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WEATHER FORECAST

This afternoon, tonight and Saturday, fair.

RECORDS WILL BE INTRODUCED

Testimony Brought From the Blakeley Term in the Trial of C. P. Davis.

DECISION FOLLOWED PROTRACTED DEBATE.

The records, the admission of which was in contention, were kept by Mr. Davis as Blakeley's deputy—state will undertake to prove a shortage during Blakeley's term when all the deputies but Mr. Davis were different from those serving under Mr. Taylor—defense will deny these claims in part—defense pleads for time to prepare a defense.

At 11:30 this forenoon Judge Ellis ruled in favor of the prosecution in the matter of admitting the books of the Blakeley term as evidence in the Davis trial. The decision was given after an exhaustive debate between the attorneys which lasted practically all forenoon. Following the decision an unsuccessful attempt was made by the defense to secure additional time in which to prepare their case.

Just as the court house bell sounded the first stroke of 9 this morning, Judge Ellis rapped for order and the jury was called.

Exhaustive Argument. Following the roll call John McCourt took the floor in support of the state's contention that the books kept by Davis during the Blakeley term were admitted. The substance of his argument was that a shortage also occurred during the Blakeley term while Davis was keeping the books; that a different set of deputies were then employed and consequently showing such would negative any effort on the part of the defense to show that other parties than Davis were responsible for the shortage under the Taylor administration. Also, he held that showing the shortage during Blakeley's term would throw light upon the intent in the crime for which Davis is being tried. However, it was stated no effort would be made to show that Davis was guilty of theft under Blakeley's term, as such would not be permissible.

An hour was taken by Mr. McCourt in his argument, and at the conclusion Colonel Raley took the floor for the defense. Among other things he said he would admit that mistakes had been made in the office. But he maintained all the money had been turned over, in fact more than had come into the office. Also, that it could be shown that Deputy Funk kept the books for over two months during the Blakeley term of office.

Following Colonel Raley District Attorney Phelps spoke briefly upon the subject of the authorities in support of the state's contention.

Ellis Sustains State. Following the arguments Judge Ellis stated that under the law the defendant could not be tried for any other crime than the one with which he is charged. That as a rule evidence regarding another case was not admissible, but that there were exceptions to this rule, and that it was the idea of the state that the present case came under the latter head. He declared himself inclined to the opinion that the defendant must be prepared to meet anything relative to the case that might prove admissible as testimony. That they must expect the state's attorneys to put in everything bearing upon the case; and that notwithstanding the views of the defendant's attorneys, they must be prepared to anything that may be produced. That if in the present case the testimony desired would tend to show a series of acts leading up to the shortage or mistakes charged; or if it would tend to show who was responsible or would negative the contention that another was to blame, the evidence would be admissible. After a slight pause he then said: "Gentlemen, the objection to this testimony will be overruled and the same allowed."

"Save an exception," replied Col. Raley.

Santa Barbara is Missing.

San Francisco, Jan. 26.—The marine exchanges and ship agents are still without tidings of the schooner Santa Barbara which left Seattle Saturday with 19 passengers for San Francisco, and which should have arrived here Wednesday. All ports are advised to keep a lookout.

"Exception allowed," responded Judge Ellis.

Defense Pleads for Time. Immediately after the decision had been given Colonel Raley took the floor and said that in preparing for the present case, Davis, his son and a friend had worked night and day going over the Taylor books. That to prepare such information regarding the Blakeley term would require even more time. Consequently, it would not be fair to the defendant to force him to meet the case without due examination. "The state has only to place their hired experts upon the stand, and what means have we to refute them? We would simply be at their mercy, and in behalf of the defendant we ask for time."

Phelps Resists. Replying, District Attorney Phelps said he wished to say a word for the experts. "I presume," said he, "that when an attorney is employed for the defense in such a case, it is expected that he will roar and storm, but for experts to testify seems wrong. However, I want to say that this country is now many thousands of dollars ahead by reason of the expert's work."

Continuing, he said the defense was not acting in good faith when they charged they had been taken by surprise when the Blakeley affairs had been offered in the trial. "In my opening statement I said:

Quotes Opening Statement. "There is other testimony which we will undertake to show you gentlemen; that prior to the Taylor administration, for instance during Blakeley's administration, the defendant was acting as chief deputy during that term and pursued the same course of figuring, the same course of taking money that he did follow up during the Taylor administration. And we expect to show you a number of different instances which we believe will fasten upon your minds beyond any possible doubt in the world that he knew he was taking the money, and the result of this case must necessarily simmer down to one of two propositions and that is, that either the defendant Davis took this money and falsified his accounts and

(Continued on page 5.)

JOSEPH LINTON IS IDENTIFIED

THE ENGINEER WHO WAS KILLED NEAR RIPARIA.

Had a Record as an Originator of Daring and Original Schemes, One of Which Was to Dismantle the Mississippi River, the Great Scourge of the Appalachian-Rocky Mountain Basin—Would Reclaim From Flood Disasters Over 15,000,000 Acres Valued at \$1,000,000,000—Was a Texan and an Inventor.

Working in the obscure position of foreman of a construction crew on the O. R. & N. along the Snake river, while awaiting his appointment as an engineer on the Panama canal, Joseph H. Linton, whose body lies in the morgue at Colfax, awaiting orders from relatives in Texas, has just been identified as the daring engineer who, in April, 1903, startled engineers of St. Louis and the Mississippi by proposing a canal, or a series of canals, to shorten the water route from St. Louis to the sea by several hundred miles.

The man who, a short two years ago, was looked upon as the coming savior of over 15,000,000 acres of fertile soil in the district south of St. Louis, valued at \$1,000,000,000, was killed in an out of the way camp near Riparia Sunday, January 14.

It required a week for the officials to fully establish his identity. He was killed by a falling rock which his men could not dislodge, and which he, in a fit of temper, leaped under to pry loose.

Linton's plan of shortening the water route south from St. Louis was published in full in the St. Louis Globe-Democrat of April 14, 1903. His scheme was to shorten the water route several hundred miles; allow the dangerous flood waters to escape in one-third of the time now required; reclaim millions of acres of overflowed land, lower than the flood line to the alluvial plain, extend the draining level farther beneath the surface, counteract malarial influences and furnish a channel for sea-going vessels of large tonnage to St. Louis.

Linton's mother has been found in Keene, Texas, and she asks that the body be sent there. The body has been embalmed and was being held awaiting the discovery of the relatives of the deceased. From papers found in his possession it was evident that he was more than a common railroad laborer. These showed that he was a civil engineer of standing and had done important work in the middle west. He had several patents pending for inventions he had perfected and at the time of his death was expecting an appointment on the Panama canal. Mr. Linton was 36 years old.

SMOOT CASE IS REVIVED

Taking Testimony in the Effort at Removal Will Be Resumed February 6.

ALIEN LABORERS WILL BE DISCRIMINATED AGAINST.

The House Accepts a Suggestion to Apply the Eight-Hour Rule in Construction of the Panama Canal to Americans Only—Senator Heyburn Renews His Attack Upon the Governmental Integrity of San Domingo From a New Direction and Adduces Certain Arguments in Favor of Annexation—Correspondence of Roosevelt With Colonel Mann Made Public.

Washington, Jan. 26.—Supplementary testimony in the Smoot case will be taken February 6. Smoot, discussing the case, declares he represents no faction of his state, but all the people in Utah, and says he is under no influence of any church or party.

Discriminate Against Foreigners. Washington, Jan. 26.—In the house today Daisell offered the rule providing that the urgent deficiency bill be so amended as to except aliens from the eight-hour work law established for the canal zone, thus making the eight-hour law apply only to American laborers. The motion carried.

Heyburn as a Jingo. Washington, Jan. 26.—Heyburn of Idaho, in the senate this afternoon advocated the annexation of Santo Domingo on account of its strategic importance, to be used as a picket post for the Panama canal.

Roosevelt Would Not Bite. Washington, Jan. 26.—The statement given out at the White House this morning in view of Mann's testimony yesterday, includes copies of the correspondence of the president with Colonel Mann, in which the executive returned a copy of "Fads and Fancies" with the declaration that since he had never given photographs for publication, he could not accept the volumes.

Senate With the Statehood Bill. Washington, Jan. 26.—The senate committee on territories today ordered a favorable report on the statehood bill passed by the house yesterday.

Taft cabled to Manila today a denial that this country intends to sell the Philippines to Japan and pronounced the rumor absurd.

Railroad Bids Accepted. Washington, Jan. 26.—Official announcement is made today of the acceptance by the Philippine government of the bid of J. G. White & Co., Vanderbilt and others, forming the syndicate for the construction of the railroads in Cebu, Panay and Negros.

Shouts on the Stand. Washington, Jan. 26.—Shouts, before the senate committee on canals, today admitted drawing \$12,000 from the Clover Leaf. He told of conditions on the Isthmus when he was there in July, and described what has been done since in building hotels and boarding houses for laborers.

Packers' Case Continued. Chicago, Jan. 26.—The packers' case was again continued from this morning until Monday at 10 a. m. The conferences proposed yesterday of seeking an agreement on facts among the attorneys is being continued.

Refuse to Announce Plans. Paris, Jan. 26.—The council of ministers discussed the Venezuelan situation today and refused to announce the plans which were formed, and were told the United States said the French plans were accepted by the American government.

JUSTICE HALEY WILL BE A CANDIDATE

Salem, Jan. 26.—(Special to the East Oregonian.)—Justice Thomas G. Haley of the supreme court, today announced that he will be a candidate for the office of justice of the state supreme court at the coming state election in June. He will go to his home in Pendleton some time next week to register, and will immediately afterward file his petition with the secretary of state. Owing to the urgent demand among

SURVIVOR TELLS STORY OF WRECK

Crash Was an Absolute Surprise and Produced Panic Among Nearly All

STRUCK HEAD ON AND WAVES REVERSED HELM.

Water Poured into the Doomed Ship With a Deafening Roar—Small Boats Were Smashed Like Eggshells—Some Men Risked Their Lives to Save Others—Distressing Story of Destitution and Suffering on the Part of Many of Those Who Reached the Island and Escaped Drowning—Wreckage and Bodies Are Being Washed Ashore—Rescuing Parties Are Out.

Seattle, Jan. 26.—G. Willots, one of the passengers rescued from a raft of the steamer Valencia by the Topoka, tells the following story:

"The ship struck at 12:07 o'clock, the morning of Tuesday, January 23. I was on deck at the time, smoking a cigar and was looking at my watch when the first crash came. In an instant all was excitement. There were shrieks from frightened men and women, walls of little children and hoarse orders from officers. The vessel reeled like a drunken man, slid over a reef and struck again.

"Command to back her off was given, and she went astern full speed, but too late. Water poured in like a mill race, and with a sound which drowned all else. The wind swung the vessel's stern to the beach and head to the waves. This saved many lives, as she was then swept back to shore and struck once again, in such a position that she remained partly above water and on an even keel. Every wave now washed clear over her, and many people who hastily rushed on deck went to their deaths without time to murmur a prayer.

"Order was given to get out the boats. Two of them on the weather side were launched and smashed like egg shells as soon as they struck the water. Then came an attempt to get out the lee boats. Purser O'Farrell took charge. Four women and a number of men went in the lee boat. I don't know how many, but she was practically full. Just as they were lowering it the other davits broke and the stern of the boat fell to the water, while the bow hung in the air."

Destitution and Suffering. Victoria, B. C., Jan. 26.—The situation at the scene of the wreck this morning is much more favorable for life saving, as during the night the sea has gone down, and the steamer Salvor, which has evidently been lying at Bamfield, will sail out to the wreck and see if any aid can be furnished.

Meanwhile another and if possible more terrible chapter in the whole affair is being written along the coast, at the telegraph huts, where nine survivors drifted ashore the day of the wreck. Several attempts to get to them had been fruitless.

This morning reports from Bamfield were that the men were in terrible condition. Unable to walk, some were unable to stand. They are thus unable even to get to proper places of shelter and are sitting destitute, cold and starving. They have no provisions excepting the meagre amount carried by the party of three which left Bamfield yesterday, and who managed to get some sustenance to them. One has sprained his ankle and others have no boots. All are exhausted.

Last evening the entire party attempted to cross a swollen stream to go to the wreck, and one nearly lost his life. Logan and Daykin, two young men who started two days ago to help these people with ropes and gear, could not get across the stream. Wreckage is coming ashore all along the beach and it is reported the bodies of a woman and child were also washed ashore.

The lightkeeper at Beale has started

ed down the coast with ropes and food.

\$1500 for His Life.

Seattle, Jan. 26.—Among those supposed to have perished when the Valencia went in pieces was J. B. Graham, a passenger, and with him went a bag with \$1500 in gold. Survivors of the wreck say Graham frankly offered the bag of gold to anyone who would place him ashore. Others paid little heed to his pleading, and the gold lay on the broken deck, kicked under foot, no one bothering even to pick it up.

Graham recently sold a mine in Alaska for \$60,000. "It was one time when one could not buy what one wanted," said the survivor. "I'm coming into a safe harbor without a cent. Why, even this shirt I have on belongs to another man, and I haven't even a hat. But the bag of gold or this ship loaded with bullion wouldn't tempt me into such a place again."

Vessel Entirely Submerged.

Victoria, Jan. 26.—The tug Lorene, which arrived at midnight from the Valencia, went into Esquimalt on arrival, to land a party of 14 bluejackets from H. M. S. Egeria, under Lieutenant Knight, who were chosen from the entire ship's crew, all hands of which volunteered to endeavor to assist any persons who remained on the wreck. The Lorene went close to the wreck and the Egeria's boat's crew rowed to within 50 yards, finding the vessel entirely submerged and considerable wreckage and debris scattered about. No bodies were seen.

Rescued by City of Topoka.

Seattle, Jan. 26.—The following is a list of the survivors who arrived at Seattle on the City of Topoka: C. Allison, J. J. Johnson, G. L. Willits, P. Polvner, G. D. Harradan, M. Farprey, P. V. O'Brien, W. Raymond, K. W. Carrick, W. D. Johnson, C. Alheme, F. Lehn, Joseph M. Caffery, J. Welch, A. Hawkins, J. Hoddinott, Peter Peterson, T. J. McCarthy, Thomas Shields, John Marx, W. Goslin, T. Lampton and C. Brown.

WOULD DONATE \$1,000 EACH

MATLOCK AND WALTERS FOR A WEST END BRIDGE.

Other Subscriptions From Residents of That District Are Possible—The Whole Project is Being Revived and May Be Brought Before the City Council—Street Paving Expenditures Would Probably Reach the City's Limit for That Class of Improvements and Thus Forestall Cooperation by the City.

Once more the proposition of a west end bridge across the Umatilla has been revived, and it is probable that the matter may be brought before the city council at a meeting in the near future.

For a long time the property owners in that section of the city have been anxious for a bridge, and have offered to contribute freely for the same. Of these men W. F. Matlock and Fred Walters have been in the lead, and it is now said that each has offered to subscribe \$1000 to the project, should the city decide to construct a bridge.

However, it may be impossible to secure any action by the council because of the lack of money. Should the street paving plans of the council be carried out, it is understood that the limit of indebtedness would be reached, thus leaving little money for anything else.

BUSINESS HOUSES BURNED.

Lewiston Losses Nearly Covered by the Insurance.

Lewiston, Jan. 26.—Fire last night destroyed the tailoring establishment conducted by C. E. Gibson & Co. in the small frame building owned by Harry Kottenbach, resulting in a loss of \$1200 covered by \$1000 insurance. The shoe repairing shop owned by C. J. Hill, adjoining the tailor shop, was also destroyed, but the loss here resulted from water as there were no flames to touch this part.

The origin of the fire is a mystery. The shop was closed and no one was around. It is supposed that electric wires became crossed as there were a number that were attached to the irons for the purpose of heating them.

CHICAGO WHEAT MARKET.

Quotations From the Greatest Wheat Center in the World.

Chicago, Jan. 26.—Wheat closed today at 85 5-8; corn at 44 3-8, and oats at 31 1-4.

Frank A. Jones is President.

Washington, Jan. 26.—Frank A. Jones of San Francisco, was re-elected president of the National Marine Engineers' Beneficial association today. The delegates were received by the president.

SHALL THE COUNTY LOAN ITS FUNDS?

Taxpayers Demanding That Some Income Be Received From Idle Cash.

BANKS WOULD GLADLY BID FOR USE OF FUNDS.

At Present the County Treasurer Selects His Own Depository, the County Receiving Nothing From Cash on Hand—Nex Perce County, Idaho, Has Adopted the Competitive Bid Method and Derives Large Revenue From Idle Fund—It Would Require But \$30,000 Per Year at 4 Per Cent to Pay Yearly Salary of County Treasurer in Umatilla County.

Shall the funds of Umatilla county, which lie idle in the bank for months at a time, without drawing a cent interest for the county, be made a source of income to the county?

This question is now being discussed by taxpayers and it seems likely to be the chief issue in the election of a county treasurer in the coming election.

At the present time the funds of the county are left on deposit in a bank of the treasurer's own choosing, and the county receives no interest from the idle funds whatever.

The cash balances if loaned at a small rate of interest per month might be made the means of paying almost the entire salary of the county treasurer, in the course of the year. The salary of the county treasurer is \$1200 and it would require but a total annual average of \$30,000 at 4 per cent per annum to pay the salary in interest from county funds.

In Nex Perce county, Idaho, this method has been adopted, and banks bid for the use of the county funds, the bank bidding the highest being designated as the depository for the funds for the term specified.

The East Oregonian believes this is practical and highly desirable in Umatilla county. If the income from the use of the county funds can be made to pay the salary of the county treasurer, it would be a saving of \$1200 per year for the taxpayers and is worth considering.

Let the banks in the county which desire to use the county funds, make bids for the money, and let Umatilla source.

In this way the county would be doubly secured, since the treasurer would be bonded and the bank using the funds would also be required to give bonds as a depository for the county fund and the taxpayers would be relieved of some of the burden.

It is one way to offset the enormous outgo of money, by deriving an income from a hitherto unemployed source of revenue.

The next county treasurer should be elected upon the promise that the county shall receive some income from the idle funds.

The banks would be glad to have an opportunity to bid for the use of the funds. Let Umatilla county utilize this resource.

TWO VICTIMS MAY RECOVER.

Not All of Neubaumer's Shots Had Fatal Effect.

Boise, Jan. 26.—Mrs. Gray, one of the seriously wounded in the tragedy Monday morning, is reported by her physician to be doing nicely, with more than a fair promise for her recovery. Her son, Lafayette, who was thought to be fatally wounded, rested well today.

It was the belief of physicians that if he rested as well tomorrow his recovery would be expected. Neubaumer, the man who did the shooting and then took his own life, will not be buried until after the arrival of his brother from California. The body has been embalmed and will remain at the parlors of Schreiber & Brennan until the funeral.

Murdaco Was Hanged.

Jersey City, Jan. 26.—Nicola Murdaco, who chopped his wife to death, was hanged this morning.

Haggood Was Acquitted.

New York, Jan. 26.—In the suit charging Norman Haggood (of Collier's) with criminal libel, Prosecutor Jerome this morning took up the case and discussed the alleged libelous article about "Town Topics" from a legal standpoint as to its justification and excuse and said, "We deal with the case as developed by the testimony." Later—The jury found Haggood not guilty.