

BOOTH NOT ON STAND

Attorneys Contend Government Has Failed to Make Case and Defendant Is Not Required to Testify in Own Behalf.

James Henry Booth did not go on the stand as a witness in his own behalf in the Booth bribery case now drawing to a close in the United States court. Abruptly, after a conference following the adjournment of court yesterday afternoon, Mr. Malarkey for the defense announced to the court this morning that the defense rested. The prosecution contended nothing which was of sufficient importance to controvert or approve and the government had failed to make out a case which would be weight with the jury. After the witnesses which had been waiting for the opening of the defense and those remaining for the government had been excused by the court, United States District Attorney John Webster began his opening statement for the government. He spoke less than an hour. He went through the testimony of Bridges and of Kribs, pointing out the vital spots of their testimony, and from these argued that the government had shown beyond a reasonable doubt that the defendant Booth had been proven guilty of accepting a check of \$800 from Kribs, part of which, at least, was in payment for advance information concerning the business of the land office which it had been illegal for him to give.

Outside of Indictment.

Following the district attorney, Judge Webster began his plea for the defense. Judge Webster laid particular stress upon the contention that the testimony of both Bridges and Kribs went outside of the allegations of the indictment. He contended that the indictment set out that the defendant had furnished information concerning cancellations of claims, while the testimony had been introduced to show entirely different transactions. This, he contended, was improper, and he argued that the jury could not bring a verdict upon such evidence.

According to the expectation of Judge Webster his address to the jury would consume not more than the first half of the afternoon session. Should he hold within the time limit set by himself, Mr. Malarkey will begin his statement in support of that made by Judge Webster a short time before the hour of adjournment and will conclude some time during tomorrow morning's session of court.

Judge Becker, who will close the case for the government, expects to talk less than two hours, so that the jury should have the case in its care during the early hours of tomorrow afternoon.

Motion to Instruct Denied.

Late yesterday afternoon Judge Wolverson overruled the motion of the defense for an instructed verdict, and, on the request of Mr. Malarkey, adjourned court until this morning in order to give the defense an opportunity to prepare its case for swift and logical presentation.

The court in denying the motion held that it was not for him to pass upon the credibility of the witnesses for the government, but to decide whether there had been sufficient evidence introduced where men of reasonable minds might consider that a case had been made by the government.

Leaving the question of credibility of the witnesses out of consideration, it being a question for the jury and not for the court, the court held that evidence had been introduced tending to show close connection between Kribs and Booth. Bridges had testified to having made an agreement, which he said included Booth, by which Kribs was to pay \$25 for each claim upon which advance information was given by the officials of the land office. Kribs in his testimony had said that he had discussed the question of advance information with Booth and that he had paid the \$200 check in consideration of past favors and those were according to Kribs, inclusive both of the land office and of the agency by which Booth secured the options on wagon road lands for Kribs.

Other Motions Denied.

As soon as the court had made its ruling Mr. Malarkey asked the court to issue an order directing the defense to stand either upon the alleged contract testified to by Bridges, in which the sum of \$25 was to be paid for information, or else the contract which was made by Kribs with Booth alone. The court denied this motion as well, holding that while the indictment specified the later contract, yet the evidence of Bridges showing the prior agreement should stand as tending to show the close connection of the parties.

Women's Hosiery.

At a little bit of a price, 50 dozen fast black double sole stockings, the 20c kind, for 10c a pair tomorrow, 8 a. m. to 9:30 p. m., at Hannon & Co.'s, 388-390 East Morrison street, near Grand ave.

RAILWAY COMPANY BUYS RIVER FRONT?

Has the Mount Hood Railway company purchased an east side waterfront terminal? Is the question that is agitating property owners in the vicinity of Stark and East Water streets as well as realty brokers who see in the supposed transaction signs of a general upward movement in central side property.

It has come to light that A. F. Biles and associates had several weeks ago sold to an unknown purchaser the strip of waterfront beginning in the center of East 10th street and extending south to within 50 feet of the north line of East Washington street. The holdout was a river frontage of 440 feet and an average depth of 210 feet and was sold for \$150,000.

Biles, one of the former owners, said today that the deed was executed in blank, but that in his opinion the purchase was made for the Mount Hood Railway company.

CITY PAYS OUT QUARTER MILLION

City Treasurer Werlein used up nearly half a million of gold yesterday to pay off the city employees and the interest on the various outstanding bonds. To be exact the city treasurer received just 85 1/2 pounds of the golden metal from the banks, valued at \$250,000. Of this amount \$13,000 was paid in salaries while the balance was used in paying the regularly quarterly interest on the following bonds: Water, City Hall, bridge and city improvement.

SEARCH FOR GOLD OF BILL BASCOM

Dies in Wisconsin Prison and Boasted He Had Secreted Fortune.

(United Press Leased Wire.) Bellingham, Wash., July 2.—The search for the buried treasure of "Old Bill" Bascom, smuggler, train robber and gun man, who died in a Wisconsin penitentiary, has been revived in the neighborhood of Wenatchee, where he resided 20 years ago. He made the place a base of operations in his smuggling work and was captured there by a Wisconsin sheriff and taken back east.

PORTLAND MAN ENVY OF ALL HOUSEWIVES

John Hastings, a mining engineer of Baltimore, and assistant to John Hays Hammond, the highest salaried man in the world, and who was recently mentioned as a possible vice-presidential nominee on the Republican ticket, recently presented James H. McNicholas of Portland with three handsome rugs, the animals of which Mr. Hastings killed himself in Africa and Siberia. Mr. McNicholas, who is also a mining expert and travels over all the country, has been associated with Mr. Hastings on several expeditions in Alaska and other mining countries and has known him for years. Some time ago Mr. Hastings promised Mr. McNicholas the rugs. Mr. McNicholas had almost forgotten all about them, when he was notified that there was a box at the freight depot pretty near as big as a house. The rugs arrived yesterday. Mr. McNicholas' largest rug is composed of the hides of 12 civets, which were killed by Mr. Hastings on one of his hunting trips. Another is of a bear and the third of a lion and African leopard. All are beautifully mounted. The civet rug is also arranged so that it may be used as an ornament and hung on the wall.

RATE CASE ACTION

(Continued from Page One.)

ply to San Francisco, Portland or Seattle. This was construed by the commission to be a rebate on the tariff across the continent, and the Pacific Mail was accordingly indicted.

Then the new rule was promulgated, which would have created an upheaval in traffic across the Pacific ocean and resulted in the taking away from the big Japanese line much trade that would go to the independent and tramp steamers. The tramp steamers immediately took advantage of the rule, to announce a reduction in freight rates to the Orient on wheat and flour, and began a campaign to get the trans-Pacific business.

Official to Make Showing.

It is understood that the postponement of the rule does not necessarily mean that the rule will be changed, but it was thought wise to give the Japanese a chance to make a showing before the commission. This is taken to be the real object of the visit of Seichiro Asano, president of the Toyo Kisen Kaisha to this country. Asano is the wealthiest man in Japan and is now on his way to Washington to accept the position of Japanese commissioner and to appeal to President Roosevelt, whom he terms Japan's best friend. It is stated here, however, that the interstate commerce commission will stand firm on the rule, because it is supposed to cut out smaller companies. The only way to get around the Japanese lines is through the American railroads, because the commission has no power beyond the borders of the United States.

Japanese Protest.

(United Press Leased Wire.) Tokio, July 2.—The Japanese trans-Pacific steamship companies that are affected by the new ruling of the American interstate commerce commission, that will result in the Japanese lines on through freight from Japan to the Atlantic coast, are today much concerned over the rule which was ordered into effect yesterday. At a meeting of the directors of the largest trans-Pacific steamship companies in Japan, including the Toyo Kisen Kaisha, whose boats run from Yokohama to San Francisco and the Nippon Yusen Kaisha, whose boats run from Yokohama to Seattle, it was decided to call a general conference at Yokohama in the near future to which American railroad officials will be invited and which has for its purpose the revising of the scheme, which, it is thought, will put several of the Japan companies out of business.

Meanwhile, the Japanese steamship companies have asked that the new scheme be suspended in America.

Advertising Class.

A. S. Monroe, president of the Monroe Advertising company, for many years connected with the largest advertising school in the world, will take a few students in advertising for the summer months. Call or address at once suite 43 Hamilton bldg., Portland.

TABORITES WANT OFFICE RETAINED

As the result of mass meeting of Mount Tabor citizens last night under the auspices of the Improvement association a petition will be presented for signature to every resident before being sent to the postoffice officials. This asks for the retention of the present postoffice at Mount Tabor, declaring that its removal would result in great inconvenience and financial loss to Mount Tabor.

Dr. R. Nichols, Dr. R. N. Tuttle, J. A. Sanford, P. Danby, H. F. Hodges and S. L. N. Gilman, a committee appointed to confer with Postmaster Min. to of Portland, reported that the local officials had told them he had decided to cut out the Mount Tabor office, because the postoffice appropriation had been cut down and it was necessary to retrench somewhere.

Brubaker & Normandin, owners of the building in which the Mount Tabor office is situated, have a plan to offer for which it is believed will enable the postmaster to retain the office there. The Improvement association indicated the work of the committee and voted to continue it.

TEA

Is tea generally so bad? Is it rather uncertain generally, there is no difficulty in getting it good.

Your grocer returns your money if you don't like Scilling's Best, we pay him.



This woman says that after months of suffering Lydia E. Pinkham's Vegetable Compound made her as well as ever.

Maude E. Fergie, of Leesburg, Va., writes to Mrs. Pinkham:

"I want other suffering women to know what Lydia E. Pinkham's Vegetable Compound has done for me. For months I suffered from feminine ills so that I thought I could not live. I wrote you, and after taking Lydia E. Pinkham's Vegetable Compound, and using the treatment you prescribed I felt like a new woman. I am now strong, and well as ever, and thank you for the good you have done me."

FACTS FOR SICK WOMEN.

For thirty years Lydia E. Pinkham's Vegetable Compound, made from roots and herbs, has been the standard remedy for female ills, and has positively cured thousands of women who have been troubled with displacements, inflammation, ulceration, fibroid tumors, irregularities, periodic pains, backache, that bearing-down feeling, flatulency, indigestion, dizziness or nervous prostration. Why don't you try it?

Mrs. Pinkham invites all sick women to write her for advice. She has guided thousands to health. Address, Lynn, Mass.

EPWORTH LEAGUERS RALLY TOMORROW

Portland District Will Hold Meeting for First Quarterly Business Reports.

A rally of the Epworth Leaguers of Portland district will be held tomorrow night at Sunnyside Methodist Episcopal church. This will be the first quarterly gathering of the Epworthians, and is expected to be a memorable event. The program has been arranged by Sunnyside league chapter, but the nature of it is being kept a strict secret by those in authority, this being a provision of the plan on which the quarterly rallies are to be conducted. Delegations from each chapter in the district are expected to be in attendance.

Officials Visit Gold Beach.

(Special Dispatch to The Journal.) Gold Beach, Or., July 2.—Master Fish Warden McAllister and Superintendent O'Malley and Deputy H. L. Kelly of the government fisheries, paid a visit to the hatchery and cannery here this week. A visit was also paid to the fish hatchery on Indian creek, where about one and a half million salmon fry are being fed. During their stay they were shown R. D. Hume's large ranch.

Kimono on the Run.

50 dozen figured lawn kimonos, dainty patterns. You can buy them for 15c a piece tomorrow from 8 a. m. to 9:30 p. m., at Hannon & Co.'s, 388-390 East Morrison street, near Grand ave.



BUY NOW FOR THE FOURTH

Shoes Given Away (Almost)

That's about the situation, produced by an order from headquarters to close out, at ANY sacrifice, our entire stock of Jenness Miller ladies' shoes. This means every lady's shoe in the house—high and low, tan and black—lace, button, blucher—vici kid and patent leathers. It'll pay you to get fitted out now for months to come.

All \$4.00 and \$5.00 Values, Till Sold Out, for \$1.98

MEN'S SHOES REDUCED—\$4.00 Values Now \$3.50 \$5.00 Values Now \$4.25

These are the well-known, easy-fitting and fine-appearing Burt and Packard shoes—in tan and black, plain and patent leather—high and low.

FOR A FINE SUMMER SHOE AT A BARGAIN THIS OFFER CAN'T BE DUPLICATED IN PORTLAND TODAY.

"Korrek Shape" Shoe Store

CHARLES W. DEMMLER, Manager

293 Morrison Street

Just Off the Corner of Fifth; Opposite Corbett Building



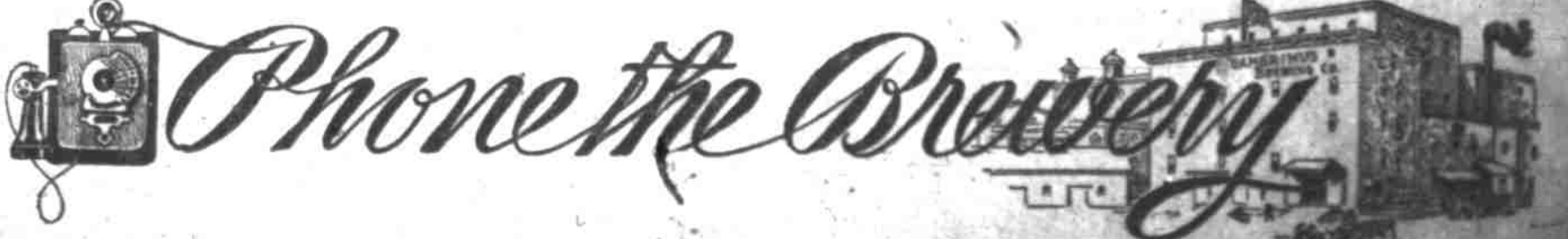
GAMBRINUS The Favorite for Over 31 Years

Every year that Gambrinus is brewed it becomes more popular with discriminating beer-drinkers.

No one who uses GAMBRINUS for a week or more ever goes back to any other brew. EACH YEAR'S OUTPUT OF GAMBRINUS is larger than the brew of the previous year. BEER IS A TEMPERANT DRINK. Less than 3 per cent of alcohol in GAMBRINUS. Help YOUR digestion, insure peaceful sleep and better health by drinking PURE beer in your HOME.

Don't put it off. Order NOW. Call us up—we do the rest.

TWO DOZEN PINT BOTTLES, \$2.00—25c the dozen rebate when the bottles are returned. ONE DOZEN QUARTS, \$1.75—40c the dozen rebate when the bottles are returned.



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