

WAS NOT STEALING

Supreme Court Decides on Perkins' Alleged Misdeeds.

WAS NOT EVEN MORALLY WRONG

New York Life Company Money Appropriated Openly and Avowedly for Campaign Purposes.

New York, May 26.—The appellate division of the Supreme court today handed down a decision discharging from custody George W. Perkins, whom the Supreme court had held to await action of the grand jury on a charge of grand larceny in connection with the campaign contributions of the New York Life Insurance company to the Republican national committee.

District Attorney Jerome, upon hearing the court's decision discharging Mr. Perkins, said:

"I shall appeal this case to the court of appeals and get a decision there."

Justice McLaughlin, who wrote the prevailing opinion, said:

"If the facts set out in the depositions upon which the warrant here was issued be construed in the most liberal way consistent with a judicial determination, I am of the opinion that such facts do not establish that the crime of grand larceny has been committed, as the same is defined by the penal code. The defendant had a right to give of his own funds to the chairman of the Republican national committee. The relator made the contribution at the request of the president of the insurance company with the express understanding that it would repay him. The money belonging to the insurance company was appropriated openly and avowedly by the relator, after all the facts had been stated to the finance committee, to reimburse him for the money which he had previously advanced."

Justice Patterson, while agreeing that Mr. Perkins cannot be found guilty of larceny, said that he may be compelled by a civil action to make restitution, inasmuch as the officers of the company had no power to make the contribution. Justice Ingraham says it must be understood the court is not now concerned with the civil responsibility of Mr. Perkins to the company. He continues:

"It was McCall who appropriated the money of the corporation, and the officers or employees of the company, who obeyed his direction in making that payment, without intent to do more than carry out the instructions of the president of the corporation, were not as I view it, responsible for the act."

Justice McLaughlin says: "It cannot be said that Mr. Perkins did not have a moral claim, even though, owing to the fact that the president doubtless exceeded his authority, he may have had no legal claim for reimbursement."

NEW BILL OF EXCEPTIONS.

Defendants in Williamson Land Fraud Case File Revision.

Portland, May 26.—J. N. Williamson, Van Genser and Marion E. Riggs filed yesterday, through Judge Bennett, their attorney, a revised bill of exceptions with the clerk of the federal court. The bill is a voluminous document of 1,050 typewritten pages, and reproduces in a large measure the testimony of the trial in which they were convicted of conspiracy to defraud the government.

A copy of the bill has been sent to Judge Hunt, of Montana, who is expected to come to Portland about June 18. Judge Hunt refused to receive a former bill of exceptions presented by the defendants. It is necessary for such a bill to be accepted before the case goes to the higher court. Judge Hunt will probably pass upon this latest filing soon.

Stir About Forest Reserves.

Washington, May 26.—Considerable stir was occasioned in the senate yesterday over an amendment to the agricultural appropriation bill proposing to give 10 per cent of the receipts from forest reserves to the states in which the reserves are located, for schools and public roads. Senator Fulton proposed increasing the donation to 20 per cent, in view of the fact that the creation of reserves materially reduces the taxable area of counties, but this provoked considerable opposition, and probably will be withdrawn.

Foreign Commerce in April.

Washington, May 26.—The foreign commerce of the United States for April aggregated \$251,000,000, of which \$107,000,000 was in imports and \$144,000,000 in exports. These figures are given in a bulletin issued by the bureau of statistics, which says that only in one previous April in the history of the country's export trade has the total of imports and exports reached as much as \$200,000,000.

ZULUS GAIN FORCE.

British Fear That Another Great War May Come in South Africa.

Pretoria, May 25.—The garrison here has been ordered to prepare to take the field, and it is understood that similar orders have been sent to every commandant of British troops in South Africa. The situation in Natal is growing more and more serious daily and advices received from the troops that are operating against Bambata show that he is receiving reinforcements from nearly every tribe in Zululand.

Arms and ammunition are also being sent to him, and all efforts of the colonial authorities to put a stop to this traffic have proved futile. Zulu spies are everywhere and are apparently able to keep the leaders posted as to field plans, as no sooner is a trap set for the rebels than they escape from it. They have also captured several convoys.

The fact that the colonial troops have been unable to make any headway against the rebels, and that British regulars are to be called on, indicates how serious the situation is. The authorities are hardly in a position at present to enter into a great Zulu war, and it is understood that they will bend every effort to crush Bambata within the next few days. All the regular troops that can be spared are to take the field against him, while the colonials will act with them and will also try to prevent any other Zulu tribes from reaching Bambata until he can be crushed.

ADMIT THEY GOT REBATES.

Favored Merchants Testify Against Burlington Road.

Kansas City, May 25.—Testimony of unusual interest was brought out this afternoon in the United States court in the trial of George H. Crosby, traffic manager of the Burlington railway; George L. Thomas, of New York, a freight broker, and L. B. Taggart, his clerk, on a charge of conspiracy in rebating railroad rates.

The principal witnesses were George A. Barton, of Barton Brothers' Shoe Company; George W. Taylor, of Robert Keith Furniture Company; E. W. Freyschlag, of the Freyschlag Mercantile Company, all of this city, and Walter Kelly, of New York, clerk in 1904 and 1905 for Thomas.

The testimony showed that the firms mentioned received large sums of money from mysterious sources after freight bills had been paid; sometimes in express packages, always from New York, but none knew who sent it. On the stand Freyschlag frankly referred to an agreement with Thomas whereby his firm was to receive 25 per cent rebates on freight bills, and told how the money was deposited in New York to the firm's credit by one Jackson, whom he did not know.

He could not remember whether he or Thomas had suggested the use of the name. At first he said that the idea was his, but on cross-examination he changed and said that he could not remember. He admitted that the name was used to hide "this business," a term all the witnesses today employed.

EARTHQUAKE WRECKS CITY.

Immense Loss of Life at Unianka, Mongolia.

Victoria, B. C., May 25.—Mail advices from the Orient state that an earthquake causing great loss of life and considerable damage to property occurred at the beginning of May at Unianka and vicinity, in Mongolia. The Pekin Times reports that a chasm several feet wide was caused by the earthquake.

The walled city of Unianka was almost completely destroyed, the loss of life being very heavy. Officials at Pekin had received news that the calamity was of exceptional severity and arrangements were being made for the relief of the people in distress.

Severe shocks are also reported from Fokien province of China, the most disastrous in Chuen Chou prefecture, where many buildings were destroyed; the loss of life was unknown.

Metcalf Gives Evidence.

Washington, May 25.—Secretary Metcalf, complying with a resolution of the house, has sent to that body a long report from Commissioner General Sargent, of the Immigration bureau, giving the history of the enforcement of the Chinese exclusion law. The last chapter deals with the Chinese boycott of American goods and reproduces official proclamations of Chinese officials, which, despite assertions to the contrary, show that the Chinese government is at least not discouraging the boycott.

Hermann's Trial in June.

Washington, May 25.—The trial of Representative Hermann is now scheduled to take place in this city between June 5 and 10, unless some unforeseen obstacle should arise. Francis J. Heney has notified District Attorney Baker that he will come back to Washington to conduct the prosecution. It is probable the case will be disposed of in three or four days.

OREGON STATE ITEMS OF INTEREST

RE-ELECT OFFICERS.

Boys and Girls Aid Society of Oregon in Good Condition.

Portland—At the annual meeting of the members of the Boys and Girls Aid Society, J. C. Ainsworth, W. B. Gilbert and Robert S. Farrell were re-elected directors, and Miss Helen F. Spalding was chosen to fill the vacancy on the board caused by the resignation of Mrs. W. A. Buchanan.

The annual reports of the officers showed the institution in a flourishing condition. Superintendent W. T. Gardner's report gave a thorough resume of the work accomplished by the society the past year. Under the surveillance of the society in Oregon, Washington and Idaho there are 498 children. Of these there are 70 girls who are in respectable homes in Portland. Assistant Superintendent Gardner has been appointed to look after the children who have been placed in private families to see that they are doing well. In addition to this assistant the society now has county advisory boards to look after the children in the different counties of the state.

OREGON STATE FAIR.

Preparations Under Way at Salem for Greatest Ever Held.

Salem—The State Fair Board has begun preparations for the greatest State Fair ever held in Oregon. A portion of the money that would have been expended for premiums last year, when there was no State Fair, was used to make numerous improvements on the buildings and grounds in preparation for this year's fair. All main buildings have been repainted, stock sheds and race horse barns extended and improved and the racetrack has been regraded.

The board purchased a quantity of park seats and chairs from the Lewis and Clark fair, together with exhibit cases, all of which will be used this year to make the State Fair more attractive and comfortable. Many striking pieces of statuary and inside decorations have been removed from the Lewis and Clark grounds to the State Fair grounds, where they have been carefully repaired.

Epidemic Attacks School.

Aurora—A teacher at the public school recently discovered that one of the pupils had what she thought was chickenpox, and sent the boy home with a note to his parents to quarantine him. It proved to be chickenpox, but the pupil would not stay quarantined, and went back to school. The school directors consulted a physician. The doctor advised that the pupil be allowed to attend school, on the ground that he had already infected the scholars, and sure enough he had, and now half the children in town are affected.

Will Sentence Meldrum.

Portland—If Judge Wolverton imposes the maximum penalty on Henry Meldrum, former surveyor general for Oregon, he will go to jail with a sentence of 210 years of imprisonment hanging over his head. If the court imposes the heaviest fine the law allows, Meldrum will owe the government \$21,000. Judge Wolverton set Friday, June 8, as the day on which Meldrum will come before the court for sentence. A motion for a new trial is pending in the case.

Berry Pickers Scarce.

Portland—Portland employment agencies are not only besieged by railroad contractors for laborers, but calls are now coming in from Hood river and White Salmon strawberry fields for pickers. Thousands of men and women are wanted for this work and the cry for help adds to the embarrassment of labor agents who are already trying with all their might to secure laborers for railroad and construction camps.

Ackerman Resolves to Retire.

Salem—J. H. Ackerman, state superintendent of public instruction, has announced his intention to retire from politics at the end of his next term. Mr. Ackerman has the distinction of being the Republican and Democratic nominee, although he only accepted the Republican nomination, and his name will appear on the official ballot only as the Republican candidate.

Klamath Land is Reopened.

Washington—During 1904 5,150,000 acres of public lands in the Klamath region of Oregon and California were reserved, pending investigations to determine the feasibility of reclaiming under the Klamath irrigation project. Half of this area is now restored to entry, the balance being reserved as lands reclaimable for reservoir sites or rights of way.

Hop Prospects Excellent.

Aurora—Hope in this section of the valley, the banner hop-raising district of Oregon, are further advanced this year than in former seasons at this time. There is a large acreage, and all the yards are showing well.

MAY RETAIN LICENSE.

If Solvent, Insurance Companies Will Not Be Ousted by State.

Salem—Secretary of State Dunbar, who is ex-officio insurance commissioner of this state, when shown the statement that California and Nevada insurance commissioners would drive out companies that quibble over the payment of San Francisco fire losses, said that so far as Oregon is concerned he cannot take any note of what the various companies do in California or any other state so long as they comply with the Oregon law which entitles them to do business in this state.

There is on deposit with the state treasurer \$3,100,000, in interest-bearing securities, which the 60 companies doing business in this state have put up to secure the payment of any loss they may sustain and which has been finally adjudicated against them.

Fifty-eight companies have put up \$50,000 each and two companies \$100,000 each.

Only one company has notified the commissioner that it cannot continue to do business in Oregon on account of California losses and that is the Traders' Insurance company, of Chicago. All agents have been notified to cease writing insurance for that company.

The \$50,000 on deposit will be held to pay any losses sustained by Oregon policyholders in that company, or until all its policies have been legally canceled, when the deposit may be withdrawn.

Mr. Dunbar said that refusal or inability of an insurance company doing business in this state to pay any of its California losses would not be sufficient reason for him to cancel their Oregon license.

All he is authorized to do is to look out for the interest of Oregon policyholders, and if the companies comply with the insurance statutes of this state they can continue to do business, as they are solvent. If any of them become insolvent they put themselves out of business without any interference on the part of the commissioner of Oregon.

Treasure Mine Sold.

Eugene—A mining deal of importance has been consummated in this city. Charles Harding Park, residing here, has sold the Treasure mine in the Blue river district to J. Rowland Ragsdale, of Manchester, England. The purchase price is not made public, but is said to be the highest ever paid for a mine in the district. The Treasure mine has long been known to be one of the richest properties at Blue river. Mr. Park has spent much money in its development, and in the erection of a ten-stamp quartz mill on the property.

Cherries Ripening Rapidly.

Aurora—Cherries are ripening fast and all kinds of fruits are ahead of former years. The severe cold snap of two days in March had no appreciable effect on fruit trees in northern Marion county.

PORTLAND MARKETS.

Wheat—Club, 73c; bluestem, 74c; 75c; red, 71c; valley, 70c to 71c.

Oats—No. 1 white feed, 29c; gray, 28.50c per ton.

Hay—Valley timothy, No. 1, \$12@13 per ton; clover, \$7.50@8; chest, \$6@7; grain hay, \$7@8; alfalfa, \$12.

Fruits—Apples, \$2.50@3.50 per box; cherries, \$1.25@1.40 per box; strawberries, California, \$1.25@1.40; Oregon, 10@15c per pound; gooseberries, 5@6c per pound.

Vegetables—Asparagus, 7@8@1.25 per box; beans, 8@9c per pound; cabbage, \$1.75@2 per 100; green corn, 60c per dozen; onions, 10@15c per dozen; peas, 3@5c; radishes, 15c per dozen; rhubarb, 3c per pound; spinach, 90c per box; turnips, \$1@1.25 per sack; carrots, 65@75c per sack; beets, 85c@1 per sack.

Onions—Bermuda, 4c per pound. Potatoes—Fancy graded Burbanks, 60@65c per hundred; ordinary, nominal; new California, 2c per pound.

Butter—Fancy creamery, 17c@20c per pound. Eggs—Oregon ranch, 19@20c per dozen.

Poultry—Average old hens, 13c@14c per pound, mixed chickens, 12c@13c; broilers, 20@22c; young roosters, 12c@13c; old roosters, 12c@12c; dressed chickens, 15c; turkeys, live, 15@18c; turkeys, dressed, choice, 20@23c; geese, live, 10@11c; geese, dressed, old 10c, young 12c; ducks, old 17c, young 20c.

Hops—Oregon, 1905, 11c@12c. Wool—Eastern Oregon average best, 16@21c; valley, coarse, 22@23c; fine, 24@25c per pound; mohair, choice, 28@30c per pound.

Veal—Dressed, 3c@4c per pound. Feed—Dressed bulls, 8c per pound; cows, 4c@5c; country steers, 5@6c.

Mutton—Dressed fancy, 7@8c per pound; ordinary, 4@6c; lambs, with pelt on, 8c.

Pork—Dressed, 7@9c per pound.

FAIRBANKS CITY BURNED.

Largest Town in Alaska Suffers Heavy Loss, Including Foodstuffs.

Fairbanks, Alaska, May 22.—Fire has broken out here and is threatening the town with destruction. The Washington-Alaska bank is burned. The flames have crossed First and Second avenues, and are rushing up Cushman street with great speed. The National bank is doomed. Nothing can save the town.

Seattle, May 22.—A special to the Post-Intelligencer tonight states that the entire business section of the town of Fairbanks, Alaska, was destroyed by a fire which started in the Fairbanks building, a three-story frame structure, at 4 o'clock yesterday afternoon.

Details of the disaster are very meager, but it is feared that the food supply of the town has been destroyed and great suffering may result.

Nothing was left standing in the section lying between the water front and Third avenue and Stacey and Turner streets. The work of the fire fighters was centered on the block of warehouses owned by the Northern Commercial company, in order to protect the food supply of the town, and the result is still in doubt.

The loss is estimated at \$1,000,000, and it is announced that the heaviest interests of the town are already preparing to rebuild.

No lives were lost.

Fairbanks is a mining town on the banks of the Tanana river in Alaska. It is the entrepot for the miners in the great Tanana section, one of the richest gold-producing regions in the great country in the north that was bought from Russia by the United States. The output of the Tanana mines has been enormous, and the town has lately assumed the proportions of a city, being credited with a population of about 15,000.

WILL AGREE ON STATEHOOD.

Conferees Will Recommend Foraker's Original Plan.

Washington, May 23.—An agreement on the statehood bill will be embodied in a conference report which will be reached this week, according to information today. What the terms of this agreement will be cannot be stated with preciseness, as the report has not yet been drafted. The plans which seem to be acceptable to both sides, however, are:

That Oklahoma and Indian Territory shall be admitted as one state at once; that Arizona and New Mexico shall be allowed to vote separately on the question of being joined in one state; that the vote shall be cast at a regular territorial election, when officers of the territories are voted for.

The proposition is generally known as the Foraker amendment of a year ago.

MORE ABOUT STANDARD OIL.

Garfield Preparing Further Sections of Report on Methods.

Washington, May 23.—Commissioner of Corporations James R. Garfield stated today that he would submit to the president further information on the result of his investigation of the oil industry. It has not yet been determined, however, whether this will be in one single report or several separate reports. The report recently submitted to congress covered the question of transportation and freight rates, and Mr. Garfield is now engaged in preparing reports on the production and refining of oil, the control of pipe lines, organization, foreign trade and conditions and competitive methods. The data for the first four has practically all been received, and the report on competitive methods is well under way. Mr. Garfield said he did not believe he would be able to submit to the president any of these reports before the adjournment of congress.

Readjust Philippine Coinage.

Washington, May 23.—Senator Lodge today introduced a bill at the request of Secretary Taft for a readjustment of the ratio of the Philippine coinage and for an increase in the elasticity of the present system. The bill is framed upon the recommendations of the Philippine commission contained in the annual report and in brief authorizes the commission, with the consent of the president, to change the weight and fineness of the silver peso and to recoin the existing peso so as to adjust it to the change.

Japanese Send \$30,000 More.

Washington, May 23.—The American National Red Cross received \$30,000 today from the Japanese Red Cross for the relief of the San Francisco earthquake sufferers. This brings the total Japanese Red Cross contribution to \$80,000.

STOCK FREE OF COST

Pennsylvania Railroad Officials Acquire Coal Holdings.

COMMISSION MAKES DISCOVERY

Stock Paid for by Granting Rates and Discrimination in Distribution of Cars.

Philadelphia, May 24.—Further revelations concerning stockholdings in soft coal mining companies by officials of the Pennsylvania railroad were made today when the Interstate Commerce commission resumed its investigation into alleged discrimination by railroads in the distribution of cars. Three high officials of the railroad service, Vice-President John P. Green, Third Vice-President Samuel Rea and William A. Patton, assistant to the president at Philadelphia, were the important witnesses of the day.

Mr. Patton was under examination the greater part of the morning and was an unwilling witness. The persistent questioning of Mr. Glasgow, attorney for the commission, however, brought out the fact that he had acquired stock, the par value of which is \$307,000, in various coal companies without cost. He explained, however, that he had signed notes obligating himself for his share of the losses and declared his belief that it was proper for him to accept the stock under these conditions.

Mr. Rea read a statement to the commission, in which he explained all of his stock transactions, stating that he did not believe he was debarred from ownership because of his connection with the railroad company. Mr. Rea said that most of his stock was acquired through his associations with land purchasing syndicates, which buy up the coal properties for development.

Mr. Green said that 20 or 30 years ago it was not considered improper for an official of the road to own coal company stock, but that conditions had changed and such holdings might not now be regarded in the same light as formerly. He informed the commission that the board of directors of the Pennsylvania railroad, acting upon the information that had been brought out at the hearings, had today appointed a committee of five directors to make an investigation into the connection of its officers with coal companies. Mr. Green said he did not own a dollar's worth of coal company stock.

Other witnesses testified to stock ownership and discrimination in the distribution of cars.

MAY CLASH ON CANAL.

Probable Disagreement Between Two Houses on Question.

Washington, May 24.—A growing sentiment in the senate in favor of making the proposed canal appropriation applicable only to the construction of a sea level canal across the Isthmus of Panama in accordance with the majority report of the senate committee on interoceanic canals is proving embarrassing to the administration, which is committed to the lock type. President Roosevelt today discussed the subject with senate leaders who called at the White House, and apparently he is much concerned as to the outcome.

As the result of the president's inquiry, an attempt will be made today to ascertain how the senate stands on the question of canal type. There were too many absentees to make an effective poll, but it was learned that several senators who had been counted upon to support the administration program will vote for a sea level canal. Secretary Taft has informed the senate that, if the type of canal is not determined by congress, the president will not hesitate to proceed with the plans for a lock canal recommended by the minority of the board of consulting engineers.

Shall Moody Prosecute?

Washington, May 24.—An important conference was held at the White House late this afternoon, participated in by the president, Attorney General Moody and James R. Garfield, commissioner of corporations. It is understood that, in connection with some features of the recent report on the oil industry by Mr. Garfield, the question considered was whether a legal remedy is to be applied or whether the rate bill now pending, when finally passed, will not furnish a remedy for some of the matters complained of.

New Dominican Revolt.

Washington, May 24.—News of another outbreak in Santo Domingo reached here today from a senior naval officer on that station, to the following effect: "News has been received of an insurrection at Macoris, Santo Domingo, in which prisoners were released, the rebels withdrawing. No American interests endangered."