

GIVE NEW EVIDENCE

Effect of Judge Hunt's Rolling In Land Fraud Cases.

HAD BEEN SHUT OUT PREVIOUSLY

Prosecution Scores Point Despite the Vigorous Efforts of Attorneys for Defense.

Portland, Sept. 9.—The sensational feature of the Williamson-Gesner-Biggs case yesterday was the admission by Judge Hunt of a line of testimony that had been excluded by Judge De Haven in the previous two trials, and who had also declined to permit United States District Attorney Heney to argue the distinctions existing between the various title papers. Replying to an inquiry from the court, Heney assured Judge Hunt that he had not been permitted to "get beyond the front door" with any of his authorities bearing upon the admissibility of the evidence. The question came up in the course of the direct examination of Benjamin F. Jones, a government witness. Attorney Bennett, for the defense, made a vigorous effort to exclude the testimony, and took an exception to the ruling of the court.

The indictment charges that the conspiracy was to induce a large number of persons to commit the offense of perjury by taking their oaths that they would depose truly that certain declarations and depositions by them to be subscribed were true, which in fact contained material matters which were not true, and which they did not at the time believe to be true, to the effect that certain lands which these persons would then be applying to enter and purchase in the manner provided by law, were not being purchased by them on speculation, but were being purchased in good faith to be appropriated to the use and benefit of those persons respectively, and that they had not, directly or indirectly, made any agreement or contract, in any way or manner, with any other person or persons whomsoever, by which the titles which they might acquire from the United States in and to such lands should inure, in whole or in part, to the benefit of any person except themselves, when in truth and in fact such persons would be applying to purchase such lands on speculation, and would have made arrangements and contracts with Williamson, Gesner and Biggs to convey the titles so obtained by them to Williamson and Gesner.

TWO ARE INDICTED.

Sheriff and Dr. Gesner Accused of Trying to Intimidate.

Portland, Sept. 9.—The Federal grand jury returned an indictment yesterday afternoon against C. Sam Smith, sheriff of Crook county, and Dr. Gesner, charging them with intimidating witnesses in the pending land fraud cases.

It is charged that on August 17 Smith and Gesner endeavored to influence Lark Elliott and John S. Watkins, of Prineville, Crook county, not to appear as witnesses in the Williamson-Gesner-Biggs case, and that the sheriff offered to secure the acquittal of Elliott from an indictment previously returned against him with the larceny of a horse and a calf.

To See Japan's Hand.

Washington, Sept. 9.—Secretary Root will at once take steps to ascertain the real attitude of Japan on the question of maintaining the "open door" in Manchuria. The secretary will ask Japan for permission to locate a consul at Dalny, which has been leased to that country. He will make the same request for a consul at Harbin, which will be again under the jurisdiction of China. Russia refused to permit consuls at these places because Dalny was declared to be a military fortress and Harbin likely to become the center of military operations.

Russian Army Waits News.

Lamatenzi, Manchuria, Sept. 9.—The result of the Portsmouth conference was officially announced to the Russian forces today. The army, however, is still without official orders from St. Petersburg to cease its warlike activities, and the situation is intense. The soldiers are waiting for an armistice to be declared, and they cannot understand how Russia can talk of peace while the Japanese continue reconnaissance in force and outpost engagements. The fighting of September 3 in Corea cannot be understood here.

Famine in Nine Provinces.

St. Petersburg, Sept. 9.—The first sitting of a ministerial conference to deal with the famine which threatens a number of provinces was held today. It was attended by the governors of the provinces, representatives of the Zemstvo societies and marshals of the nobility. Reports were presented showing that distress is acute in the provinces of Saratoff, Riazan, Samara, Penz, Tamboff, Orel, Voronezh, Toula and Viatka.

Last of Missouri Bribery Cases.

Jefferson City, Mo., Sept. 9.—The bribery case against ex-State Senator Charles A. Smith, of St. Louis, was dismissed today. This disposes of all the legislative bribery cases except those against D. J. Kelly, said to be in Canada.

TERROR RULES.

Russian Oil Industry Is Destroyed and Thousands Killed.

Baku, Sept. 8.—The situation here tonight shows no signs of amelioration. It hardly could be worse. The terror-stricken inhabitants are fleeing from the city, knowing that the garrison is utterly inadequate to protect them and, although the worst scenes of fire and massacres have not yet occurred in Baku itself, none dare think how far the excesses may proceed.

The principal fighting is not in Baku itself, but at Balakhan, where hundreds have been shot by the infantry and artillery and where 1,000 were killed or wounded during a desperate attack on the military camp and provision depots. The troops sustained few casualties. A large number of workmen barricaded themselves in the Balakhan hospital. The soldiers began the attack with rifle fire and then stormed the hospital and completed their work with the bayonet.

The entire oil and commercial quarters of Balakhan, Sabunto and Romani have been wiped out by fire and the inhabitants remaining behind were massacred and thrown into the flames. Bibiebat continues to burn and is threatened with the same fate as Balakhan.

The consulates, banks and buildings in Baku are guarded by troops. All of the English residents and almost all other inhabitants of the better class have boarded ships and gone to sea to escape from danger. All available steamers have been employed for this purpose.

Martial law has been proclaimed in the city. Nobody is allowed on the streets after 8 o'clock at night, and inhabitants of houses are held strictly responsible for shots fired from them. Artillery was employed against one house from which shots were fired. There is a general panic in the city. A whole army of hungry workmen driven in from the burned suburbs has flocked into the city. There is the greatest destitution, and measures for transporting the workmen from the city are imperatively necessary.

RIOTS IN JAPAN.

Martial Law Proclaimed as Result of Dissatisfaction with Peace.

Tokio, Sept. 8.—Martial law has been declared throughout Japan and the full power of the army is being used to uphold the Mutenhito dynasty and put down rioting, which threatens to involve the entire nation.

Rioting was resumed throughout the country Thursday night and mobs swarmed through the streets of this and other cities, burning and destroying homes, churches, and schools of native Christians.

It is reported, although not confirmed, that the few mission churches and schools that escaped the vengeance of the mobs Wednesday night are now destroyed.

The temper of the mob is shown by the fact that there are now more than 200 badly wounded policemen in the hospitals and more are being taken there hourly. What the casualties were to the crowds cannot be estimated, as many of the hurt were carried off by friends.

BOGUS VOTERS CUT OUT.

Philadelphia List Purged of 48,000 Names Illegally There.

Philadelphia, Sept. 8.—The assessors of the 1,104 election districts of the city, whose duty it is to place in voting lists the names of all qualified electors, completed their revision of the lists today. Unusual interest was taken in their work, because of the allegations that more than 50,000 fraudulent names had been placed on the lists. For the last two months the policemen and other employes, under the direction of Mayor Weaver and the City party, have been making a canvass of the city for the purpose of purging the lists of illegal voters. The police made reports alleging that more than 60,000 names were on the lists in violation of the election laws. The assessors set yesterday and today to revise the lists. The number of names stricken off by the assessors will not be known for several days. The secretary of the City party tonight estimated that at least 48,000 names had been dropped.

Russia Putting Treaty Into Effect.

St. Petersburg, Sept. 8.—The news of the signing of the peace treaty resulted immediately in an unwonted outburst of active work at the Foreign office. Each ministerial department will be supplied with an official copy to the end that every provision of the treaty shall be understood thoroughly by each minister, particularly on its bearing on the changes provided for by the treaty, which must be carried out by the different ministers and departments. The carrying out of the provisions will be proceeded with at once.

France Ready to Act.

Paris, Sept. 8.—The government still awaits word from Fes regarding the sultan's answer to the second ultimatum to Morocco, the time limit of which expired yesterday. The firm intention of the ministers is to enforce redress without reference to outside influences. Unofficial intimations have been received that Germany does not sympathize with a French military demonstration against Morocco, though she would not interfere.

Interned Cruiser Prepares to Go.

Vallejo, Cal., Sept. 8.—The Russian cruiser Lena will leave here Saturday for San Francisco to be docked, painted and scraped. She will then return for three days to the navy yard to take on her guns.

OREGON STATE ITEMS OF INTEREST

STRIPES TO BE DISCARDED.

Oregon Convicts Will Wear Uniform of Bluish Gray in Future.

Salem—Stripes have been abandoned as prison garb in Oregon, and soon as the change can be effected without throwing away good clothing, practically all the convicts will wear uniforms of a bluish gray. The change has been ordered in the interests of discipline and reformation, and stripes will be placed upon a prisoner only as a means of special punishment.

It is expected that the uniforms now in use will be sufficiently worn by the end of the year to justify their being discarded. Many suits have already been cast away and all new prisoners are given suits of gray. When the change has been perfected every prisoner will be dressed in gray trousers, shirt, blouse and cap and this uniform will be worn during good behavior.

For infraction of prison rules a convict may be condemned to wear a striped suit for a specified time or until his conduct improves. This punishment, it is thought, will be sufficient to reduce all ordinary violations of rules to the minimum. It is thought that out of 350 convicts not more than a dozen will wear stripes at any one time. This system is in use in New York, and is said to give satisfactory results.

It has been suggested that prisoners would more easily escape if they wear gray suits than they could if dressed in stripes. The prison officials say that experience shows that convicts who escape manage to exchange their prison garb for civilian clothing as soon as they get out, so it will make no difference what their uniforms are. At the time of a break, if one were made, the gray suits could be distinguished as far as they could be seen, and this would be all the advantage striped suits have over ordinary clothing.

Limit May Be Set.

Klamath Falls—It now seems likely that a limit will be set for the time on which excess land holders in the Klamath irrigation projects may sign the excess trust deeds. So far the Klamath Water Users' association has been unable to get all of the large landowners to sign up and become members of the association. Consequently Chief Engineer F. H. Newell says a limit will be set before which time those who do not sign up will lose all benefits to accrue from government irrigation, and he suggests October 15 as the date for the closing of the association's subscription books.

Valuations Nearly Doubled.

Grants Pass—The completion of the assessment roll for Josephine county shows a total valuation on assessable property double that of last year. In 1904 the valuation was \$2,034,095; this year it is over \$4,000,000. This remarkable showing is the result of both the rapid growth of the county and of Assessor Fallin's policy of assessing all property to its full cash value. This will mean a lowering of the tax rate. The valuation of much of the property of the county remains unchanged, but many of the mines, city property and railroad lands were raised.

Grand Ronde Electric Road.

La Grande—The Central Railway of Oregon has filed in the office of county recorder a bond and mortgage in the sum of \$2,000,000 to the American Loan & Trust company, covering rights of way, roadbed, rolling stock and other property now in possession or to be acquired. The Central Railway of Oregon is the corporate title of the company which proposed to construct an electric railway system in the Grand Ronde valley, embracing a trackage of about 60 miles and connecting Hot Lake, Union, Cove, Elgin and La Grande.

Buy Big Farm.

The Dalles—One of the most important real estate transactions that has been made here recently is the sale of the W. H. Taylor fruit farm, one mile south of The Dalles, to R. H. Weber, proprietor of The Dalles nurseries, for \$100 an acre. The farm consists of 110 acres, 80 acres of which is in orchard, the balance being wheat land. It is one of the oldest orchards in the vicinity and has always been a fine bearer, producing fruit of finest quality.

Sell Last Year's Hops.

Grants Pass—De Armond & Sons, hopgrowers of Josephine county, have sold their last year's crop of 60,000 pounds at 18 cents. They had an opportunity to unload their crop last fall at 30 cents, but held for a higher price. As the season for picking is at hand and the need of funds urgent, it was necessary for them to sell at the prevailing low price. There yet remains some 70,000 pounds of last year's crop in Josephine county.

Assessments Raised.

Baker City—The county board of equalization has just adopted the suggestion of the Citizens' League committee and raised the rate of assessment of the O. R. & N. company from \$5,000 to \$10,000 a mile, and that of the Sumpter Valley road from \$2,000 to \$3,000 a mile on tracks and rolling stock.

Telephone Exchange at Capital.

Salem—A local private telephone exchange has been installed at the state capitol and each office now has a telephone, whereas about only half the offices have had telephone service in the past.

RELATIVES WILL NOT PAY.

Large Majority of Insane Patients Live at Expense of State.

Salem—The act of the legislature of 1903 requiring that the cost of keeping insane patients at the state insane asylum shall be paid by relatives who are financially able and who are legally responsible, is not working quite as well as was hoped. Though several hundred patients have been received at the asylum since that law was passed, only 38 are on the list of those whose maintenance should be borne by relatives. Only \$2,062.35 has been collected from this source during the two years and a half the law has been in operation and \$2,636.67 charged against relatives remains due and uncollectable. Experience has shown that a large proportion of the patients received are without known relatives, or they are have no relatives who are liable for their support and who are able to pay the required \$10 a month. The amount collected under this law is inconsiderable, in comparison with the total cost of maintaining the state insane asylum.

Test Law's Validity.

Grants Pass—A suit of much interest to this state, and which may result in the repeal of the \$300 household exemption law, passed by the state legislature, has been filed here, and will be heard at the next term of the Circuit court. Ex-Representative W. C. Hale, of this city, is plaintiff, and Judge J. O. Booth, Assessor W. H. Fallin and County Clerk S. F. Cheshire are made defendants in the case. In substance, the complaint alleges that the law passed by the Oregon legislature in December, 1903, exempting from taxation of certain effects of householders to the amount of \$300 is contrary to the constitution of the state, and is, therefore, void.

War on San Jose Scale.

Salem—Horticultural Commissioner Charles A. Park, of the Seward district, will make a vigorous campaign against San Jose scale this fall and winter. Local Inspector Armstrong has been watching the local market closely and whenever infected fruit is brought in he secures the name of the grower and reports it to the commissioner. All owners of infected orchards will be notified to spray this winter. Mr. Park hopes to be able to exterminate the pest in this section of the state.

Convict Labor for Farmers.

Salem—The leasing of convict labor to farmers in this vicinity is a subject Governor Chamberlain and Superintendent James, of the penitentiary, have under consideration. The contract with the Loewenberg-Going company requires the employment of only 100 convicts in the stove foundry, and there are many prisoners for whom there is no employment. About 60 men have been worked on the roads all summer.

Nearly a Million at Interest.

Salem—The monthly report of the state land office shows cash collections for August amounting to \$20,089.21, and a total of outstanding unpaid balances amounting to \$77,822.81, this latter sum drawing interest at an average of 6 per cent.

PORTLAND MARKET.

Wheat—Club, 69@70c per bushel; bluestem, 72@73c; valley, 71c.
Oats—No. 1 white feed, \$23@24; gray, \$22 per ton.
Barley—Feed, 20 per ton; brewing, \$21; rolled, \$22@23.
Rye—\$1.30 central.
Hay—Eastern Oregon, timothy, \$14@15 per ton; valley timothy, \$11@12; clover, \$8@9; cheat, \$7.50@8.
Fruits—Apples, 90c@1.75 per box; peaches, 50@90c per crate; plums, 50@75c per crate; blackberries, \$1.25@1.50 per crate; cantaloupes, \$1.00@1.50 per crate; pears, \$1@1.25 per box; watermelons, 3/4@1c per pound; crab-apples, \$1 per box; grapes, 50c@1.65; prunes, 70@80c; huckleberries, 8c per pound.
Vegetables—Beans, 1@4c per pound; cabbage, 1@1 1/2c per pound; cauliflower, 70@90c per dozen; celery, 75@85c per dozen; corn, 8@9c per dozen; cucumbers, 10@15c per dozen; pumpkins, 7 1/2@7 3/4c; tomatoes, 20@30c per crate; squash, 5c per pound; turnips, \$1.25@1.40 per sack; carrots, \$1.25@1.50 per sack; beets, \$1@1.25 per sack.
Onions—Oregon, \$1 per sack; Globe, 75c.
Potatoes—Oregon, extra fancy, 85@90c; good, 60@75c per sack.
Butter—Fancy creamery, 27 1/2@30c per pound.
Eggs—Oregon ranch, 24@25c per dozen.
Poultry—Average old hens, 10 1/2@12c; mixed chickens, 10 1/2@11c; old roosters, 8@9c; young roosters, 10@11c; dressed chickens, 12@13c; turkeys, live, 20@21c; geese, live, 8@9c; ducks, 13@14c.
Hops—1905, choice, 16c; prime, 14 1/2c; 1904, choice, 15@17c per pound.
Wool—Eastern Oregon average best, 19@21c; lower grades down to 15c, according to shrinkage; valley, 25@27c per pound; mohair, choice, 30c.
Beef—Dressed bulls, 1@2c per pound; cows, 3@4c; country steers, 4@4 1/2c.
Veal—Dressed, 3@8c per pound.
Mutton—Dressed, fancy, 6 1/2@7c per pound; ordinary, 4@5c; lambs, 7@7 1/2c.
Pork—Dressed, 6@7 1/2c per pound.

OIL INDUSTRY DESTROYED.

Destruction of Vast Tanks Means a Loss of Many Millions.

St. Petersburg, Sept. 6.—The latest reports received from Baku indicate that the reign of terror there is slackening somewhat. There was only desultory fighting up to last evening, but the disturbances of yesterday were marked by immense property losses, which fall with crushing weight on the Russian oil industry centered at Baku.

The combatants resorted to the torch, as the result of which hundreds of tanks of oil, asphalt and a number of important refineries in its vicinity are now in flames. Oil men here are unable to estimate the loss while the conflagrations continue, but believe that it will run into millions of dollars in Baku alone.

The fire, which commenced in the refineries of the Moscow-Caspian society, according to private reports, spread to 300 tanks and to one tank in the "black town" quarter, containing 5,000,000 pounds of oil. At Biebat, near Baku, the works of the Mantaschell company, among the most important in Russia, and the works of the Tiflis society are on fire. Refineries at Noman and Sabunto have been destroyed.

The oil men have telegraphed to Emperor Nicholas, imploring the protection of the government and asking for assistance to prevent the complete destruction of their properties in the Baku district, "which give to the state 100,000,000 roubles in revenue and furnish heat and light to Russia."

TO OUST MITCHELL.

Senators Find Him Obstacle to Progress on Canal Commission.

Washington, Sept. 6.—When the committees of the United States senate are being reorganized next December a fight is to be made to wrest the chairmanship of the isthmian canal committee from Senator Mitchell of Oregon. Because of the prominence which canal legislation is likely to attain at the coming session, it is desirable that the senate committee should be in the hands of some good strong man, fully competent to conduct hearings, direct the work of the committee and assume charge of whatever canal legislation may be reported to the senate. It is recognized that Senator Mitchell can do none of these things. Therefore there is a general desire that a new chairman be selected.

Even though he did not care to resign his seat in the senate, Mr. Mitchell might relinquish his chairmanship in order that there need be no fight to pry him loose. This would simplify the situation and make way for some other and more active man. But it is not believed that Senator Mitchell will pursue this course. It will be up to the "committee on committees" to solve this problem, and it would be a long guess indeed to attempt to predict what that committee will do.

BUILDS NEW MOUNT.

Huge Volcano Is in Eruption in the Samoan Islands.

Honolulu, Sept. 6.—The steamship Sierra, which arrived here from Australia on the way to San Francisco, reports a volcanic outbreak on the island of Savaii, in the Samoan group, which is very extensive. The outbreak is three miles south of Mantau and has created a new mountain estimated to be nearly 7,000 feet high. The lava flows from the base of this mountain a distance of several miles. Travelers report that five or six hills are moving, apparently on lava foundations. Some have advanced several miles from their starting place, indicating a vast molten lava area beneath. Ernest Neill and George Furlong, who visited the scene, say many million tons of lava are being ejected. The hills are now moving very slowly and the lava is solidifying on the surface. This will eventually stop their further progress, which threatened much damage.

The natives have held gatherings and had decided to abandon the threatened towns, but having become assured that there is no danger of loss of life, they are settling down again.

Third Trial Commences.

Portland, Sept. 6.—For the third time Congressman J. N. Williamson, Dr. Van Gesner and Marion R. Biggs have faced the Federal court. For the third time the attorneys for the defense have attempted by technical means to delay the trial and quash the indictment and once again the court has disallowed their motion and ordered that the case proceed. The first day was slower in action than the other first days, and the evening found the attorneys yet battling over the selection of a jury.

Cholera in Prison.

Berlin, Sept. 6.—A serious outbreak of cholera is reported in the prison at Krone, a small town 13 miles from Bromberg, Prussia. The information has created a condition of panic at Bromberg, a city of 50,000 people. The prison authorities content themselves with the bare announcement that some of the prisoners have the disease. It is believed that the cases number many and that the disease is running riot within the prison walls.

Parker Gets Fat Job.

New York, Sept. 6.—Ex-Judge Alton B. Parker will succeed Professor Collins as chief counsel of the Brooklyn Rapid Transit company, at an annual salary of \$100,000, according to an announcement today.

START WORK SOON

Government Irrigation in Klamath Basin Now Assured.

WILL LEAVE OUT LARGE OWNERS

Malheur Project Hopeless Owing to Belligerent Attitude of Owners of Wagon Road Lands.

Washington, Sept. 7.—The government irrigation project in the Klamath basin in Oregon is certain to be built, and construction will commence at an early day. This assurance is given by F. H. Newell, chief engineer of the Reclamation service, who was recently in Klamath county and at Portland. Mr. Newell is unable at this time to say along what lines the Klamath project will be constructed. Its extent and aggregate cost depend entirely upon the amount of land that is signed for.

If the owners of large ranches are willing to co-operate with the Klamath Water Users' association, and will divide their land into farm units and dispose of them according to the terms of the reclamation law, every irrigable acre in Klamath Basin for which there is water will be reclaimed, but, on the other hand, if these large landowners are unwilling to sign for their lands, the project will be built upon restricted lines, and possibly not more than \$2,000,000 will be expended, notwithstanding that more than \$4,000,000 have been set apart for this work.

Mr. Newell speaks disparagingly of the situation in Malheur county. He seems thoroughly disgusted with the manner in which the owners of wagon road lands under that project have acted, and, while he does not censure them, he clearly indicates that, unless those persons change their tactics, sign for their lands on a fair basis and act in absolute good faith towards the settlers of Malheur county, these settlers must suffer.

BIGGS IS ILL.

Third Trial of Land Fraud Cases May Have to Be Postponed.

Portland, Sept. 7.—Marion R. Biggs is ill, and uncertainty reigns in land-fraud circles. The jury, though still kept together, has not been sworn in. Judge Hunt has not passed upon the eligibility of E. Prosser, the Salem fruitgrower, and no one knows whether or not the trial of Williamson, Gesner and Biggs will be carried on as has been done twice already in the Federal court.

Yesterday morning when the Federal court was convened and a small amount of ex parte business had been disposed of, H. S. Wilson, attorney for the defense, arose and stated that Mr. Biggs was not in the court room, being confined to his room by a serious illness, which, in the estimation of Dr. Harry McKay, who had attended him, might necessitate a severe operation and consequent extended convalescence.

Mr. Heney suggested that as the crime charged was a misdemeanor, and not a felony, the defendant could be represented by his attorney, and need not be present in person during the trial. This, however, was objected to by the attorneys for the defense, who stated that they would not consent to such an arrangement.

Judge Hunt did not like to force the trial without the presence of Mr. Biggs, since the attorneys objected, and therefore adjourned court until 11 o'clock in order that an examination might be made of the patient. At the time set the attorneys reported that the physician could not determine the exact condition of the patient, and whether or not he would have to undergo an operation. A few hours would tell, so the court was adjourned until this morning at 10 o'clock.

Telephones in Reserves.

Washington, Sept. 7.—For better protection of forest reserves, the Forestry service, in co-operation with the Weather bureau, will install a system of telephone lines and stations as rapidly as possible. The first system is being installed on the Big Horn forest reserve in Wyoming. This will enable the forest rangers to notify the Weather department when forest fires break out. In so large an area as the Big Horn reserve, which comprises 1,151,680 acres, the value of rapid communication is obvious.

Last Japanese Victory.

Tokio, Sept. 7.—An official report says: "The Japanese army attacked the Russians at Chyongtuyang on September 1. The Russian forces consisted of four battalions, six guns and several hundred cavalry. The district was mountainous and difficult, but finally the Japanese artillery successfully attacked the Russian left and occupied their position at 9 o'clock in the morning. The Russians strongly resisted but were forced to retire."

Fever Cases on Isthmus.

Washington, Sept. 7.—According to the summary of yellow fever conditions in Panama, as compiled by the Isthmian Canal commission, there were 16 cases and two deaths from the disease in the canal zone during the month of August. There were 14 cases and five deaths during this time in the Republic of Panama, making the total on the isthmus for the month 30 cases and seven deaths.