

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.

Independence for Corea.

Honolulu, July 18.—Coreans here have raised a fund to send Rev. P. T. Yon, a Corean Methodist minister, to Washington to see President Roosevelt for the purpose of asking that efforts be made by the United States in the forthcoming negotiations to bring about an agreement by which the Corean nation will become independent within 20 years if it shows fitness for self-government. Rev. Mr. Yon will solicit the good offices of President Roosevelt to ask Japan to grant independence as the United States did Cuba.

Packing Plant is Destroyed.

Columbus, O., July 18.—The plant of the Columbus Packing company on the South Side, was destroyed by fire today. Loss, \$185,000. The fire is believed to have been of incendiary origin.

NEW TRIAL DENIED.

Judge De Haven Denies Motion in Mitchell Case.

Portland, July 16.—"The motion in arrest of judgment will be denied.

"The motion for a new trial will be denied.

"Is the defendant in court?" Senator John H. Mitchell was not in court when Judge De Haven pronounced the words quoted from his decision in answer to the motions made last week by his attorneys. Senator Mitchell was represented by Judge Bennett and ex-Senator Thurston, and while Judge De Haven did not say that he would have rendered judgment upon the senator, had he been in court, it is believed from the fact that he asked if "the defendant was in court," that he would have done so. Senator Thurston, when Judge De Haven put his query, rose and stated that he wished further time in which to draw up a bill of exceptions, and he was given until a week from Monday morning to present them.

This means another ten days before Senator Mitchell will have judgment pronounced upon him. The senator's counsel informed the court that by tomorrow they would have their bill of exceptions ready and in the hands of United States District Attorney Heney, so that he might in turn have his answer ready by the time that the case will again be taken up by the court. Judge De Haven seemed willing to grant the delay, and as there was no objection from Mr. Heney, His Honor set Monday, July 31, as the day for receiving the exceptions.

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.

PORTLAND MARKETS.

Wheat — Club, 82@83c per bushel; bluestem, 89@90c; valley, 85c.

Barley, —Feed, \$21.50@22 per ton; rolled, \$23@24.

Oats—No 1 white, feed, \$29 per ton; gray, \$29.

Hay — Timothy, \$14@16 per ton; clover, \$11@12.

Fruits — Apples, new, \$1.50@1.85 per box; apricots, \$1.15 per crate; peaches, 80@90c per crate; plums, 85c @ \$1 per crate; Loganberries, \$1.25 per crate; blackberries, 10c per pound; cherries, 7@12½c per pound; currants, 8c per pound; prunes, 85c@ \$1; raspberries, \$1.25@1.50 per crate.

Vegetables—Beans, 1@4c per pound; cabbage, 1@1¼c per pound; cauliflower, 75@90c per dozen; celery, 90c per dozen; corn, 20@27½c per dozen; cucumbers, 40@75c per dozen; lettuce, head, 10c per dozen; parsley, 25c per dozen; peas, 2@5c per pound; tomatoes, \$1.25@3 per crate; turnips, \$1.25 @1.40 per sack; carrots, \$1.25@1.50 per sack; beets, \$1@1.25 per sack.

Potatoes—Oregon, new, 75c@ \$1 per sack.

Butter—Fancy creamery, 17½@21¼c per pound.

Eggs—Oregon ranch, 21@22c per dozen.

Poultry—Average old hens, 12½@13c; mixed chickens, 12@12½c; old roosters, 9@10c; young roosters, 11@12c; turkeys, live, 18@19; geese, live, 7½@8c; ducks, old, 13c; ducks, young, 15c per pound.

Hops—Choice 1904, 16@19c per pound.

Wool—Eastern Oregon average best, 19@21c; lower grades down to 15c, according to shrinkage; valley, 25@27c per pound; mohair, choice, 31c per pound.

Beef — Dressed bulls, 1@2c per pound; cows, 3½@4¼c.

Matton — Dressed, fancy, 5c per pound; ordinary, 4c.

Veal—Dressed, 3@7c per pound.

Pork—Dressed 6@7½c per pound.

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3:40, 5:44 and 7:15 a. m.

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