear of the deck for one hour, and were afterward confined to the main hold for fifty-eight days, receiving prison fare.

The object of the punishment seems to have been for the purpose of obtaining a confession from libellants that they had committed various thefts from the ship's stores and had conspired to break into the storehouse, obtain arms and provisions, and then disable and desert the ship. Such a confession was obtained, and the libellants were then imprisoned in irons.

Judge De Haven holds that the master was justified in imprisoning the libellants, as he had believed that such action was necessary for the safety of the ship, but he was not justified in handcuffing and tricing up the men, either as a punishment for offenses past, or for the purpose of extorting a confession was a breach of contract.

With reference to the claim of Joy, who asked for \$2000 damages, for having to perform degrading work and for not receiving proper food, the opinion says that Joy was 19 when he shipped, and did not afterward ratify the contract when he became of age, according to the evidence put in on his behalf, and he would, therefore, be entitled to recover only the reasonable value of his services.

The libel in connection with the claims made by Micke, Aspe, Castelle and Hewett, who asked damages on account of insufficient food and lack of anti-scorbutics, was dismissed, the court holding that there was not sufficient evidence to show that they were entitled to recover.

WEATHER FORECAST.

Oregon Washington, Idaho, fair and warm.

JOHN G. IN COURT TODAY

Standard Oil Magnate to Answer Questions in the United States Court.

ROGERS MAY ALSO APPEAR.

Maximum Fine for Offense \$29,240,000.

QUESTIONS ARE PREPARED.

Inquiry Into Workings of Standard Oil Company Will Be Searching.

Chicago, July 5.—Accompanied by his brother, Wm. Rockefeller, John D. Rockefeller, president of the Standard Oil Company, will appear before Judge Landis in the United States District Court tomorrow morning. It is supposed H. H. Rogers will also appear in court, as it is announced he has returned from Europe; though he may not arrive in Chicago in time to participate in tomorrow morning's proceedings.

Fourteen of the sixteen persons subpoenaed are expected to appear in the court room. It is from these witnesses that Landis hopes to obtain the information which will guide him in fixing the amount of the fines to be imposed upon the Indiana corporation recently found guilty of accepting concessions from the Chicago & Alton Railroad on shipments of oil from Whiting, Indiana. This is what the court wants to know before imposing the maximum fine of \$29,240,000 against the Standard Oil Company of Indiana.

What corporation owns stock in the defendant company? What capital has this holding? What are the earnings of the holding of the company since 1903, 1904 and 1905? Who owns the Union Tank Line Company? What payments did the Chicago & Alton make for the use of the cars of the Union Tank Line Company during the period covered by the indictments on which the oil company was tried and convicted? How many cars of oil were shipped over all the lines from Whiting to St. Louis and East St. Louis, Ill.? Why was the rate of ten cents inserted in some of the Chicago & Alton's way bills during the time covered by the indictment?

What course the counsel for the Standard will adopt has not been disclosed.

FIND MISSING TELLER

MAN WHO STOLE \$26,000 UNDER ARREST.

Found in Apartment House in New York—Woman Divulges Hiding Place.

New York, July 5.—Chester B. Runyan, missing teller of the Windsor Trust Company, who disappeared with about \$26,000 of the company's money several days ago, was arrested in this city. Runyan carried a satchel of \$54,410 when arrested. A Mrs. Carter, in whose home he was captured, and to whom he said he had given \$15,000, is also detained by the police.

Runyan was found in the apartments of Mrs. Carter at 619 West Fourteenth street, where he had been since he walked out of the bank Saturday with the money-laden satchel. Mrs. Carter reported to the police that Runyan was in her flat. Five detectives accompanied her to the house. She furnished them with a key to the apartment and the two detectives entered the room while others remained outside.

As the detectives entered Runyan was standing in front of the chiffoniere. He turned suddenly on the officers with a revolver in his hand. The detectives rushed upon him and he dropped the revolver, calmly submitting to being handcuffed, saying: "The jig is up."