

BOOTH JURY VOTED ON MANY PHASES OF CASE

Robert A. Booth, ex-state senator, his brother, James Henry Booth, ex-receiver of the Roseburg land office, and T. E. Singleton, are not guilty of having conspired to defraud the government of public land. Yesterday morning, after a day and night of discussion, the jury returned a verdict which separately acquitted each of the three defendants of the crime charged against them in the indictment three years ago.

Ex-Senator Booth had three votes against him on the first ballot, but on the second was acquitted. In all 21 ballots were taken, 20 of which had to do with the guilt or innocence of James Henry Booth and Singleton.

According to the members of the jury, the first vote was taken soon after the case had been submitted to them by the court. Four features of the case were voted on—one on whether there had been a conspiracy proven, another on the guilt of R. A. Booth, another on the guilt of J. H. Booth, and another on the guilt of T. E. Singleton. On the first there were nine votes cast in support of the conspiracy charge and three against it. Nine men voted to acquit R. A. Booth on the first ballot and three to convict him. Eight men voted to acquit T. E. Singleton and four to convict him. Seven men voted to acquit James Henry Booth and five to acquit him.

Federal Evidence Too Weak.

In explanation of this vote it is said that the majority of the men on the jury considered that there had been a conspiracy of some sort, or an understanding, by which the claim of Thomas Agee was to have been secured. On the other hand, the majority did not believe that the government had connected any of the defendants closely enough with the case.

Argument and discussion of the evidence switched the three men voting for conviction in the case of R. A. Booth to the other side, and on the second ballot he was acquitted, the jury then taking up the remainder of the time in reaching a decision regarding the other two defendants.

On the second ballot the vote changed to 10 for the acquittal of James Henry Booth and Singleton, and two for their conviction. After a time the vote changed again, this time 11 voting for acquittal and one for conviction. This one man was "Freeze" Gibson, Gibson being out until the vote was changed to 10 for acquittal and two for conviction again for one ballot. Then it lapsed again to 10 to 1.

At 9 o'clock yesterday morning another ballot was taken. Prior to this some of the jurors decided to do a little

jockeying, it is said, in order to "flush" Gibson out of his stand for conviction. Accordingly, when the ballots were counted, six were for conviction and six for acquittal. The question salesman went over once more and another vote taken, on which Gibson changed his vote, the unanimous ballot of the jury being cast for acquittal both of Singleton and James Henry Booth.

Joy Follows Verdict.

The scene in the courtroom when the verdict was made known was affecting. Robert A. Booth, who has been impassive throughout the long trial, broke down when the verdict was read by the clerk, and with tears streaming down his cheeks thanked each of the jurors individually for their vindication, as did the other two defendants.

Members of the jury speak in high terms of the government attorneys, Judge Becker and District Attorney McCourt, complimenting them for their conduct of the case. It is considered that the attorneys made the most possible out of the case, but that there was not sufficient evidence to support the contentions of the prosecution.

The members of the jury were as follows: Frank H. Hall, salesman, Portland; J. H. Mulkey, farmer, Polk; H. T. Buxton, farmer, Washington; Robert Davis, druggist, Portland; George Randall, retired farmer, Clackamas; C. C. Hoopes, farmer, Lincoln; George Ball, Polk; A. B. Gibson, farmer, Polk; James A. McLaughlin, merchant, Portland; George Harthy, farmer, Yamhill; S. B. Bane, farmer, Benton.

Indictments Three Years Old.

The indictments against the two Booths and Singleton were filed in the United States circuit court by Francis J. Henry April 8, 1905.

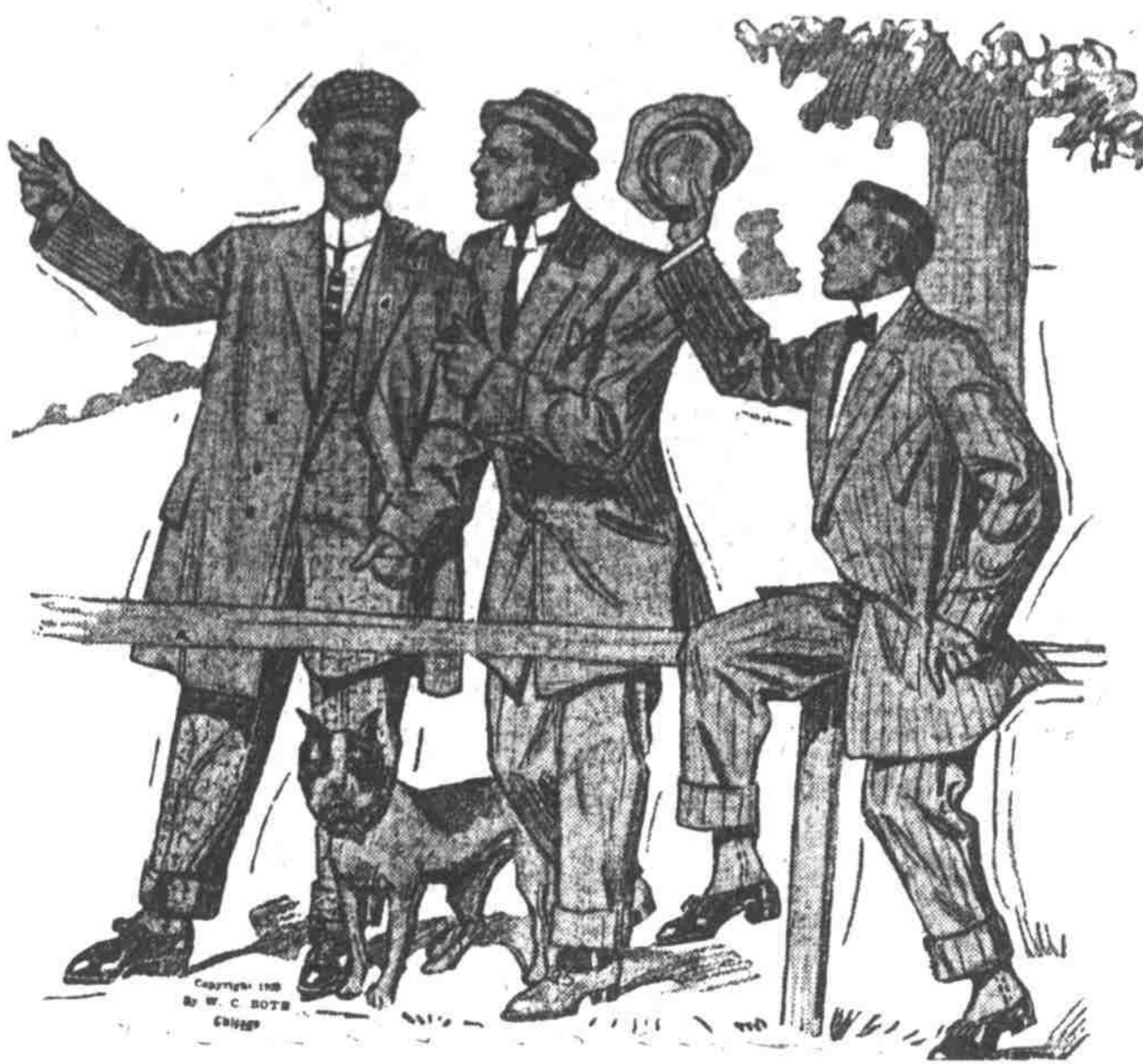
The specific charges against the defendants by the government was an alleged conspiracy to defraud the United States of 160 acres of public land in the county through the use of false affidavits and proofs of homestead entries made by I. Thomas Agee. Agee, the government contended, entered into an agreement with the defendants whereby he was to sell them the land as soon as he received his deed. Agee was principal witness for the prosecution.

The fraud, according to the indictment, was perpetrated prior to and during 1902.

United States District Attorney John McCourt and Tracy C. Becker, special assistant to the attorney general, had charge of the prosecution for the government.

The counsel for the defendants were Judge Lionel R. Webster, Dan J. Malarky, A. C. Woodcock of Eugene, and Dexter Rice, Roseburg.

IF YOU WANT TO KNOW WHAT SMARTLY DRESSED MEN WILL WEAR THIS SEASON, ASK BEN SELLING



ADVANCE STYLES COLLEGE CLOTHES

We have received and placed on display a complete line of COLLEGE STYLE CLOTHES for young men—very different from those heretofore shown. Take advantage of early choosing. On exhibition SECOND FLOOR—take elevator

Price \$15 to \$35

BEN SELLING LEADING CLOTHIER

LOSS IS IN THE MILLIONS

(Continued from Page One.)

everything possible is being done to make them comfortable. Spokane has taken active steps for substantial relief.

The people of Fernie, who are mostly hard-working miners with large families, are becoming discouraged. It will take months for them again to establish themselves. At present, both on the first and second, clothing, bedding, furniture or food will be thankfully received and will be of vast help at this time.

Forest Fires Unrestrained.

Forest fires are responsible for the greatest financial disaster in the history of western Canada. For 10 days the mountains along the Crow's Nest Saturday afternoon they approached the south side of Fernie, but no one thought of and no effort was made to check them.

In a few minutes the gale suddenly rising fanned the fire into a cloud of flame and drove it over the Elk mill plant with such suddenness that the employees left their work and jumped into the river to save themselves from the blazing mill great pillars of flame were raised high in the air and by the force of the wind dashed forward for blocks over the domed city, which lies in a funnel-like valley. But for the prompt arrival of several companies of people the loss of life would have been many hundreds. The men were mostly at work in the mines and were hurriedly called upon. Many saved themselves by scrambling up the steep mountain sides.

Trainload on Burning Cars.

The last load rescued by the Great Northern, about 400 people, had a narrow escape and ran to safety through an open place, practically through a furnace, with the people huddled in box cars. But for the heroic work of the engineer in standing by his post and forcing his engine forward in a race with death all would have perished. When a safe place was reached most of the box cars were on fire and burned themselves out.

A narrow way trying to escape with 10 women and children whom he was rescuing found his team hemmed in by fallen timbers and took to the woods. The party, all being rescued, made their way to safety by a narrow margin by running under a high arch of flames which a few moments later settled and would have cut off all escape.

Kot Gale Felt 100 Miles.

All horses and other animals were burned.

Long rows of blazing coke ovens alone remained proof against the flames.

The intensity of the force of the gale is hard to comprehend. The writer was 100 miles away on the east slope of the Rockies. The gale, laden with heated air and dust, reached over the prairie like a desert wind, darkening the sun and driving the people to shelter.

Wire connections from the east of Fernie are cut off. From Frank the news was reached on a scout train that needed its way for miles through burning country where at times the blazing embers, crashing trees and scorching heat were inevitable.

An Ill-Starred Country.

The crude towns in the rugged Canadian Rockies in the Crow's Nest country have had more than their share of strife and misfortune. Fernie has been wiped out by fire four times. In this section occurred the memorable railway fire near beyond Jim Hill and the Canadian Pacific for the control of the Crow's Nest pass and the Crow's Nest coal fields. Five years ago 120 lives were lost in a gas explosion in the Crow's Nest. In April, 1903, at Frank a slice of mountain a mile high toppled over, burying a town and killing several men. With bitter strikes, Black Hand outrages, mudslides, snowslides and mine disasters, she has been kept in the public eye.

On the afternoon of the fire the miners were busy rescuing 25 miners from a living tomb caused by a cave in at the mine several days before. Twenty

REFUGEES TELL OF HARROWING SCENES AND HEROIC DEEDS

Nelson, B. C., Aug. 2.—From all important cities from Montreal to Vancouver, relief trains are rushing today to the aid of the thousands of refugees from the great Crow's Nest valley forest fires.

Refugees arrived from Sparwood, Hosmer and Michel bringing harrowing tales of the tragedies of the fire. One of the refugees brings the story of how a party of men and women fled over the Elk river. The bridge was burning, and when they were in the center it collapsed. All were drowned. The number of persons in the party is not known.

Refugees estimate the number of dead and injured at 300. The story is told of a woman who refused to leave her home near Hosmer until the flames actually reached it. She was rescued from the door and fell dead of heart disease. Neighbors succeeded in reaching her body, but had time only to bury it under a thin layer of earth. The women in the fire zone fought the flames with the hardihood of men, and the instances of heroism were almost without parallel.

CONCRETE BLOCK BUILDING SURVIVES THE FIERCE FLAMES

Vancouver, B. C., Aug. 3.—A special to the World from Fernie says the towns of Hosmer and Michel, which great anxiety was felt Sunday, are saved. In Hosmer buildings were dynamited to stop the flames. Elk company's lumber camp No. 2, situated about five miles from Fernie, was surrounded by fire and all roads of escape were cut off. Sixty men and four women were in the camp. They have undoubtedly been burned to death. Not a single person escaped.

In Fernie the western Canada wholesale house, occupying the concrete block building which was saved from the flames, has stored with it its walls some \$50,000 worth of groceries and provisions which proved to be a great blessing to the community, and the wholesale house has been transformed into a retail store and groceries are being delivered to all parties who are entitled to be supplied.

The fireproof cellar under the rear division of the Trite-Wood store is reported to be intact and the forest fire by the judicious use of water the entire contents will be saved although it will be several days before it will be safe to open the doors.

President Lindsey estimates the loss of the Crow's Nest Pass coal company to be \$150,000, \$100,000 of which is covered by insurance. The Trite-Wood company's loss is fully \$250,000, covered by insurance. The A. MacDonnell Wholesale company's and the Crow's Nest Trading company's loss are very heavy, but at this writing an estimate has not been reported.

Hundreds are sleeping in the open without blankets or covering of any sort. Relief committees have been organized and food is being supplied to all. Special committees have been organized and food is being supplied to all. Special committees have been organized and food is being supplied to all.

SPokane SENDS CARLOADS OF FOOD, CLOTHING, TENTS

Spokane, Wash., Aug. 3.—Loaded with provisions, clothing and bedding, a special car was attached to yesterday afternoon's trains over the Spokane International railroad for Fernie, B. C., to aid the thousands made destitute by the fires in that district.

The work of securing and collecting the carload of supplies has been done in five hours by an impromptu relief committee, headed by Acting Mayor J. S. Phillips and Assistant F. E. Goodall of the society of charities.

The car contained 1,500 loaves of bread, 50 barrels of flour, 1,000 tins of meat, 50 dozen eggs, besides other

DESCRIPTION OF TOWN THAT WAS

The town of Fernie was only seven and a half years old and in that short time it had become the center for the coal mining industry for this portion of British Columbia. The mines round about are practically inexhaustible. The town nestled at the foot of some of the most lofty heights in the region, and the most picturesque and interesting of them all is the group of snow mantled crags which are popularly known as the Three Sisters. They seemed to stand sentinel like their vast and frowning heights silently guarding the little city.

HERMANN TO BE TRIED THIS FALL

(Continued from Page One.)

dicted for having attempted to fraudulently secure a large body of timberland in the 'Coos bay country. In practically all of the cases with one or two exceptions now pending on the docket of the federal court in various stages of progress were put over until the November term of court upon the motion of Judge Becker. A number of these cases are slated for dismissal.

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GRANTS PASS COUNTRY IS IN TOILS OF FIRE

(Special Dispatch to The Journal.)

Grants Pass, Aug. 3.—Several forest fires are raging in this section, the result of the carelessness of campers. Forest rangers were sent out the first of the week to Althouse to protect the reserve, where a fire recently broke out. Another fire started yesterday south of town and the stage road to Williams creek and burned over the dry foothills to the Fruitdale valley, where it threatened to destroy several farmhouses and burn up several miles of fence. The residents of that district after fighting it all night were so exhausted that they were compelled to telephone to town for help.

GRAY'S HARBOR TWENTY MILES FROM FLAMES

(Special Dispatch to The Journal.)

Aberdeen, Wash., Aug. 3.—Serious forest fires are sweeping the forests on the Little Hoquiam river, and the holdings of Boeing & McClimmon, about 20 miles from here. Immense clouds of smoke are hanging over the Gray's harbor district. It is impossible to get into direct communication with the camps. The dry weather of the past few weeks has made the woods dry as tinder, and the flames are hourly gaining headway. The fire seems to be spreading to the northeast.

FIRES AROUND COOS BAY ARE DYING DOWN

(Special Dispatch to The Journal.)

Marshfield, Or., Aug. 2.—With the wind at a dead calm and the forest fire dying down, the result of a large area of green timber encountered yesterday, Coos Bay people are hoping that the danger from the devastating element is over.

The fire, which has been burning in the peninsula forest back of Marshfield and North Bend for the past four days, is also about spent.

RIVER TIMBER DEVASTATED BY FOREST FIRES

(Special Dispatch to The Journal.)

Lowell, Or., Aug. 1.—It became known today that two fires devastated a small section on the middle fork of the upper Willamette last week. One was in the mountains and the other on Rush

FIRES HINDER NAVIGATION ON THE COLUMBIA

(Special Dispatch to The Journal.)

Astoria, Or., Aug. 3.—Smoke from the different forest fires is thick on the lower river today and is interfering greatly with navigation, both up and down the river. Many people are suffering mildly with smarting eyes on account of the smoke which is hourly becoming more dense.

Refugees at Cranbrook.

Nelson, B. C., Aug. 3.—A thousand refugees, the overflow from Cranbrook, arrived here this morning. Most of them are actually homeless and their supplies are being rushed into the stricken country from every available route. There is great difficulty in getting provisions within the zone swept by the fire. All large Canadian cities have wired money, but provisions, not cash, is the urgent need.

HUNT TO HEAR MOTIONS.

No action can be taken, under the custom of the court, on any cases which have been tried, under the direction of Judge Hunt. There are now pending several motions in cases which came up or were tried while Judge Hunt was here, among them being the motion for a new trial in the case of John H. Hall, convicted of subornation of perjury.

In a recent letter written by Judge Hunt to Mr. Becker the former stated that he would return to Portland as soon as possible and hear motions, arguments and make such disposition of the unfinished business under his charge as would practically clean up his connection with the law fraud cases. Owing to the press of business in his court, however, Judge Hunt was not able to set any definite date upon which he would come to Portland.

Attached to the regular 1:30 a. m. train Sunday morning

Chicago, Aug. 3.—Edward H. Harriman was asked today why the railroads are in financial straits after five years of great prosperity. He answered: "It is simply because they are after them."

"Who are 'they'?" he was asked. But he only smiled and declined to talk any more. The intimation is clear, however, that he believes the action of President Roosevelt is responsible for the present conditions. He would not discuss the president's crusade against railroads for rebating. The interview recalled his famous "not yet, but soon" statement, and when this was mentioned to him he only smiled again.

PORTLANDERS GO TO VISIT KLAMATH LAND

Attached to the regular 1:30 a. m. train Sunday morning was a coach for the excursionists to Klamath Falls, who as investors and pleasure seekers are making a trip into the Klamath country, attracted by the remarkable development that has taken place in that portion of the state in the past two years.

A special excursion rate had been made covering the round trip.

The Klamath Chamber of Commerce has arranged a program of entertainment for the visitors, which includes trips to all the points of interest in the nearby Klamath country. Much good in a commercial way is expected to result from the excursion, as the business interests of the two communities will be brought into close touch.

The excursionists will be given a stop-off at Weed, Cal., where is located the largest lumber and planing mill in the world. Opportunity will be afforded to examine the oil prospects in the Klamath basin. Several oil derricks have been erected near Klamath Falls recently and boring is in progress with every prospect of making a strike.

HARRIMAN SAYS ROOSEVELT DID IT

Prosperity Panic Up to President, or Words to That Effect.

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WINGFIELD'S DEFI TO ALLEGED MRS.

(United Press Leased Wire.)

Los Angeles, Aug. 3.—"No one has ever shaken me down and no one ever will," said George Wingfield, the Nevada millionaire, who is here today on his honeymoon, while discussing the threats made by the woman who claims she is his rightful wife on the ground of eight years' alleged residence with him.

Wingfield and his bride, who was Miss Maud Minkoff, daughter of the cashier of the United States National bank at San Francisco, will spend some time at the southern California summer resorts. They will then go to Goldfield.

When asked if he was not afraid that the woman who calls herself Mrs. Wingfield No. 1 would carry out her threats to make trouble, the millionaire said: "I shall not discuss that matter. It concerns only myself."

Wingfield denied that he intended taking his bride to Europe immediately. He said a European trip might come later, but that at present he and his wife would confine their travels to this state.

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