# **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 comissioner, 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 shak-en 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 side of the government. 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. Ges-ner 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. 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 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.

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New York, July 15 .- The contract between the Panama Railroad company and the Pacific Mail Steamship company, under which the later has for years enjoyed the exclusive privilege of peace plenipotentiary. handling freight on the Pacific side on through bills of lading, terminated 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

Upon excellent authority it can be carry out its threat to take its vessels from the Panama-San Francisco service, nor does it expect the abrogation an audience with the emperor. 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 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 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 Hanseom, go north on Saturday to locate the remainder of sites for wireless telegoraphy stations on the coast, A location will be selected either at Cape Flattery or Neah Bay and at Bremerton. When completed, there will 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 ase be not submitted to the jury, or, if such had to be done, that the court instruct the jury to return a verdict of than Eastern Oregon, prunes acquittal. Following this motion the attorneys for the defense made exhaustve 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

#### 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. had agreed not to charge them interest The home of Mr. Jensen was demolished and Mr. Jensen, his wife and baby seiously 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 in-

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 wries, and most of the details of the havoc wrought have been brought in by messengers from the different towns.

### Czar Decides to Send Witte to Wash-

ington in His Place. St. Petersburg, July 14 .- M. Mura-

It may be regarded as practically certain that he will be replaced by M. ministers, who all along has been considered the Russian statesman pre-eminently qualified to undertake the diffi-

Though the emperor on two previous occasions has flatly declined to accept ports of the United States and Panama. M. Witte, he has now indicated his readiness to make the appointment. stated that the government does not The commission, however, will not be anticipate that the Pacific Mail will actually signed until Foreign Minister Lamsdorff, who throughout has been M. Witte's warm supporter, has had To of the contract to affect in any way the 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. Peterbeurg, July 14.-The an noucnement of the appointment of Vice Admiral Birileff as minister of Marine that the armed forces of Great Britain in succession to Admiral Avellan, which is gazetted this morning, is coupled with a highly significant rescript n 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 that conscription could be successfully whole system. The minister is instructed to eradicate the faults which have developed under the stress of the present war.

### Conference Meets in Fail.

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 made a confidential communication to had the endorsement of a large number the committee on various phases of the of the horticulturists of the county. be stations at a distance of 200 miles Moroccan negotiations with France. As inspector, Mr. Reid will receive pound. 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 crop of alfalfa. This crop is yielding assist in the boycott of American goods approximately two tons to the acre. in China. It is reported they have which is a little better than the first to size. already raised \$30,000.

# OREGON STATE ITEMS OF INTEREST

FRUIT IN GOOD CONDITION.

Will Be Above Average Fruit conditions are now favorable throughout Oregon. While as a general thing no fruit will yield a record breaksatisfactory from the market standpoint. Apples in all parts of the state count of this very fact the fruit will be marketable product than were it a full crop and the trees heavily loaded.

In the eastern part of the state, peaches, pears, prunes and plums will all yield a crop full. In Southern Oregon and the Wil amette valley, either of which sections produces more fruit plums will yield 70 per cent of a crop, peaches about 60 per cent, and pears half a crop. These figures are upon careful estimates and are reliable. Cherries are everywhere yielding about 5 per cent of a full yield, while small fruits are yielding a full crop in all the publication of the state reports by parts of the state.

Growers and dealers figure on 120, 000 bales as Oregon's probable hop yield for 1905. This is an increase of ne-third over last year's yield. A part of this estimated increase is due to a larger acreage, but the crop is at least 50 per cent better in amount of growth now than at this time last year. The foliage is very heavy, and the hops are blossoming out now in splendid shape. Of course, everything hinges on climat ic conditions, and the estimate of 120, 000 bales, which will be the largest crop Oregon has ever produced, is based ditions will be favorable until the crop is safely harvested.

#### **BLOODED STOCK FROM FRANCE**

#### A. C. Ruby, of Pendleton, Receives a Carload of Imported Horses.

Pendleton-A. C. Ruby & Co. have received the first carload of imported horse from France by express. next carload is in transit by freight with an attendant in charge, and will having been very favorable. Especial-arrive in a few days. The third car ly is the spring grain, of which there is the horse disposed of to the farmers in year, doing well. the Middle West.

He is direct from Europe, where he the grain to shrivel. purchased in all 48 horses, consisting of Shires, Percherons and coach horses. The horses arrived in splendid condition in spite of the fact that they had been traveling constantly for three weeks by water and rail.

Mr. Ruby wili put them in good con-Lewis and Clark horse show comes off, will exhibit a number of the best ania good showing for the blooded horse at the prolonged term. ndustry for Eastern Oregon

Engine Sparks Start Fires. vieff has resigned his position as chief plowing and clearing the weeds from for sale by separate sealed bids. Offers protect their grain from fires started by sparks from passing locomptives. The dry grass along the track is already Witte, president of the committee of beginning to burn and the ripening filed with the register and receiver of wheat fields are in imminent danger from fires. The farmers are also bene- Portland. fitting themselves by plowing along the fences other than protecting themselves cult task of negotiating peace with from fire as the numerous ground squirrels burrow along the fences under the weeds and trash that accumulate.

### Oregon Escape Found.

Salem-After an absence of over two years, Ralph Smith, who made his escape from the Oregon penitentiary here on January 2, 1903, has been located, and an effort will be made to bring him back that he may complete his abbreviated sentence. He is now serving a sentence in the Walla Walla penitentiary, but his term has about expired. Smith was serving a three year sentence in the Oregon prison for burglary from Josephine county, and had but six months to serve when he escaped. He was employed as a trusty.

### Governor Coming.

Portland-Secretary Arthur F. Fran- \$1; raspberries, 5@6c. is, of the Trans-Mississippi Commerto take part in Colorado day exercises tween the ending of the Commercial 1.25. congress and at the beginning of the National Irrigation congress.

### Fruit Inspector in Clackamas.

Oregon City-C. J. Reid, a prominent fruitgrower of Milwaukie, has been appointed county fruit inspector for Clackamas county under an act of the last state legislature. Mr. Reid compensation per diem for the time he is actualy engaged at his work.

Cutting Second Alfalfa Crop. Pendleton-Farmers on McKay creek south of here are cutting their second

crop.

| MADE A GOVERNMENT OFFICER

#### Yield Will Not Be Large, But Quality State Engineer Lewis to Have Charge of Survey Work,

Salem - State Engineer John H Lewis will be appointed United States hydrographer for Oregon, thus being ing crop, the quality of the fruit bids given charge of the government hydro-fair to be good and the yield will be graphic work conducted in co-operation graphic work conducted in co-operation with the state of Oregon. This means that all state work will be government will yield only half a crop, but on ac- work and the work done with the United States appropriation will be state of much better quality and a more work. Consequently the reports of the hydrographic work done by the state engineer will be publish ed in the government reports.

The same will be true of topographic work, for State Enigneer Lewis will appoint a government topographer to direct the work of the field parties emand ployed by the state. The state engineer will serve as United States hydrographer without pay, and the United States topographer will serve the state without pay.

This arrangement is of great importance to the state, for it not only secures the government, but gives the state work the same standing as that of the government. There will be complete harmony between state and United States surveys.

### UMATILLA HARVEST ON.

#### Grain Being Cut North and East of Pendleton.

Pendleton-Harvest has commenced n Umatilla county, and within a short ever shot any sheep, that the incident time headers will be at work every. arose. where, those now started being only in upon the supposition that weather con- the early portions of the county. The section north and east of Pendleton, in which a large part of the Umatilla reservation is located, is more advanced than other places, and by the first of next week heading will be on quite generally there. However, one header has already been started in the Cold Springs country, northwest of here, on a fall wheat field.

From all indications a good yield is The in prospect all over the county, the tions. One of the petitioners drew a weather during the past few months revolver and fired five times at the will be dropped off in Nebraska and an unusually large amount seeded this The only danger than may yet befall is to hot weather Mr. Ruby himself has also arrived, and warm winds, which might cause

#### Indian Children Have Measles.

Pendleton-The Indian school on the Umatilla reservation has been closed, as an epidemic of measles threatened to sweep the reservation. Six girls who were ill with the disease are still in dition and in September, when the quarantine at the shood, but will be turned out in a few days, upon recovery. Superintendent McKoin at first mals. He has a large number which thought he would extend the school can be got into splendid condition, as term well into July, but the threatened they are already almost fit to exhibit. epidemic caused the dismissal. All of All of the horses are young animals and the scholars were more than pleased, as will take on flesh readily and will make they were inclined to be rebellious

### Reservation Land for Sale.

Oregon City-That part of the Grand Pendleton- Many farmers who have Ronde Indian reservation in townships lands adjoining the railroad, especially 5 and 6, ranges 7 and 8 west, which the Pendleton-Spokane branch, are was not sold last fall, is being offeerd the right of way along their fields to will be received between October 3 and 10, and the bids will be opened on the latter date. The land will be sold in separate tracts, and the bids are to be the District land office now located at

### Improvements at Chemawa.

Chemawa-The material for extensive improvements at the school dining hall and kitchen are being delivered. The contract for these supplies have been given to Salem and Portland firms.

### PORTLAND MARKETS.

Wheat-Club, 82@83c per bushel; bluestem, 89@90c; valley, 85c. Barley-Feed, \$21.50@22 per ton; olled, \$23@24. Oats-No. 1 white, feed, \$29 per ton; gray, \$29.

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

Fruit-Apples, table, \$1.50@2.50 per box; apricots, 90c@\$1.25 per crate; plums, 85c@1.25; Loganberries, \$1.25; blackberries, 10c per pound; cherries, 7@1216c; currants, 8c; prunes 85@

Fresh Vegetables-Beans, 1@4c per cial congress, has received a letter from pound; cabbage, 1@1%c; cauliflower, Governor McDonald, of Colorado, an- 75@90c doz; celery, 90c; corn, 20@ nouncing that he will be in Portland 27c; cucumbers, 40@75c; lettuce, head, 10c; peas, 2@5c per pound; radishes, at the exposition Agnust 22. This is 10@12c per dozen; rhubarb, 1%@2%c the day advocated by Mr. Francis before per pound; turnips, \$1.25@1.40 per leaving Colorado, and fixes a time besack; carrots, \$1.25@1.50; beets, \$1@

Potatoes-Oregon, old, \$1.15@1.25; Oregon, new, 75c@\$1.10. Butter-Fancy creamery, 17 1/4 @21 1/4 c

per pound. Eggs-Oregon ranch, 21@22c per dezen.

Poultry - Fancy hens, 13@1314c; mixed chickens, 12@121/c; turkeys, was live, 18@19c; geese, live, 716@8c; was considered. Chancellor von Bulow the only candidate for the office and ducks, old, \$4@5; ducks, young, as to віze, \$2@5.

Hops - Choice, 1904, 16@19c per Wool - Eastern Oregon, best, 19@

21c; val'ey, 25@27c; mohair, 31c per pound for choice. Beef - Dressed bulls, 1@2c per pound; cows, 31/2@41/c. Mutton - Dressed, fancy, 5c

Pork-6@7%c per pound.

GAINS MORE EVIDENCE.

#### Government Gets Facts in Williamson-Gesner-Biggs Trial.

Portland, July 12. - What promised for a few minutes to have been a sensa- President Roosevelt Gives Pledge tion 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. 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 and occurred before and after he had taken up his claim. He was turned over to Judge Bennet 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

#### 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 petiprefect, who fell dead.

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

The assassin waited in the antercom 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 leg of a woman who was standing near. According to the physicians, the bullets were poisoned. The victim

A great crowd gathered in front of house of Count Shuvaloff, and counsel for the defense. 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 Notoro. After some bembardment the two double barracks. place was taken. The lighthouse and Notoro is the most southerly point of ly facing Cape Soya, on the Japanese It commands the straits be-

Government Ready to Act. Chicago, July 12. - Plans for the prosecution of railroads for the granting of rebates to large industrial individual corporations in violations of injunctions issued by the Federal courts here and in Kansas City, have been tion, left here tonight for Kansas City.

tween the two coasts.

#### King Christian Objects. Copenhagen, July 12 .- It is under-

stood 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 but King Christian is believed to be opposed to it. No decision, however, will be given out before his majesty re-

### Four Deaths by Heat.

New York, July 12. - Although the emperature was relieved slightly this loss being beaten and ill used. afternoon by passing showers, four deaths and 41 prostrations from the heat were reported today in Greater Brooklyn. The highest temperature of five days, were reported in this city the day was 86. the day was 86.

# **KEEP OUT COOLIES**

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 Jones, a retired cattle and horseman, Gompers, of Washington, and James Duncan, of Quincy, Mass., respectively the president and one of the vicepresidents 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 vigorousty opposed to the admission to this ountry of Chinese coolies as they ould 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 peoivilized 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 defend-

ants 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 the fifth bullet of the assessin struck morning. Perhaps one of these mother the leg of a woman who was standing tions 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 unspeedily lost consciousness and never doubtedly have a list of authorities on hand in case such a move is made by

## ADD TO ARMY BUILDINGS.

#### War Department Allots Money for New Buildings in Northwest.

Washington, July 13. — Announce-ment was made at the War department. today of allotments of funds for harracks and quarters at army posts during the present fiscal year. Continuing the policy of gradual reconstrucfrom Admiral Kataoka: "Two cruisers tion at Vancouver barracks, provision and four torpedo boats left Korsakovsk has beenmade for the erection of one on July 10 with soldiers aboard for the double-set of captains' quarters, two purpose of landing and occupying Cape | double-sets of lieutenants' quarters and

At Fort Wright near Spokane, omildings were left undestroyed." Cape Wash., the post will be enlarged to accommodate eight companies of in-Sakhalin, on La Perouse straits, direct- fantry 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 ber-

### 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 tocompleted and the first steps in the at- night. Apparently, there is no immetack of the government will be made in diste relief in sight, except through the Kansas City before the end of this local thunder storms in several scatweek. Assistant Attorney General tered sections. Throughout the West Purdy, who has charge of the prosecu- 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 . favor of his acceptance of the crown, plan of campaign adopted by Chinese in South China to further the boycott movement Against Unitd States merchandise. Wealthy Chinese of Tekhoi, truns from Gmunden, Austria, next 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 buffa-

### Six Dead in Philadelphia.

Philadelphia, July 13 .- Six deaths New York. Three of the deaths were and more than a score of prostrations. Veal - 3@7c per pound, according in Manhattan and the other in due to the high-temperature of the last