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WEATHER FORECAST

Rain or snow tonight; Wednesday rain or snow; colder; strong southerly breeze.

JURY COMPLETE IN DAVIS CASE

W. P. Daniel of Pendleton Qualified During Examination of Special Venire.

THE OPPOSING COUNSEL PRESENT THEIR CASES.

Summary of Exceptions Taken to Verdicts Serving on the Jury: Defense Object Because They Are Drawn by Sheriff Taylor and Because They Are Taxpayers and Thus Interested Parties—One Special Venire Ordered Drawn by the Coroner—County Clerk Saling Was the First Witness Called for the State, and Sheriff Taylor for the Second—Court Room Crowded With Spectators.

This afternoon the taking of evidence in the trial of C. P. Davis commenced and the first gun for the prosecution was fired when Frank Saling, county clerk, was called to the stand.

However, before he was called, Judge Fee, for the defense, asked that all witnesses in the case be excluded from the room. District Attorney Phelps agreed to this excepting in the case of Expert Buchanan, whom he desired in the room for consultation. Judge Ellis made a general order excluding witnesses, and said exceptions might be made later if necessary. Sheriff Taylor and County Clerk Saling were allowed to remain.

After Mr. Saling had been asked his official position he was requested to identify a pile of the sheriff's books, which had been left in his care. This he did by saying they had been in his care since they were turned over to him by Clark & Buchanan last July.

After a few questions Mr. Saling was excused and Sheriff Taylor called to the stand. He was also required to identify the pile of books in evidence and said they were the tax rolls from 1894 to 1901. Each book was then described by him in detail. The books were then marked as exhibits by Stenographer Beckwith. This was a slow process, and it was 2:30 when the task was finished. Meanwhile the room full of spectators waited patiently in hopes that after the preliminaries were over there would be something more of interest.

First Clash Yesterday. The first legal clash of the trial occurred yesterday afternoon when Judge Fee for the defense, objected to the special venire of jurors which had been drawn by Sheriff Taylor upon the orders of the court.

H. F. Johnson was the first of the new panel to be examined, and when, in reply to a question of Judge Fee, he stated that he had been summoned by Sheriff Taylor, an objection was made on the ground that since the sheriff was a prosecuting witness he was not qualified to draw a venire of jurors. In support of his contention a brief argument was made by Judge Fee to which District Attorney Phelps replied, maintaining that the sheriff was not a party to the suit. However, he said that had counsel for the defense raised the objection before the venire had been ordered, he would have conceded the point.

Judge Ellis stated that it was a point in which his discretion was involved, and explained that Sheriff Taylor had shown delicacy in the matter by asking if the action would be proper, and had been ordered to draw the panel since there had been no objection offered by the defense. Judge Fee contended that the time for the objection was when it developed that the venire had been drawn by the sheriff.

By law it is specified that when the sheriff is barred from securing jurors the same shall be done by the coroner. However, Judge Fee refused to move that the coroner be requested to draw the panel, saying that he would leave the matter with the court. At this Judge Ellis overruled the objection that had been raised by the defense, and an exception was taken and allowed.

Two Objections to Special Venire. Since no objection was made by the defense until the sheriff had secured the special panel, it is possible they used such tactics so as to have

Mrs. Smith Was Arraigned.

San Francisco, Jan. 23.—Mrs. Adeline Smith, a woman accused of having swindled many women on the Pacific coast and who was arrested here Sunday on the charge of obtaining money by false pretenses, was arraigned this morning, but the case was continued one week.

a basis for an appeal in case of a conviction.

In the subsequent examination of the jurors in the special panel objection was made by the defense upon two grounds: First, because they had been chosen by T. D. Taylor, present sheriff, and who is named as a witness in the information against the defendant; secondly, because the jurors were taxpayers of the county, and thus interested parties in the suit. The persistency with which these objections were raised, indicates that they are regarded as of value by the attorneys for the defense and will doubtless be used should an appeal be taken later.

Two More Secured. H. F. Johnson, the first of the new panel examined, was excused after he had declared his opinions formed regarding the case.

M. L. Warren, of McKay, was next examined and accepted, after the court had overruled the two objections mentioned above as being offered by the defense.

A. C. Hemphill was next questioned and proving satisfactory, was accepted, though the same two objections were offered by the defense.

D. K. Bell, who was then called, was also challenged for cause, as was also M. L. Morrison, the last of the special panel.

Preparations were then made for the drawing of another panel, and at this stage Judge Fee objected to the same being made by the sheriff. After some discussion, in which a slight clash occurred between Judge Fee and District Attorney Phelps, the court stated that he would instruct the coroner to draw a special venire of four, and that an adjournment would be taken until 9 a. m. today.

Phelps Outlines Case. It was a few minutes after 11 when District Attorney Phelps took the floor for his opening statement. "May it please the court, and gentlemen of the jury," he began, "this is a criminal action brought by the state of Oregon against C. P. Davis. For your information I will read the information, that has been filed against the defendant."

Thereupon the indictment was read and showed Davis to be charged with larceny of public money, the specific

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TRACKLAYING BEGINS SOON

TEN MILES GRADE READY EASTWARD FROM RIPARIA.

Estimated That by the End of This Month Fifteen Miles of Track Will Be Laid and Before the First of March Forty Miles Will Be Laid—There is an Abundance of Material on Hand, and Only Interruption of the Steamboat Service Prevented Completion by the First of Next April.

Riparia, Jan. 23.—Chief Engineer Boschke of the O. R. & N. is here inspecting the work on the Lewiston-Riparia line and he states that track laying will begin the first of the week.

There are nine or 10 miles ready for the rails, out of Riparia; by the end of the present month 15 miles of track will be laid and within a month from this date, with the present rate of progress of grading maintained the road will be ready for the rails to Almoda, a distance of 40 miles from this point. The first 15 miles of track will bring the line to Central Ferry or Ferrington's Bar.

The track-laying machine under any conditions can average a mile a day and with favorable conditions can put in two miles of steel daily. There is an abundance of steel here and no delay will be encountered in securing material to keep the machine in steady operation.

The fact that it will be possible to have about 40 miles of the road completed within a month or by March 1 shows that the entire line will have been completed by April 1, as at first planned, if interruption of the steamboat service had not interfered.

NEW CONCENTRATING MILL Will Do Jobbing Work for Several Grand Ronde Mines.

The various difficulties that arose out of the sale of the Mulr mine up Grand Ronde river were adjusted by the parties in this city yesterday afternoon and the purchasers, Messrs. Wards and Crabill, are arranging to immediately install their large concentrating mill, which will have a daily capacity of 30 tons. This mill would now be in operation had not the mine been tied up in the courts. Orders for 50,000 feet of lumber have been placed for the construction of buildings at the mine.

Arrangements are also under way to have the wagon road which was built by the Grand Ronde Lumber company, up the river, extended about three miles more, and when completed, will shorten the distance to the mines from this city about 12 miles, and will cut out the famous Bly hill. —La Grande Observer.

JOHNSTOWN IS AGAIN FLOODED.

Pittsburg, Jan. 23.—The business portion of Johnstown, famous for the disastrous flood of 1889, is again suffering a flood. Cellars under all buildings in the business district are filled, almost to the sidewalks and much merchandise is ruined. Water is at the stage of 12 feet in the Conemaugh river and if the rain continues as it has for the past 18 hours, a serious flood is likely to result. People in the lowlands of the outskirts have been forced into second floors or out of the district entirely. One street railway line has suspended. The fire department is busy pumping. A tremendous rain has swollen all the streams, the Conemaugh and Stony creeks, which are rivers rushing through the city. The latter are out of their banks. The street railway tracks are under 18 inches of water. The authorities believe there is no danger to life.

BAD FAITH IS NOW CHARGED

United States Attorney Morrison Says the Government Only Wants Fair Trial.

DEFENSE STICKLES OVER THE OPENING STATEMENTS

Packers' Attorneys Maneuver for Advantages in the Presentation of the Case When the Trial Has Actually Begun—Morrison is Scheming to Be Able to Present as Testimony in the Trial the Evidence Upon Which the Indictments Were Based, No Matter Though Immunity Was Actually Promised—Bitter Fight Over Technicalities is in Progress.

Chicago, Jan. 23.—United States Attorney Morrison this morning replied to charges of bad faith made by the packers against the government in the beef trust cases. He declared the packers had attempted to create prejudice against the prosecution so the verdict would shield the defendants. The government demands nothing but a fair trial and just administration of the laws.

Defendants' attorneys made objections to the ruling of the court that after Morrison had made statements calling the packers' lawyers guilty of trickery, the government should be allowed the same great latitude that had been given the defendants in making the opening statements.

Morrison called his opponents corporation trust lawyers. The crux of the government's content is that the admissions upon which the indictments are based was not made under oath and therefore immunity from the laws is unapplicable. Morrison declared he thought of immunity as an afterthought. Charge after charge was made by Morrison, which the court ruled it would be proper for him to prove. The defendants drew the prosecution's fire by objecting. Morrison said he would call attorneys as witnesses to prove his contentions.

FAVORS A LIMITED MONARCHY. Bavarian Prince Makes Himself Unpopular at Berlin.

Berlin, Jan. 23.—Prince Louis of Bavaria, has announced he favors universal manhood suffrage, declaring that monarchy the safest which is upheld by the people. Court circles in Berlin are offended.

Burton Case Advanced.

Washington, Jan. 23.—In the supreme court, motion was made for advancement of the hearing in Senator Burton's case. The motion was made by Attorney General Hoyt and concurred in by ex-Secretary Carlisle in Senator Burton's behalf.

McCall Trying to "Square."

New York, Jan. 23.—All the carriages and horses belonging to Alexander McCall, the former life insurance president, were auctioned yesterday and netted \$2500.

Vladivostok Squadron Safe.

St. Petersburg, Jan. 23.—The Vladivostok squadron, reported lost, is safe in the harbor at Colombo, Ceylon.

FRANCE WILL BLOCKADE VENEZUELA

Washington, Jan. 23.—France will blockade the Venezuelan coast. It is learned there orders are being prepared at the naval office at Paris for transmission to the squadron now in Caribbean waters. Information comes from an unquestioned diplomatic authority here that the blockade will be established within 10 days, or as soon as a proper number of vessels can be assembled on the coast of Venezuela. France has three warships within a few days' sail of the coast, and two more are about to be sent from Europe. Although Germany, Great Britain and Italy have been informed of the decision, their permission to blockade the ports upon whose customs receipts they have a lien has not been asked, nor will it be. France considers her political rights transcend the fiscal rights of other countries, and the blockade will be done with the full consent of the United States. France may land troops as a "supplemental remedy."

MANN BORROWED MUCH MONEY.

Financial Marks Among the Great. New York, Jan. 23.—Col. W. D. Mann admitted borrowing \$2500 from J. P. Morgan, \$2500 from Howard Gould, \$25,000 from William K. Vanderbilt, \$20,000 from John W. Gates and \$10,000 from Thomas F. Regans of the Morton Trust bank. Mann stated he gave his notes to these men and renewed them and gave shares in the Town Topics Co. stock to some in payment. Charles M. Schwab declined to loan him \$10,000.

HISTORY OF THE AQUIDABAN.

Was Once the Mainstay of the Brazilian Government.

Rio Janeiro, Jan. 23.—The Aquidaban, which was destroyed yesterday by an explosion, was the most famous war vessel of the Brazilian navy. At the time the Aquidaban was launched experts pronounced her one of the strongest vessels of any navy. She was turned over to the Brazilian government about 14 years ago. In 1894, when the naval forces of the republic revolted, the Aquidaban became the flagship of Admiral Demello. For six months she lay in the harbor, an unassailable fortress. At intervals she bombarded the city of Rio de Janeiro with her small guns, and her crew attempted to regulate the foreign shipping in the port.

CHINESE AND FRENCH FIGHT.

War Considered Possible in Indo-China, Where Trouble Took Place.

Marseilles, Jan. 23.—The Chinese mail brings an account of an invasion of Tonquin, French Indo-China, by Chinese regulars, who encountered a French force of 400. The Chinese were defeated in a three hours' battle. Three hundred were killed and as many wounded. The French lost 16. A Franco-Chinese war is possible.

POLICE SHARED IN ST. LOUIS CRIMES

STARTLING REVELATIONS BY MISTRESS OF A DIVE.

Sixty Members of St. Louis Police Force Charged With Receiving Share in Panel-House Robberies—Names of Victims Kept by a Keeper of One of These Dens—Police Received 75 Per Cent of the Proceeds of the Crimes.

St. Louis, Jan. 23.—Records of thousands of panel-house robberies in the tendorin district, in which money and jewelry valued at \$1,000,000 were stolen and shared with the police, will be presented to the St. Louis grand jury in the shape of a ledger kept by Ollie Roberts, who conducted three panel-houses in the Missouri metropolis, and is now serving a 10-year sentence in the penitentiary for murder.

The ledger contains the dates of the robberies, the names of the victims, where they were learned, the amounts taken and the share the police got.

Sixty members of the police force are named as participants in the division of the booty, and so heavy a tribute did the police levy on the resort keeper that they got 75 per cent of the value of the robberies.

REVOLUTION IS NEARLY ENDED

Foreign Loan and Peace Next on the Program.

St. Petersburg, Jan. 23.—Official circles exultantly announce that the whole Russian empire is quiet with the exception of the Baltic provinces and the Caucasus. Witte affirms that the revolutionary mist has been dispelled and expects a prompt conclusion of a foreign loan. Following the placing of the loan Witte looks forward to a definite era of calm and peace.

DAVIS MUST STAND TRIAL.

Held Partly Responsible for the Iroquois Horror.

Chicago, Jan. 23.—Judge Kavanaugh today refused to quash the indictments in the Iroquois theater case and held Will J. Davis, manager, for trial. Davis is charged in six counts with manslaughter because of the death of Vivia R. Jackson, one of the 592 victims. The first four counts allege negligence in failure to comply with late fire ordinances.

Cardinal Gotti Dying.

Rome, Jan. 23.—Cardinal Girolamo Maria Gotti, prefect of propaganda, is dying by pneumonia.

PENDLETON TO BE TRANSFER POINT

Part Carload Lots of Freight on O. R. & N. Are to Be Worked Over Here.

NEW METHOD WILL FACILITATE SHIPMENTS.

Long Delays in Unloading Small Shipments Along the Line Will Be Avoided—All Points on the O. R. & N. System Tributary to Pendleton Will Receive Their Shipments Simultaneously—General Superintendent Buckley and Superintendent Campbell and Assistant Superintendent Connolly Are Here Today.

To revise the methods of handling through freight, in order to be able to deliver shipments quicker than at present, and to make Pendleton the chief freight transfer point for all freight destined from the east to points north of here, is the purpose of the visit of General Superintendent M. J. Buckley, Superintendent D. W. Campbell and Assistant Superintendent William Connolly of the O. R. & N., in Pendleton today.

The party arrived this morning in private cars 02 and 03 of the O. R. & N. line, and will perhaps be here until tomorrow in the work of changing the methods of handling through freight.

At present all the freight coming west over the Harriman lines in part car load lots is delayed considerably by the fact that the cars having small lots of freight for different points are stopped at each place and a portion of the shipment unloaded.

In this way the freight destined north of this city is often greatly delayed and in order to remedy this condition and to rush all shipments through to their destination at the earliest possible date, the officials are devising a new means of handling this condition.

If the plans of Superintendent Buckley are carried out as outlined all shipments of freight destined for this territory and points north, will be rushed to Pendleton from the east, and here reloaded and each shipment sent to its destination from here, and the long delays occasioned by stopping partly loaded cars at Huntington, Baker City, North Powder, La Grande and other points will be prevented. When the new method is put into operation, all points on the O. R. & N. will receive their freight shipments at the earliest possible date and simultaneously all along the line.

This will give the Harriman lines a great advantage in the northwest, and will place them in position to deliver shipments in the competitive territory north of here as quickly as either the Northern Pacific or Great Northern, beside facilitating shipments on the main line of the system through Oregon.

It will mean that Pendleton will be the destination of all part carloads of freight not billed through to Portland and at this place each car will be worked over and each parcel of freight sent out to its destination on the train which will deliver it with the least possible delay.

For a number of years O. R. & N. officials have been working on this plan but until now nothing definite has been done. General Superintendent Buckley and Superintendent Campbell spent several days in Huntington last month endeavoring to handle the part carloads from that place, but owing to the enormous amount of freight destined for points north of Pendleton, it was decided that this was the logical point at which to work over the shipments, and the plan will be put into effect at once.

R. A. WEISS IS DEAD.

Widely Known Mining Man Passes Away at Butte.

Butte, Jan. 23.—R. A. Weiss, a pioneer and one of the best known mining men in the northwest, is dead here as a result of paralysis. He operated extensively in Spokane and the British northwest, and was the discoverer of the Moorscroft oil fields in Wyoming.

Dempsey Mines Sold.

Marysville, Cal., Jan. 23.—The American Smelting & Refining company of the Guggenheim syndicate, has purchased the Dempsey mines near Marysville. A large smelting plant will be built and other copper properties in the district will be purchased.