PORTLAND, OREGON, TUESDAY EVENING, APRIL 25, 1805. FOURTEEN PAGES.

PRICE FIVE CENTS

BJECTIONS OF LAND FRAUD DEFENDANTS WIPED OUT BY BELLINGER WHO UPHOLDS ALL PROSECUTOR'S CONTENTIONS

SWEEP"

"This Clears Decks for Early Trials," Declares Heney.

GRAND JURY HELD TO BE LEGALLY CONSTITUTED

Mitchell, Hermann and William son Listen in Crowded Court-. Room to the Demolition of First Defense Offered.

The contentions of the defense that certain of the grand jurys were not qualified to act; that the grand jury was not legally organized; that Francis J. Heney had no right to appear before the jury in the capacity of United States district attorney, and that Heney was so vindictive in his prosecution of the defendant as to prejudice the jury, were all overruled. Finally the court sustained the contention of the district attorney that the objections raised by the defense could not properly be raised by plea in abatement, and therefore the court and not a jury must decide upon the legality of the grand jury's proceedings.

The United States.

"I was satisfied he was truth, sent him out for a cut and new clothes. I got a steamer next day and safely in the United States.

WIN A BIG V.

(Journal Special Service Aden, Arabis, April 25.—force under Risea Pasha, co coedings.

The legality of the grand jury's proceedings.

To property qualification.

It was alleged in Mitchell's plea that two of the grand jurors. Frank Bolter and Joseph Essner, were not qualified to act for the reason that their names were not on the assessment roll. Judge Bellinger held, however, that this would constitute a disqualification. He said:

"It has never been decided in this state, so far as appears, that a property qualification is necessary to the competency of a juror. A person may be a property-owner and taxpayer whose name is not upon the particular roll mentioned in the section in question. There may be a sheriff's assessment of property subsequent to the making of the list by the county court from the assessor's roll, and equally conclusive of the fact that the party assessed is a taxpayer."

The operation was discussed at much is allegated by many and strong financiers that all depositors of the fact that the party assessed is a taxpayer."

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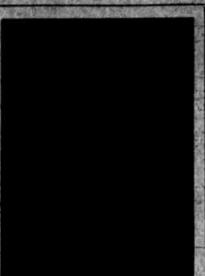
The operation was discussed at much is allegated by making of the fact that the party assessed at a taxpayer."

At the meeting this afterpoor was desirated by misuration prover; James Sewell and George Bag-ingower; James Sew

of the fact that the perty assessed is a taxpayer."

The question was discussed at much length and the court declared that the objection went not to the quainfection of the jury but only to the regularity of the organisation of the jury. The late Juge Thayer, in the case of United States wa Eagan, 30 Fed., 613 said:

"If the point to be decided by the court was to be determined solely with reference to local laws, and with out reference to local laws, the better opinion seems to be that no objection to an indictment ought to be allowed, based merely on an irregularity in the manner of selecting a part or the whole of the grand jury which found the bill, if in all other respects they were duly qualified jurors. Thus, in Thompson and Merriam on Juries; it is said that the only objection which can be taken to the grand jurys which found the bill, if in all other respects they were duly qualified jurors. Thus, in Thompson and Merriam on Juries; it is said that the only objection which can be taken to the grand jurors by plea in abatement after they have been sworn and made present ments, must be such as would disqualify the laws and an early hour this morning, at the case of United States of United States and the court was not involved in the financial troubles of the First National troubles of the same of popular such as the concern was not involved in the financial troubles of the first National today. Bigelow did not appear at the bank today, but remained they have been sworn and made present ments, must be such as would disqualify the latter was a director of the company, despite the grand jury which found the bill, if in all other respects they were duly qualified to the first National and Involved in the financial troubles of the first National today. Bigelow did not appear at the bank today, but remained they have been sworn and made present ments, must be such as would disqualify the properties of the company. The same rule was indeed to the control of the control of the control of the control of the contro



Judge C. B. Bellinger.

TOOK FUNSTON FOR CUBAN ASSASSIN

General Fitzhugh Lee Tells an Incident of His Con-

defendants in the land fraud cases, as it was stipulated that all should stand or fall together. Some demurrers remain to be argued but they are regarded as purely formal.

In Senator Mitchell's case the demurrer is to be argued by briefs. If the demurrer is overruled, as the prosecution expects, the defendant will then be compelled to enter his ples, guilty or not guilty, to the indictment.

When Judge Bellinger entered his courtroom this morning every seat was taken and standing room was at a premium. He proceeded at once to read his decision. It is a veluminous one, occupying nearly an hour in the reading, and cites numerous authorities in support of its conclusions.

Upon every issue raised, the court decided in favor of the government. The contentions of the defense that certain of the grand jurors were not qualified.

American consul got one of the worst scares of his life. He was alone in his office when the door opened and one of the worst jooking faces ever seen looked in a him. He had no clothing apparently but a linen duster. He approached General Lee cautiously and the latter instinctively grasped his revolver.

"I that fellow had once put his hand under his duster I am positive that I would have shot him without waiting for a word," said General Lee. "I was sure he had been hired to kill me. When he approached to speaking distance, he astonished me by asking in good English if I was General Lee. I told him I was, and asked him who he was. He said that he belonged to the Cuban army, and was General Gomes's chief of artillery, and wanted to go back to the United States.

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"I was satisfied he was telling the truth, sent him out for a bath, hair-out and new clothes. I got him aboard a steamer next day and he landed safely in the United States. That man was General Funston."

ARABIAN INSURGENTS WIN A BIG VICTORY

Shorts Ask Court to Enjoin From Combining to Get Prices.

SAY ACTION WOULD PROVE THEIR RUIN

Producers Declare That Injunction Proceedings Do Not Bother Them, and That They Will Hold.

Every objection raised by Senator Mitchell's plea in abatement to the indictment found against him by the federal grand jury was a swept aside this morning by Judge Beilinger. It was a signal victory for the government and Senator Mitchell will be obliged to face trial in June.

WORST LOOKING FACE
HE HAD EVER SEEN

Senator Mitchell will be obliged to face trial in June

Judge Beilinger's decision was rendered in a crowded courtroom, many of the leading members of the bar being present. Senator Mitchell sclick his attornay, Judge A. B. Bennett, but his composure seemed undisturbed as the slaborate defenses reared by his counsel were one by one sweet sway by the court.

This clears the decks, said United States District Attornay Hensy after the adjournment. "It is a clean sweep for the Sovernment and means an sarry trial for Senator Mitchell's plea in abatement Judge Beilinger has disposed of all similar pleas filed by other in abatement Judge Beilinger has disposed of all similar pleas filed by other defendants in the land fraud cases, as it was situated that all should stand or fall together. Some demurrers are all together. Some demurrers are folial together. Some demurrers are looked for when the door opened and one of the stipulated that all should stand or fall together. Some demurrers are some looked to be argued but they are regarded for the plot to slay him, the American consul got one of the sealed on the shorts who need hops office when the door opened and one of the plot to part to the source of the surface of the surface of the plot to slay him, the American consul got one of the surface of the proposed poil they are of his life. He was alone in his could stop them from holding their crops, and that were the court to grant screen of his life. He was alone in his could stop the from the source of his life of the plot to grant screen of his

that could stop them from holding their crops, and that were the court to grant an injunction the shorts who need hops so badly would not be able to fill their contracts without paying higher prices. Back of the suit of Her are the brewers and other short sellers, who claim that were a pool to be formed now, with the supply less than the demand, they would be ruined in business.

So desperate is the situation for the shorts that they talk of carrying the fight into the federal court, invoking the anti-trust statute, on the ground alleged in the state circuit court suit—that the pool would be a trust, combination and in restraint of trade.

The defendants are Conrad Krebs, T. A. Riggs, M. H. Durst, J. P. Ransau, James Pincus, W. H. Egan, J. Winstanley, Henry Clandfield, James Myer, Marion Palmer, George A. Downs, James Cartwright and James Sewell.

The proposed pool was to tie up 15,000 bales of hops, and would take that amount off the market at once. The proposal to pool these hops was made some time ago, but it was not prior to a week ago when the idea took tangible, form, and Conrad Krebs of Salem, and Julius Pincus of Isaac Pincus & Sons, of Tacoma, were the chief movers in calling the meeting. The Krebs and Pincus interests are the strongest in the two states in the trade, and they have the big hopgrowers with them in full sympathy.

At the meeting this afternoof were M. H. Durst, the heavy California grower; James Sewell and George Bagiery of Hillsboro; William Davis and Mr. McPherson of Forest Grove; George A. Doreas and William Cheshire of Eugene; T. A. Riggs and Mr. Giltner of (Continued on Page Six.)

Senator John H. Mitchell and His Attorney, A. S. Bennett, as They Appeared in Court This Morning. THE CHOSEN CIT

Permanent Headquarters Women of Woodcraft May Come to Oregon.

WILLIAM REIDT WILL DONATE GOOD LOCATION

W. O. W. May Reduce Payment Captain Sweeney Tells of Con- Advises Traders to Hold Steady-Policies Instead of Raising Rates.

(Special Dispatch to The Journal.)
Los Angeles, Cal., April 25.—Thursday the Women of Woodcraft members will decide upon a location for their headquarters. Oakland and Salt Lake are making a strong fight. Oregon delegates, however, want the headquarters at Portland, having the support of the head officers of Washington and Mon-

head officers of Washington and Mon-tana. William Reidt will donate a lot if Portland wins.

The rate proposition is under discus-sion by the Woodmen of the World. In-stead of raising the rate, a resolution has been introduced that if a member dies at any time during the first year he shall receive but one half of his policy, the second year two thirds and after two years the full amount. It has been shown that 50 per cent of the deaths oc-cur during the first and second years, before the beneficiaries have paid enough into the order to pay for a mon-ument. This resolution no doubt will carry, and it will be a big saving to the order.

The fact becoming known that a desirable location would be donated the Women of Woodcraft should the city of Portland be chosen as a permanent site for its headquarters has stimulated all members of the northwest states to redoubled efforts to secure a favorable consideration of the Oregon metropolis. Boise, Idaho, had at one time offered inducements for the establishment of the offices at that point, but since the contest between Oakland and Sait Lake (Continued on Page Six.)

TRIAL OF ACTRESS

of Court Rescinds Order Barring Broke the Bull Pool in Chicago Sex From Nan Patterson's Ordeal.

TESTIMONY THE SAME AS AT FORMER TRIALS

versation He Had With Prisoner at Her Arrest.

escinding the order excluding women

rescinding the order excluding women from the courtroom, many women and girls were present at the Nan Patterson trial this morning.

Waiter Norris, desk sergeant at the Leonard street section, was the first witness. He identified the revolver secured when Nan was brought to the station.

Captain Dennie Sweeney told of the conversation he held with the prisoner after her arrest. The testimony does not differ from that of former trials.

Yesterday the photographer and architect who had prepared the pictures and plans of the cab in which Young was killed, briefly explained their contributions to the case. Policeman Junion told of his running after the cab in West Broadway soon after Young was shot, and of his directing the cab-driver to the hospital.

and of his directing the cab-driver to the hospital.

Wardman Edward J. Quinn, who took Miss Patterson from the hospital to the pelice station, told his connection with the affair and identified J. Morgan Smith and his wife. Quinn said that Miss Patterson was hysterical on the trip from the hospital to the station-house, but that she became cool and collected when the station was reached. He said that Miss Patterson told him during the trip that she had nothing to live for, now that Young was dead, and begged him to kill her.

Justice Gaynor has denied the petition compelling the district attorney to return the letters taken from the Smiths when they were arrested.

Kuropatkin Succeeded as Commander of Second Army Corps.

TOGO AND HIS-SQUADRON ARE LOCATED OFF KOREA

Russian Fleet Taking Coal Off Hainan Island-Czar Again Promises | Reform and Public Assembly.

(Journal Special Service.)
London, April 25.—A dispatch to the
Exchange Telegraph from St. Peters-burg states that "Kuropatkin has reburg states that "Kuropatkin has fesigned as commander of the second
army and is succeeded by General Kaulbars." The dispatch adds "three of
the chief revolutionary leaders of Russia have been arrested."

A Chefoo dispatch states that it is
reported from Korea that Admiral Togo
with a major part of his squadron was
at Tasumpo bay, near Fushan, Korea,
on April 20.

The governor of Hainan Island has

on April 20.

The governor of Hainan Island has wired the Chiffese government that the Baltic fleet is taking coal off the coast of Hainan. It is reported that the Russians will make a prolonged stay off Hainan Island, where they will await the arrival of Nebogatoff's third Baltic squadron, which is now en route.

It is reported from St. Petersburg that the admiralty has no information as to whether Rolestvensky is waiting for Nebogatoff's detachment, and suggests the transport fleet may be left to the care of the slow but nowerful ships of the latter's squadron while Rojestvensky tries conclusions with Togo.

It is reported that Japanese are illuminating by searchlights the northern waters of the Eca of Japan, the Tsugaru

straits and La Perouse straits every night. The Japanese fleet is reported south of Formosa awaiting Admiral Ro-Chicago, April 25.—Oregon products are proving an important factor in the Chicago market. Oregon wheat to the amount of 15,000,000 bushels, put on the Chicago market in the last few days, was an important factor in the big drop in values that has taken place in the big fight that has raged between the Gates bulls and Armour bears.

The secret of the grading of the Oregon wheat lies with the elevator owners, as this wheat is not regularly graded on the Chicago board. On good authority, however, it is said that it was mixed with accepted grades.

Have Gates and Armour formed a partnership in a wheat deal?

This is the general opinion of the wheat trade and sometimes the trade is wise.

south of Formosa awaiting Admiral Rojestvensky.

A St. Petersburg dispatch states that while giving an audience to the marshal of nobility of Kostroma at Tsarskoe Solo the emperor said: "My will regarding the convocation of the representatives of the people is unswerving. The minister of the interior is making every effort for its speedy realization."

This message is evidently intended to quiet the fears of the people that the promises contained in the exar's reacript have not been fulfilled.

It is stated on good authority that amnesty to all political and religious prisoners will be proclaimed shortly. The government has decided to proceed by peaceful methods in future rather than by an exhibition of force.

RUSSIA COULD EASILY INVADE AFGHANISTAN

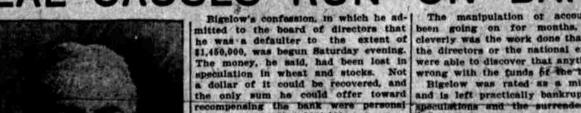
Britain Powerless to Prevent Capture of Herat Within a Week's Time.

(Journal Special Service.)

Bombay, April 25.—The Times, commenting on the recent liberal opposition in the British house of commons to the strengthening of the northwestern frontier of India, says that the opposition does not realize the importance of the matter. It asserts that a Russian army 296,096 strong is concentrated in Central Asia, that the Russian force is within striking distance of Herat, Afghanistan, which it could capture in a week.

The Afghan army is degenerated into

CLERKS AT ROSEBURG



recompensing the bank were personal securities valued at \$300,000. Bigelow has for years been recog-nized as one of the foremost financiers of the country. For 15 years he has been associated with the First National been associated with the First National bank and his business connections with prominent financial concerns, were legion. He was a year ago made president of the American Bankers' association, and by its members was looked upon as a leader in financial matters.

The method adopted by Bigelow to conceal his defalcations was the manipulation of the collection account to make it appear that the reserve fund was intact and the amount of the increased collections fund was devoted to stock operations. The reserve maintained in banks was tampered with the books of the First National being fixed so that the reserve appeared to be interest than it really was. In the falsifying of records and manipulation of reserves Bigelow was aided by Goli and two bookkeepers in the Fulk was asted upon orders of Bigelow.

been going on for months, but so cleverly was the work done that neither the directors or the national examiners were able to discover that anything was wrong with the tunds of the balk.

Bigelow was rated as a millionaire, and is left practically bankrupt by his securities.

His total losses in speculation during the last two years exceed \$5.000.000. In the recent bear movement on Wall street and the wheat smash in Chicago Bigelow and his son lost all their property.

WILL FIR! OHGH FOLID

-Mixed With Graded

Grain.

Two Failures Announced

in New York.

wheat trade and sometimes the trade is wise.

At present it is leaving the wheat market severely alone, as far as the May option is concerned.

The wheat market today was quite exciting, but it was purely a professional affair and prices were put up and down at will.

At the close today May was but one quarter cent above yesterday, while July and September were each up one half cent.

DON'T GET RATTLED.

(Special Dispatch to The Journal.) New York, April 25.—This from Law

STREET TO KEEP COOL

LAWSON TELLS WALL

Bigelow and his son lost all their property.

A Chirago dispatch says that Assistant Cashier Goli, of the Milwaukee bank, is being watched for in Chicago, where he has a number of friends. The United States marshal and detectives are said to be making a search in the hope of capturing the banker. He was last seen in Milwaukee last night.

DOLLAR STEAL CAUSES RUN BANK people began to gather in front of the

arrested. Bigelow was held under \$16,-

