

## SERIOUS CHARGES

### Land Fraud Defendants Accused of Changing Applications.

#### DONE BY COMMISSIONER BIGGS

##### Mysterious Note Signed by Witness Also Has Place in Proceedings of the Trial.

Portland, July 27.—Prosecution in the trial of Williamson, Gesner and Biggs on a charge of subornation of perjury in the Federal court scored yesterday and added important evidence to its case. The striking features of the testimony were the admissions of Jeff D. Evans, the first witness called in the morning, that the numbers of his claim in the original application he filed before United States Commissioner Biggs had been changed at the Dalles land office upon the receipt of a letter by the officials from Biggs, in which the latter said the change would save trouble, and was at the request of Evans. Evans testified that he had never requested the change nor did he know of the change until he was shown the application at the former trial, with the original number scratched out and others written in.

A further feature of his testimony was the identification of a promissory note, made in favor of Gesner and signed by the witness, for \$426.10, the money advanced by Gesner to make final proof. Evans testified that, although the signature was unquestionably his own, he had never, to his knowledge, signed any note for the money advanced by Gesner, and had been told by Biggs, who handled the whole affair, that, while a note would be required from some entrymen, it was not to be asked of Evans.

#### RIGHT SIDE UP.

##### Bennington in Condition to Tow to Mare Island Yard.

San Diego, Cal., July 27.—The gunboat Bennington is again afloat on an even keel, and will be towed to the Mare Island yard to be thoroughly examined and repaired. She will be taken up by the Iris, escorted by the powerful naval tug Fortune, but it is now doubtful if she will get away before the arrival of the Chicago.

Admiral Goodrich is expected to arrive on his flagship tonight or early tomorrow, when an investigation of the disaster will be begun. Much interest centers on the question of what was the steam pressure on boiler B at the time of the explosion, it being understood that the safety valve had been set to blow off at 140 pounds.

Examination of the inside of the ship shows that the hull has been damaged but little, if any. The water which poured in and caused the listing came through the blow hole, which had been broken by the force of the explosion.

#### JUDGE COTTON DECLINES.

##### Decides to Refuse Bench After Conference With Harriman.

Portland, July 27.—William W. Cotton, with a commission already in his possession, has concluded to decline the appointment as United States judge for the district of Oregon. Private advices to this effect have been received and the fact has been absolutely confirmed. Mr. Cotton left New York for Oregon last night, after a conference with the Eastern officials of the Harriman lines, and today the fact of his intention to decline the judicial position offered him by the president became known.

While no information has been received giving a reason for this action on the part of the Federal judge-apointee, it is generally believed that inducements have been offered him that by the Harriman system that make it worth while for him to decline the bench and remain where he is with additional powers and financial consideration.

#### Floating Exposition Ready.

New York, July 27.—Plans have been completed for an effort by an exporting company of this city to extend American commerce to foreign countries. A floating exposition will be equipped and sent on a tour of the world. The "American Floating Exposition," as it will be called, will start from New York in January, 1906. It will carry a limited number of samples of various merchandise of American manufacture, the samples to be displayed at each of the ports where stops will be made.

#### Start for New York.

Paris, July 27.—M. Witte, Professor de Martens and a number of officials making up the Russian peace plenipotentiaries left the St. Nazaire railroad station at 9:30 this morning for Cherbourg, where they will sail for New York on the North German Lloyd steamer Kaiser Wilhelm der Grosse this evening. Many officials and diplomats gathered at the depot, including Ambassadors Nelidoff and Cassini and M. Routkowski, Russian financial agent.

#### Only Impartial Inquiry.

Washington, July 27.—Secretary of the Navy Bonaparte, when asked today for a statement of the disaster to the Bennington, promised the public that there would be no whitewash and that, so far as the service itself was concerned, he would make a scapegoat out of no one.

#### SENTENCE PRONOUNCED.

##### Six Months in Jail and Fine of One Thousand Dollars for Mitchell

The judgment of the court is that the defendant be imprisoned for the term of six months in the county jail of Multnomah county, in this city, and pay a fine in the sum of one thousand dollars.

Portland, July 26.—Judge John Jefferson De Haven pronounced judgment upon United States Senator John Hipple Mitchell in the Federal circuit court yesterday morning, and when the last words of the stern jurist had died away in the depressing silence, the gray bearded man, who has sat for almost a quarter of a century in the most august legislative body in the world and read the plaudits of statesmanship at the hands of a trusting constituency, heard himself sentenced to six months' imprisonment in the Multnomah county jail and decreed to pay a fine of \$1,000. And when it was all over and the hush had yielded to the shuffling of many feet, John H. Mitchell, United States senator and septuagenarian, arose and walked slowly from the courtroom bowed and shaking beneath the weight of every one of his 70 years.

Ex Senator John M. Thurston made a plea for his aged client, and sought to stay the judgment of the court by the argument that the court has no jurisdiction to pronounce a penalty that will detain a member of the United States senate from being in attendance upon its sessions. But this was to no avail, and a moment later Senator Mitchell was degraded to the level of all convicted criminals before the law.

Notice of an appeal was given and execution stayed, but should the highest tribunal in the land affirm the action of the lower court and the hand of executive clemency be not extended in mercy, the senior United States senator from Oregon will pass a portion of the last days of his life in the dingy shadows of the Multnomah county jail, and be forever barred from holding public office.

#### DENY CONTRACT.

##### Witnesses Called by Prosecution Favor Defense.

Portland, July 26.—Impressive was the object lesson given to Williamson, Gesner and Biggs, charged with subornation of perjury, in the Federal court yesterday morning when they sat by and heard sentence pronounced upon Senator Mitchell. Two witnesses who did not appear in the former trial were examined in the morning, and they told of the entry upon lands at the suggestion of Gesner, who loaned them money to make proof. However, the testimony of both was rather favorable to the defense, as both stated there was no contract with Gesner to transfer the lands to him upon proof being completed, and they said they felt at liberty to sell to anyone else if they received better offers from them. A feature of the morning's session was the decision by the court that to prove its case the prosecution must show perjury in filing on the lands involved, and not when final proof was made.

Both witnesses were unwilling to tell all they knew. Both had known the defendant for years, and showed disposition to help them out of their dilemma as much as possible. However, there were valuable points in the testimony for the prosecution.

#### COLLECT TREE SEEDS.

##### Forest Service Plans Planting Seedlings on Semi-Arid Reserves.

Washington, July 26.—The forest service is planning to collect tree seeds on a very large scale next autumn. The work of reforestation in the Western reserves is calling for the production of many millions of seedlings annually, and the service has already established six forest nurseries for this purpose in different parts of the semi-arid West. Nursery work or planting is now in progress in the Santa Barbara San Gabriel, Modoc and Warner mountain reserves in California, the Pike's Peak and Gunnison reserves in Colorado, the Dismal river reserve in Nebraska, the Gila river reserve in New Mexico, and the Salt Lake reserve in Utah.

#### Boycott Popular in China.

Paris, July 26.—Mr. Lion, the first secretary of the Chinese legation, in an interview in the Matin, gives his views on the Chinese boycott of American goods. He says: "The boycott of American goods is gradually extending, and will probably gain considerably in Southern China. The Chinese press is taking an active part in the boycott, in the struggle over which China has nothing to lose. The movement is very popular and will only cease when the United States modifies certain laws affecting our countrymen."

#### Reward for Negro.

Washington, July 26.—Baron Busche, the charge of the German embassy, has delivered to the State department a silver watch and chain, with the request that they be handed to George C. Ellis, a negro laborer at the Washington barracks, as a recognition by the German emperor of the action of Ellis in saving the statue of Frederick the Great from damage by the explosion of a package of dynamite placed on the fence surrounding it.

#### Secretary Wilson Ill.

Washington, July 26.—Secretary of Agriculture Wilson is confined to his room as the result of an acute attack of indigestion. He was taken ill yesterday, but continued at the department throughout the day. He is improving rapidly and is expected to return to duty shortly.

## TESTIMONY SHORT

### Second Trial of Land-Fraud Cases Not So Long as First.

#### JUDGE BENNETT IS PUGNACIOUS

##### Endeavors to Tangle Up Government Witnesses—Testimony Similar to That of the First Trial.

Portland, July 25.—The first day's work in the Williamson trial has shown two things; one, that the time consumed will in all probability not be so long as in the first hearing; the other, that the defense is going to use the testimony of the first trial as a club with which to chastise the witnesses for the government, throw them into confusion if possible, and thus weaken the force of their testimony before the present jury.

Judge Bennett's pugnacious cross-examination of the three witnesses Campbell Duncan, Ben F. Jones and Frank Ray, was the feature. Upon the opening of the trial the government first called Duncan, who told the same story related at the first trial of having taken up a claim at the suggestion of Gesner and with the understanding that he should get \$75 for it when patented. The direct examination was short and to the point. Mr. Heney taking advantage of the knowledge gained at the first trial to eliminate all superfluous matter and recitation. The same was the case with the evidence given by Jones and Ray, but when the witnesses were turned over to the defense they were given an unpleasant time by Judge Bennett, who questioned them as to their testimony and brought them face to face with what they had said in the former trial.

This catechism related particularly to the cross-examination at the previous trial when the questions had been asked by Judge Bennett. These questions were many of them leading in nature and ran with the preceding testimony, so that when the witnesses, particularly Ray, were asked if they had made certain answers they denied them, though holding still to the intent and purpose of the first statement made. The meaning in many instances was accepted as what had been meant though the exact language was denied.

#### ANXIOUS FOR HIS PLUNDER.

##### Czar and Kaiser May Have Discussed Alliance in Far East.

St. Petersburg, July 25.—There is a growing belief here that the attitude Germany has assumed in connection with the situation in the Far East, and the meeting between the czar and kaiser are due to a desire on the part of the German government to safeguard her own interests in China and to secure herself in the possession of Kiaochau. China's attitude recently, insofar as Germany is concerned, has not been of the friendly, and her demand that she be consulted in connection with the peace negotiations is thought to indicate that she hopes to recall coded territory.

Inasmuch as Japan has signified her willingness to have China resume the control of all Manchuria under certain safeguards, the mikado's government is believed to favor a demand by China that the territory now held by other powers under treaty obligations be ceded back to China, and that all ports in the Flowery Kingdom be made open ports, subject to no onerous trade regulations and all commerce having equal rights.

France, despite her proverbial hatred of Germany, could be swung into line for concerted action in the Far East, as her possessions would be endangered should a united China be possible. With Russia, Germany and France acting in unity, they would be a factor to reckon with, they would be in a position to benefit greatly thereby.

#### Carter Will Not Resign.

Oyster Bay, July 25.—A consideration of Hawaiian affairs occupied the president's attention for several hours today. He had as a guest for luncheon and during the greater part of the afternoon George R. Carter, governor of Hawaii, who came to Oyster Bay determined to resign his official position to escape annoyance to which he has been subjected. The president not only declined to accept his resignation, but told him to go back to Honolulu and he should have the full support and sympathy of the national administration.

#### Taft Party in Japan.

Yokohama, July 25.—Secretary of War Taft and party received a demonstrative welcome to Japan, the principal buildings, streets and wharves of this city and the shipping in the harbor being gaily decorated. A noisy display of daylight fireworks along the streets fronting the harbor rnaounced the arrival of the steamship Manchuria at the quarantine grounds at 7 o'clock this morning, and continued until the vessel was docked.

#### Twelve Burnes to Death.

Houston, Tex., July 25.—The loss of life in the Humble fire, as near as can be determined, is 12, but no names can be ascertained. The Texas company declines to make any estimate of its loss or to give out any insurance figures, but oil men place the loss at present at 2,500,000 barrels of oil, valued at \$562,500; pumping plant, damage to tanks, mules, etc., at \$25,000 or more.

#### WAR ON MOSQUITOES.

##### New Orleans Determined to Stamp Out Yellow Fever.

New Orleans, July 25.—The old time strict quarantine established many years ago by Dr. Holt went into effect yesterday morning, and will be enforced with absolute impartiality and with the utmost stringency against all Central American ports which are considered infected. The same regulations have been supposed to have been in force for some time past, but investigation shows that they have been lightened to some extent, and it is to this reason that the health authorities attribute the introduction of yellow fever into New Orleans.

These regulations mean that every vessel from Central American ports will be detained at quarantine six days, and thus prevent absolutely any further cases of fever being brought into the city.

The situation in New Orleans is now thoroughly in hand, and it is expected that the quarantine will be lifted within a few weeks. Governor Blanchard, Mayor Behrman, the United States Marine Hospital surgeons from coast ports and the city and state health authorities met today and determined to take the most stringent measures to stamp out yellow fever and any disease which resembles it in New Orleans.

All unite in the belief that the mosquito theory in the spread of the disease is the only true one, and the fight will be carried along that line, which was that followed in Havana. No new cases of yellow fever or any suspicious cases developed today, neither were there any suspicious deaths. The disease, which was met with scientific and sanitary means from the beginning, seems to have run its course, and the physicians are proud of their work in limiting the disease to a restricted district.

#### PAUL JONES' BODY ARRIVES.

##### Vessels of American Navy Travel 7,000 Miles Without Mishap.

Annapolis, July 25.—The John Paul Jones expedition, commanded by Rear Admiral Sigsbee, will complete its mission with the landing of the distinguished dead today. The eight ships of the squadron, four cruisers and four battleships have rested all day in the anchorage of the naval academy, lying in double column, with the cruisers, headed by the Brooklyn, nearest the city.

The day has been without ceremony, with the exception of the exchange of calls between Admiral Sands, superintendent of the naval academy, and Admirals Sigsbee and Davis and Captain E. D. Gervais, of the French cruiser Jurien de la Graviere.

On the half deck of the Brooklyn, in a spacious compartment at the entrance to the cabin of Admiral Sigsbee, lies the body of John Paul Jones, contained in a casket of lead enclosed in another of wood of handsome design, and draped with the colors. Constant guard is kept by an armed jackie.

Admiral Sigsbee regards his mission as eminently successful and satisfactory. His squadron has steamed nearly 7,000 miles without delay on account of accident or mishap to machinery.

#### Military Convicts Escape.

Spokane, July 25.—Five military convicts have escaped from the guard house at Fort Wright. All of them were men sent into the fort to serve sentences for desertion from other army posts. The names of the men are: Frank Burton, Joseph Carroll, James Collingwood, Herman W. Lamp and Harry Linden. The outbreak was one of the most daring ever attempted at Fort Wright. With from six to ten guards in an adjoining room, the five desperate men sawed through two iron bars three-quarters of an inch thick.

#### Inventor Rejects Offer.

New York, July 25.—Morris Schaeffer, 15 years old, of Brooklyn, who solved a problem of signaling for elevated roads and part of whose system is in use on Brooklyn "L" lines, made the statement that the position as electrical engineer with a salary of \$18,000 a year has been offered to him by the General Electric company, of Schenectady, N. Y. He added that upon the advice of City Superintendent of Schools William H. Maxwell, he had decided to reject the offer and remain at school until he finishes.

#### Detention Camps Established.

New Orleans, July 25.—The yellow fever quarantine situation affecting New Orleans is not serious, in that it applies only to persons and baggage, and this will be relieved by the immediate establishment of detention camps on the lines of all the railroads where travelers desiring to go up to the quarantine territory may remain five days and secure a certificate of noninfection from the Marine hospital service.

#### Germans Aping the Japanese.

Berlin, July 25.—The secrecy with which the Japanese have screened the movements of their armies has caused the German staff to re-examine the methods for administering the army in time of peace or war. The annual maneuvers which are to take place this year are to be conducted with much of the secrecy that would surround actual warfare.

#### Job in Sight for Wallace.

Atlanta, Ga., July 25.—The Constitution tomorrow will say: "A persistent rumor is afloat in railroad circles here to the effect that John F. Wallace, formerly chief engineer of the Panama canal, is to be made president of the Seaboard Air Line railroad. The report cannot be verified, but comes from an apparently reliable source."

## Conquest of the Great American Desert

The principal features of the National Irrigation or Reclamation act, as concisely stated by Congressman C. D. Van Duzer of Nevada, are as follows: First. A reclamation fund in the treasury, consisting of all moneys received from the disposal of public lands in sixteen arid and semi-arid States and territories (including California and Nevada).

Second. Investigation and report as to irrigation projects by the Interior Department through the geological survey.

Third. After the approval of such projects by the Secretary of the Interior construction to commence under contracts made by him. No contract to be made unless the money necessary for the completion of the project is available in the reclamation fund.

Fourth. Compensation to the fund of the actual cost of each project by the sale of water rights, to be made in a series of installments running over ten years.

Fifth. The holding of the public lands for actual settlers under the homestead act; holdings to be limited to small areas, sufficient for the support of a family; no commutation.

Sixth. Sale of water rights to private land holders, but not for more than 100 acres, thus discouraging land monopoly and promoting the breaking up of large tracts.

Seventh. The ultimate control of irrigation works, except reservoirs, by the settlers under a system of home rule. This plan will enable the West to reclaim itself without calling upon the taxpayers of the country. It entirely relieves the irrigation agitation of the charge that it is intended to tax the East for the improvement of the West. The government simply puts its government lands in condition for settlement by storing and making available the floodwaters which are essential for reclamation.

In addition to the government work on the use of water in irrigation, which is being carried on in all the arid or semi-arid States, the work in California, according to an official statement, includes a comprehensive study of the whole irrigation situation, looking to the remedying of the evils which are checking development along this line.

The work is under the general supervision of Elwood Mead, the expert in charge of irrigation investigations.

The work being done on the streams and irrigation systems selected for investigation includes study of the following:

1—Abstracts of the records of claims to water, character of those records, number of claims, total volume claimed, places where recorded, and the ease or difficulty with which the validity of any claim can be determined.

2—Rights to water for purposes other than irrigation, namely, mining, power and domestic purposes.

3—Methods by which the amount and character of water rights are determined, accessibility and completeness of the record showing the nature of the established rights.

4—Character of litigation over water rights, its causes and cost, its influence on irrigation development, and the principles established by decisions rendered.

5—Rights for storage and underground waters, how acquired and how affected by rights to the surface flow of streams, and the influence of the underground waters on the stream's discharge.

6—Nature of an appropriation of water. To determine who is the appropriator, the ditch builder or the owner of the land on which the water is used; or is the land itself the appropriator. Also, to determine the true measure of its amount, the size of the claim, the capacity of the ditch, or the area irrigated.

7—The volume of return or seepage water, and its availability for being again diverted, and influence on value of irrigator's rights.

8—Size, number, location and capacity of ditches and other distributing works established, and irrigation duty of water.

The work also includes collection of data showing how water is divided among different ditches from the same stream; how it is distributed among users; the nature of water-right contracts between canal owners and water users; what contracts have proven satisfactory; and what forms of contracts have given rise to controversy, and the reason therefor. Facts showing rates for sale or delivery of water and the methods by which these rates have been established will also be collected.

#### JOHN HAY.

##### Late Secretary of State Regarded as Greatest Diplomat of the Day.

By the death of John Hay the life of the leading diplomat of the day has ended. Not only had he established himself in such exalted position, but he had formulated, developed and completed what has of late been known as American diplomacy, the direct method of pursuing negotiations regarding matters in controversy between nations. So successful had become this method that he had employed it not only in controversies between this country and others, but in matters between other countries when questions arose which only indirectly affected the interests of the United States. In short, John Hay has made

the United States a factor in the politics of the world to be reckoned with on every occasion in which, by its interests, the United States can be regarded as a participant. John Hay was regarded as not only the leading diplomat of the day, but the greatest diplomat that ever occupied the office of secretary of state.

John Hay was born in Salem, Ind., Oct. 8, 1838. He was the son of Dr. Charles Hay. He was educated at Warsaw and Springfield, Ill. He was graduated at Brown University in 1858.

In 1861 he went from Springfield, Ill., to Washington to become President Lincoln's secretary and later he served in the civil war. He reached the rank of colonel and was at Lincoln's bedside when the President died. He then went to Europe and filled subordinate diplomatic positions at various capitals. In 1896 he was appointed ambassador to England.

In the seventies, when Mr. Hay was acting editor of the New York Tribune, he wrote fanciful verse of the soil, which became more celebrated than his more serious literary efforts—one of which is a life of Lincoln, for which



JOHN HAY.

he received \$50,000. Mr. Hay's house in Washington was one of the most beautiful residences in the city, and his library was filled with rare pictures and rarer books.

As a literary man John Hay would have won fame sufficient for the most ambitious. His life of Lincoln is an able work and his poetry was of a high order. But as secretary of state under McKinley and then under Roosevelt, Mr. Hay brought the diplomacy of the United States into the first rank. His ability was splendidly shown during the Boxer troubles in China. Hay alone kept China out of the Russo-Japanese war. Limiting the zone of conflict was one of his greatest diplomatic victories.

#### TROTTERING OR GALLOPING?

##### What Do Fish Do, and Seals, and Insects and Worms?

Here is a problem for people with sharp eyes! As we all know, a horse when walking or trotting advances only one leg of each pair at a time, but when galloping lifts both feet together and then both hind feet. Now the question is how other animals manage this matter. The birds, of course, flap both wings together, but which birds run and which hop? We human beings "trot" when we walk, and "gallop" when we swim—that is, if we are using the plain breast stroke. The dog, however, "trotts" for both. Now, do the amphibious animals—the seals, otters and the rest—swim like men or like other four-footed creatures?

Then there are the fish. One would rather expect that, as they move their tails from side to side, they would flap alternately with the fins, which are their hands and feet. Who can tell whether they do or not, and whether all fish at all times follow one rule? By the way, how does a frog use its "hands"?

The great anatomist, E. Ray Lankester, has lately pointed out that while the "thousand legs," such as our common gaily worm, advance two feet of a pair together, the centipedes, which are much like them, do exactly the opposite; and the swimming worms also alternate the stroke of each pair of paddles. I doubt if many people can tell on which system the caterpillar manages its dozen or so legs, or whether the adult insect walks, trots, paces, or gallops on its six. How does the spider use eight?

Altogether this is a large field for observation, a field, too, where any one may discover new facts as yet unrecorded, and thus add to the store of knowledge.—St. Nicholas.

#### Shaking.

Northerner—And you have some earthquakes down in your country, do you not?

Southerner—Oh, yes, but they're very slight. When they come we can't always tell whether it's a real earthquake or if it's another attack of chills and fever coming on.—Yonkers Statesman.

#### Laying the Blame.

"I want to complain of the flour you sent me the other day," said Mrs. Newlived, severely.

"What was the matter with it, ma'am?" asked the grocer.

"It was tough. My husband simply wouldn't eat the biscuits I made with it."

#### That New Hat.

The picture of innocence! That's how she looked.

But there was a price on her head. All the people could see it—"3.75.

Reduced from \$5," it said.—Philadelphia Press.

Never judge a man's dishonesty by his political affiliations.