

DEFENSE TESTIFIES

Gesner Says There Was No Intent to Break Laws.

TIMBER LAND DEALS LEGITIMATE

Testimony of Witnesses that Implied Contracts Had Been Made is Vigorously Denied.

Portland, July 15.—Dr. Van Gesner, partner of Representative Williamson and Marion R. Biggs, United States land commissioner, two of the defendants in the case now on trial before Judge De Haven, testified yesterday in their own behalf. Dr. Gesner passed through the rigid cross examination conducted by District Attorney Heney, and, although his original story was not shaken much, he was forced into several admissions that will be used when the government comes to make its argument. This morning Marion Biggs will be subjected to cross examination and unless court should adjourn at noon, it is possible that Representative Williamson will take the stand.

Dr. Gesner, in answer to the questions asked by Attorney Wilson, gave his version of the way in which he had started out to obtain the timber lands which since have involved him in the case at bar. He admitted having made the loan to a number of the entrymen, but said that he did so in order to protect the property he already had in that section of the country. Dr. Gesner denied that he had any contracts with the various entrymen, and stated there had been no conspiracy with Marion Biggs and Representative Williamson. The witness gave a history of the war between the sheep and cattlemen, in which the now famous "30-30" men played such an important part in the Horse Heaven country. The entrymen, he testified, had first approached him and asked him to lend the money with which to file on the claims. He stated that he agreed to furnish them the money, providing they would give him the use of the land for a range for his sheep. For the use of the range he had agreed not to charge them interest on the loans. He said that the sheepshooters had established a dead line and in order to protect his property he was forced to secure more range and thought that he had gone the right way about it, when he made the loans to the entrymen who came to him, and asked for financial help.

Before agreeing to furnish the money to the entrymen, Dr. Gesner stated that he had first consulted Biggs and had engaged him as a lawyer. He also consulted Attorney Barnes, and had been assured by both that what he intended to do was legal, provided he did not enter into a contract with the entrymen before they made their filings.

MONOPOLY IS AT AN END.

Pacific Mail No Longer Controls the Traffic of the Isthmus.

New York, July 15.—The contract between the Panama Railroad company and the Pacific Mail Steamship company, under which the latter has for years enjoyed the exclusive privilege of handling freight on the Pacific side on through bills of lading, terminated today. Hereafter all carriers will be on a parity in respect to transit facilities on the isthmus.

Mr. Bristow in his recent report on the Panama railroad recommended that if the Pacific Mail Steamship company withdraws its present Panama line an effort be made to induce some other company to establish a first-class service between the important Pacific coast ports of the United States and Panama.

Upon excellent authority it can be stated that the government does not anticipate that the Pacific Mail will carry out its threat to take its vessels from the Panama-San Francisco service, nor does it expect the abrogation of the contract to affect in any way the shipment of merchandise from New York to San Francisco.

Balfour Opposes Conscription.

London, July 15.—In the house of commons tonight Premier Balfour referred to the speech of Field Marshal Lord Roberts in the house of lords Monday last, in which the latter said that the armed forces of Great Britain as a body were absolutely unfitted and unprepared for war, and declared emphatically that the choice lay between conscription and some practical system of universal training. The premier said he could never be led to believe that conscription could be successfully adopted in England.

Wireless Stations on Coast.

Vallejo, Cal., July 15.—Captain Gearing, United States navy, of the equipment department, Mare Island yard, and Master Electrician George Hanscom, go north on Saturday to locate the remainder of sites for wireless telegraphy stations on the coast. A location will be selected either at Cape Flattery or Neah Bay and at Bremerton. When completed, there will be stations at a distance of 200 miles from Bremerton to Point Loma.

Must Keep Cuban Cities Healthy.

Havana, July 15.—President Palma has vetoed the action of congress which continued in effect the budget for the fiscal year ending June 30. His reason for so doing is that the old budget did not include any provision for the sanitation of cities.

DENIES MOTION.

Judge DeHaven Refuses to Dismiss Land Fraud Cases.

Portland, July 14.—The case of the United States against Williamson, Gesner and Biggs will not be dismissed by the court, nor will the jury be instructed to acquit as prayed for in a day-long argument by Judge Bennett and H. S. Wilson. But by the ruling of Judge De Haven the case will have to be fought out before the jury to the end. According to the opinion of the judge, the prosecution has furnished sufficient evidence against Williamson and his associates to warrant his submitting the case to the jury.

Judge Bennett opened the case for the defense yesterday morning with a motion to dismiss, owing to insufficient evidence to connect the defendants or to convict them. He asked that the case be not submitted to the jury, or, if such had to be done, that the court instruct the jury to return a verdict of acquittal. Following this motion the attorneys for the defense made exhaustive arguments of their position, bringing citations from the law to show that their contentions were within the rule.

Upon making this motion and before commencing his argument Judge Bennett asked the court that the jury be allowed to remain in the room during the argument, in order that it might hear the positions taken by both sides in the controversy. This, it is alleged by some, was a mistake in the strategy of the trial, as the influence of the refusal of the court to allow the motion would tend to throw assistance to the side of the government.

STORM WRECKS TOWNS.

Destroys Everything in Its Path on Rosebud Reservation.

Fairfax, S. D., July 14.—One of the worst storms that ever visited the Rosebud reservation struck the towns of St. Elmo, Burke, Herrick and Gregory, resulting in the death of one person and the injury of 11 others, two of whom may die.

At St. Elmo three buildings were destroyed and Roy McFadden was killed. At Burke, a few miles north of St. Elmo, ten buildings were destroyed. The home of Mr. Jensen was demolished and Mr. Jensen, his wife and baby seriously hurt. Mrs. Jensen and her child may die.

At Herrick, near by, the entire town was damaged. Two livery barns, three stores, a saloon and 21 residences were entirely destroyed and five persons injured.

Three large buildings were unroofed and seven smaller ones destroyed at Gregory, but no person was injured. The storm was severe over the entire reservation and several inches of water fell at the points which suffered most. Much damage was done to crops and trees, and most of the details of the havoc wrought have been brought in by messengers from the different towns.

MURAVIEFF RESIGNS.

Czar Decides to Send Witte to Washington in His Place.

St. Petersburg, July 14.—M. Muraviev has resigned his position as chief peace plenipotentiary.

It may be regarded as practically certain that he will be replaced by M. Witte, president of the committee of ministers, who all along has been considered the Russian statesman pre-eminent qualified to undertake the difficult task of negotiating peace with Japan.

Though the emperor on two previous occasions has flatly declined to accept M. Witte, he has now indicated his readiness to make the appointment. The commission, however, will not be actually signed until Foreign Minister Lamdorff, who throughout has been M. Witte's warm supporter, has had an audience with the emperor. To that extent only the matter may be regarded as settled, nothing being certain in Russia, as a prominent diplomat remarked last night, until the emperor's signature has been affixed.

Orders Reforms in Navy.

St. Petersburg, July 14.—The announcement of the appointment of Vice Admiral Birleff as minister of Marine in succession to Admiral Avellan, which is gazetted this morning, is coupled with a highly significant rescript in which the emperor charges the new minister not only with the task of rebuilding the navy, but also with that of reforming and reorganizing the whole system. The minister is instructed to eradicate the faults which have developed under the stress of the present war.

Conference Meets in Fall.

Berlin, July 14.—A rare thing in the administration of the German empire was the meeting today of the Foreign Affairs committee, which had not met since 1900, when the Chinese situation was considered. Chancellor von Bulow made a confidential communication to the committee on various phases of the Moroccan negotiations with France. The international Moroccan conference probably will meet at Tangier in October or November.

Honolulu Chinese Push Boycott.

Honolulu, July 14.—Local Chinese are trying to raise a fund of \$50,000 to assist in the boycott of American goods in China. It is reported they have already raised \$30,000.

KEEP OUT COOLIES

President Roosevelt Gives Pledge to Labor Leaders.

EXPLAINS HIS CHINESE ORDERS

Tells President Gompers How He Stands and What the Diplomats Must Observe.

Oyster Bay, July 13.—Immigration to the United States and its relation to the labor problem formed the subject of a conference this afternoon between the president and two of the important leaders of organized labor—Samuel Gompers, of Washington, and James Duncan, of Quincy, Mass., respectively the president and one of the vice-presidents of the American Federation of Labor.

The conference was devoted particularly to a consideration of the order recently issued by the president regarding the enforcement of the Chinese exclusion law. An impression has been gained by many members of labor organizations that the order, to an extent, at least, let down the immigration bars, so far as Chinese are concerned. The president assured his callers, however, that no such construction properly could be placed on the order, and that he was just as vigorously opposed to the admission to this country of Chinese coolies as they could be.

Mr. Gompers urged upon the president the desirability of an intelligent, practical and humane consideration of the general question of immigration by the people and by congress. The people of this country and of the whole civilized world are entitled, he maintained, to such a consideration.

GOVERNMENT CLOSES CASE.

Defense in Land Fraud Trials Will Not Take Much Time.

Portland, July 13.—After Special Agent Horace T. Jones had been placed on the stand and identified a map containing the location of the claims alleged to have been obtained by Williamson and Gesner, a map that was introduced so that it can be used for argument, the government rested its case against Representative Williamson, Dr. Van Gesner and Marion R. Biggs. This morning the three defendants will have their inning.

It is understood that the defense will not place many witnesses on the stand. Judge Bennett stated Tuesday that there would not be over half a dozen, and while the counsel for the defense has not said that the defendants will take the stand in their own behalf, it is expected that they will. Judge Bennett informed Judge De Haven just before adjournment yesterday afternoon that he had some motions to make, and that he would present them this morning. Perhaps one of these motions will be for dismissal of the charges. Evidently, District Attorney Heney is anticipating such a move on the part of the defense, and he will undoubtedly have a list of authorities on hand in case such a move is made by counsel for the defense.

ADD TO ARMY BUILDINGS.

War Department Allots Money for New Buildings in Northwest.

Washington, July 13.—An announcement was made at the War department today of allotments of funds for barracks and quarters at army posts during the present fiscal year. Continuing the policy of gradual reconstruction at Vancouver barracks, provision has been made for the erection of one double-set of captains' quarters, two double-sets of lieutenants' quarters and two double barracks.

At Fort Wright, near Spokane, Wash., the post will be enlarged to accommodate eight companies of infantry and work this year will include the addition of one set of field officers' quarters, one double-set of captains' quarters, one eight-set of bachelors' officers' quarters and two double barracks.

Whole East Sweltering.

Washington, July 13.—Hot weather prevails over the greater portion of the United States, according to reports received at the Weather Bureau tonight. Apparently, there is no immediate relief in sight, except through the local thunder storms in several scattered sections. Throughout the West reports indicate increasing hot weather. The humidity is high all over the Atlantic coast from New England to Florida, and the prospect is that it will continue so two or three days, with northeast to south winds.

Fight Us with Cartoons.

Victoria, B. C., July 13.—Mail advices from Hongkong tell of a novel plan of campaign adopted by Chinese in South China to further the boycott movement against United States merchandise. Wealthy Chinese of Tekhoo, in Sanning district, have imported thousands of Japanese fans, on one side of which they print rough sketches of Americans roughly treating Chinese, and on the other side sketches of buffaloes being beaten and ill used.

Six Dead in Philadelphia.

Philadelphia, July 13.—Six deaths and more than a score of prostrations due to the high temperature of the last five days, were reported in this city today by the police.

GAINS MORE EVIDENCE.

Government Gets Facts in Williamson-Gesner-Biggs Trial.

Portland, July 12.—What promised for a few minutes to have been a sensation in the Williamson-Gesner-Biggs trial yesterday afternoon before Judge De Haven, dwindled into an emphatic statement that Dr. Gesner had a verbal agreement with at least one witness. From the opening hour of the morning session until just a few minutes before adjourning, the trial droned along, with witness after witness adding link after link to the chain of evidence that the government is forging around the three defendants.

During his cross-examination, Henry Hudson, no relation, by the way, to the famous explorer, had furnished the comedy scene that was tossed into the day's proceedings, and it was Ben F. Jones, a retired cattle and horseman, that furnished the mild sensation. Jones had told on the witness stand how he and his wife came to take up timber claims. He stated that he had done this at the request of Dr. Van Gesner, that Dr. Gesner had furnished the money and that he had proved up on his claim, and that his wife had relinquished hers. His testimony was in line with the ten other witnesses that had been examined. He was a bit more sure about certain events that had occurred before and after he had taken up his claim. He was turned over to Judge Bennett for cross-examination, and because the defense thought that Jones, having been a cattleman, had been mixed up in the fight against the sheepmen and asked him if he had ever shot any sheep, that the incident arose.

POLICE PREFECT SHOT.

Assassin Fires Five Poisoned Bullets at Count Shuvaloff.

Moscow July 12.—Major General Count Shuvaloff, prefect of police here, and formerly attached to the ministry of the interior, was assassinated this morning while receiving petitions. One of the petitioners drew a revolver and fired five times at the prefect, who fell dead.

The assassin was arrested. He was dressed as a peasant, and has not been identified. He was recently arrested as a political suspect, but escaped from the police station before his examination.

The assassin waited in the anteroom of the prefecture until the other petitioners had been received and then, entering the audience room, he advanced toward Count Shuvaloff at his desk, firing five shots at close range. The bullets passed through the body of the prefect.

Count Shuvaloff owes his death to his custom of freely granting audiences and receiving petitions from all classes.

One bullet wounded the count in the pericardium, another pierced his abdomen, a third struck him in the arm, and the fourth in the shoulder, while the fifth bullet of the assassin struck the leg of a woman who was standing near. According to the physicians, the bullets were poisoned. The victim speedily lost consciousness and never spoke afterward.

A great crowd gathered in front of the house of Count Shuvaloff, and made a determined show of its indignation and sorrow at the assassination of the prefect, who was very popular.

Grand Duchess Elizabeth, widow of Grand Duke Sergius (assassinated in Moscow February 17) attended the first requiem for Count Shuvaloff tonight.

Strategic Point is Taken.

Tokio, July 12.—The Navy department has received the following report from Admiral Kataoka: "Two cruisers and four torpedo boats left Korsakovsk on July 10 with soldiers aboard for the purpose of landing and occupying Cape Notoro. After some bombardment the place was taken. The lighthouse and buildings were left undestroyed." Cape Notoro is the most southerly point of Sakhalin, on La Perouse straits, directly facing Cape Soya, on the Japanese coast. It commands the straits between the two coasts.

Government Ready to Act.

Chicago, July 12.—Plans for the prosecution of railroads for the granting of rebates to large industrial individual corporations in violation of injunctions issued by the Federal courts here and in Kansas City, have been completed and the first steps in the attack of the government will be made in Kansas City before the end of this week. Assistant Attorney General Purdy, who has charge of the prosecution, left here tonight for Kansas City.

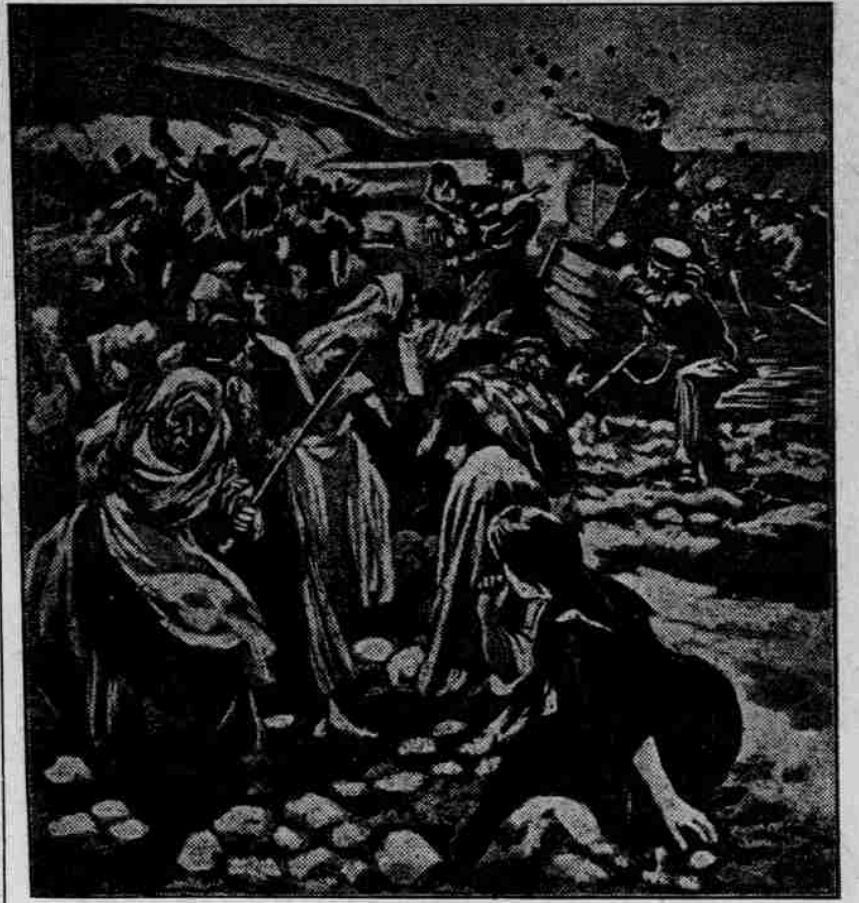
King Christian Objects.

Copenhagen, July 12.—It is understood that Prince Charles, of Denmark, will be willing to accept the crown of Norway if King Christian and the Danish government consent. Some of the members of the royal family are in favor of his acceptance of the crown, but King Christian is believed to be opposed to it. No decision, however, will be given out before his majesty returns from Gmunden, Austria, next week.

Four Deaths by Heat.

New York, July 12.—Although the temperature was relieved slightly this afternoon by passing showers, four deaths and 41 prostrations from the heat were reported today in Greater New York. Three of the deaths were in Manhattan and the other in Brooklyn. The highest temperature of the day was 86.

IN THE "DISTRESSFUL COUNTRY."



AN IRISH ISLAND BATTLE.

An eviction battle recalling the stormiest days of the Irish Land Agitation recently took place between 200 picked men of the Royal Irish Constabulary and the entire population of Dursley Island, a bleak speck in the Atlantic sixteen miles from Castletown Berehaven, County Cork. The two hundred policemen were sent to evict Daniel Healy, an aged peasant. They only did so after a desperate encounter with the other occupants of the island—some thirty-five families—who met them on landing with a fusillade of stones, and then fought a hand-to-hand conflict in which fixed bayonets and the butt-ends of rifles were freely used.

NAPOLEON OF CUBA.

STIRRING CAREER OF THE LATE GEN. MAXIMO GOMEZ.

Patriot Whose Wonderful Genius and Finished Statesmanship Made Cuba Libre Possible—Born in Santo Domingo and of Spanish Descent.

The recent death in Havana of Gen. Maximo Gomez removed one of the most picturesque figures that has ever appeared upon the pages of Cuba's thrilling history. In the smaller sphere to which fate confined him, Gomez showed the great qualities that place his name fitly with those of Washington and Bolivar. It was not only in the field that he won the title of the Liberator of Cuba, but especially in the troubled times following the intervention of the United States, when his disinterestedness and statesmanship helped to bring about a settlement. Though Santo Domingo holds his birthplace, Gomez's life was given to Cuba and was spent on the island, ex-



GEN. MAXIMO GOMEZ.

cept in long intervals of enforced exile. Free Cuba can honor him as her own with better right than Uruguay does Garibaldi or Americans do La Fayette and Steuben. When time has given her a history and the slanders of selfish politicians are forgotten the greatness and integrity of Maximo Gomez will make Cuba proud of her beginnings.

Gomez, commander-in-chief of the Cuban army during the war for liberty against Spain, who won for himself the name of the "Cuban Napoleon," was 82 years old. He was born in Santo Domingo and was of good Spanish descent. As a young man he entered the Spanish army, being granted the commission of a lieutenant, but when his family emigrated to Cuba he withdrew from the service of Spain and gave himself heart and soul to the cause of Cuba Libre. His home for many years was near Santiago.

It was in 1898 that he joined the patriot army, and his ability and intrepidity earned him rapid promotion. During the revolution of that time he beat the Spaniards at the battles of Jiguana and Holguin and made the name of Gomez one to be feared. In 1872 Gen. Agramonts, then commander-in-chief of the Cuban army, promoted Gomez to a brigadier generalship, and after that the Spanish soldiers called him "The Terror." He had only a small, badly equipped force of half-naked soldiers, who fought with poor weapons, but he captured Nuevitas, Santa Cruz and Cascorra and fought the battle of Las Guasimas against overwhelming odds.

In 1874 he invaded the province of Santa Clara, driving the Spanish forces before him, defeating Gen. Jovellar in several small engagements, and was made a major general. When the revolution died out in 1878 and the

treaty of Zanjon was signed Gomez was proscribed. He escaped to Jamaica and lived a farmer's life there until the recrudescence of the rebellion in 1895 under Jose Marti.

He landed in Cuba April 14, 1895, was hailed by the Cubans with wild enthusiasm and was made commander-in-chief. His ability and energy and his genius for accomplishing results without fighting pitched battles spread the revolution until the whole island was involved. His military tactics caused him to be criticised and sneered at by the Spaniards, and even some of his own officers, but he was adored by the rank and file and by the Cuban people, who looked to him to secure the liberation of the island. Time after time he used his Spanish Time after time he used his Spanish tactics with success against large Spanish armies, outflanking the overconfident enemy, falling unexpectedly on their rear and turning apparent defeat into victory.

Perhaps his most remarkable achievement was at the battle of Saratoga, where he hastily gathered 500 men to meet the advancing columns of Gen. Castellanos. With his little force of 500 and odd he met, defeated and drove back the 2,600 Spanish troops under Castellanos in spite of the artillery and unlimited ammunition his foes had. The fight lasted four days. Gomez lost 85 killed and 133 wounded.

Gomez was very proud of the reputation he had gained of having never lost a battle. His personal bravery had a wonderful effect on the recruits of which the greater part of his forces was made up during the first part of the last revolution. It is said that no man ever flinched, no matter how thick the bullets flew, while Gomez's eye was on him.

Gen. Gomez was a small man, about 5 feet 6 inches tall, and slenderly built. During the last years of his life he suffered greatly from a wound he received in the right leg. He had keen, penetrating eyes and a restless, wary look. He had the friendliest possible feeling for the United States. He was sorely disappointed when after he had scored important successes against the Spaniards the United States refused to recognize the belligerency of Cuba. But when this country lent a hand Gomez did all in his power to secure the friendliest relations.

He enjoyed perhaps more than any other Cuban leader the love and confidence of the Cuban people. His last visit to the United States was in the spring of 1903, when he visited the St. Louis exposition.

An Anecdote of Gorky.

Anecdotes of Maxim Gorky are on the wing. Here is one they tell in Paris. He went to the theater at Moscow one evening to see a play by a popular writer. Instead of paying attention to the stage, the entire audience rose and greeted Gorky with prodigious acclamation. Then he delivered this address: "What on earth are you staring at me for? I am not a dancing girl, nor the Venus of Milo, nor a drunkard, just picked out of the river! I write stories; they have the luck to please you, and I am glad of it. But that is no reason why you should keep on staring. We have come here to see a charming play. Be good enough to attend to that, and leave me alone." More delighted than ever, the audience shouted with joy. Perhaps they thought they would get another speech, but Gorky jumped out of his seat and left the theater in disgust.

Advise an old man that he ought to have a good time in life, and you are stumped when he answers, "How?" The real critic is the woman with a "voice," when she hears another woman sing.