

BORAH IS ACQUITTED

All Boise Rushes to Congratulate Their Senator.

BELLS RING AND BANDS PLAY

Jury Out Fourteen Minutes—Judge Refused to Give Instructed Verdict of Not Guilty.

Boise, Oct. 3.—United States Senator Borah last night was acquitted of the charge of conspiring to defraud the government of valuable Idaho timber land. The case was submitted without argument on the part of the defense, and the jury was out just long enough to take one ballot. The verdict was greeted with cheers and applause, which the court officials made no effort to restrain.

This demonstration in the courtroom served only as a beginning. As soon as the news reached the outside, bells were rung and the city fire department made a spectacular run through the principal streets, stopping eventually at the Idaho hotel, where Mr. Borah, surrounded by several hundred of his friends and fellow citizens, was escorted. A brass band appeared as if by magic, and, as the senator reached the hotel steps, played "Hail to the Chief." The streets about the hotel were blocked by the cheering throng, whose shouts mingled with the screech of the fire engine whistles and the clang of trolley car bells. Mr. Borah thanked his hearers for their demonstration and the confidence they reposed in him throughout the trial.

Mr. Borah held an impromptu reception in the courtroom and another in the lobby of the hotel, where he was called upon for a speech. Wherever he went during the evening he was cheered and congratulated, the verdict apparently being a most popular one throughout the community.

Events moved fast on the last day of the trial. When court met in the morning, Judge Whitson announced that he would overrule the motion of the defense for an instructed verdict of not guilty.

Mr. Borah thereupon took the stand in his own behalf and gave his explanation of the matter which the government attorneys urged as tending to connect him with an alleged conspiracy. His testimony was a denial of any knowledge of fraud and a brief, clear cut statement of all his acts as general counsel for the Barber Lumber company. The senator was cross examined at some length and as soon as this was over the defense rested.

There being no evidence to rebut, the government also closed, and argument was begun after the luncheon recess. Special Assistant Attorney General R. R. Rosh, of Omaha, opened for the government, and, when he had concluded a two-hours' address, the defense announced that no argument would be made on behalf of Mr. Borah. Both prosecution and presiding judge were surprised by this move, and the latter ordered a recess of an hour in which to prepare his instructions.

In these he told the jurors the circumstances depended upon to connect an accused person with a conspiracy must point exclusively to guilt. If they were inconsistent, it was the duty of the jury to acquit. A conviction, Judge Whitson declared, could not be found upon suspicious circumstances. It was not sufficient, the court held, that a man should be shown to have corruptly engaged in it, or to have had guilty knowledge of its objects.

The jury was out 14 minutes. During this time no one left the courtroom, a verdict of "not guilty" having been freely predicted and expected after a very brief deliberation. As soon as the words "not guilty" fell from the lips of the clerk the cheering broke forth. At its conclusion the judge slightly reprimanded the audience for "improper conduct," but said he would not attempt to punish anyone for contempt.

Seattle Calls for Bids.

Seattle, Oct. 3.—Bids have been called for contractors by the regents of the University of Washington for three buildings which are to be erected upon the university campus at Seattle. These buildings are to cost in the neighborhood of \$550,000, and are to form a part of the Alaska-Yukon-Pacific exposition, which is to be held in Seattle in the summer of 1909. The legislature appropriated this money with the expectation of having the buildings used for the exposition and then turned over to the university.

Ashe and Brown Out on Bail.

San Francisco, Oct. 3.—R. Porter Ashe and Luther G. Brown, who were indicted by the grand jury for the kidnapping of Fremont Older, were arrested at the sheriff's office today and subsequently released on bonds furnished by a surety company. Former Supervisors Wilson and Coffey, indicted for accepting bribes, are still at liberty.

ASSASSIN NOT CAUGHT.

Officers Confident Slayer of Brown is Still in Baker.

Baker City, Oct. 4.—Out of the tangle of theory about the cause of the Brown dynamite murder last Monday night has come the belief that the victim met death at the hands of members of the Western Federation of Miners for apparent infidelity to the Federation. Officers and detectives working on the trail of the murderer say they have evidence that Brown was paid Federation money to testify in behalf of Adams and do other work for the miners. His relations with the foe of the Federation are supposed to have aroused suspicion and marked him for slaughter.

So much for the murder motive. As for capturing the murderer, not much progress seems to have been made. The assassin left as a clew only his smell in the earth where he lay to put the dynamite wire, and the smell is growing fainter, so that it will probably not further lead the bloodhounds.

But because the dogs picked up the fresh scent yesterday and because the county jail was visited in the early dark Thursday morning by two men seeking to bribe the lone prisoner to poison the dogs or cut their throats, the assassin is thought to be near by.

JAPANESE POURING IN.

Hundreds Crossing International Border from Canada.

Bellingham, Wash., Oct. 4.—As a result of investigations by D. B. Babcock, a special agent of the United States Treasury department, sent to Vancouver when the anti-Japanese riots occurred, a force of Uncle Sam's officials will be installed at the international boundary line to keep back the scores of Japanese who are daily crossing into the United States.

Babcock was sent to Vancouver post haste from Washington, D. C., to investigate and report on the immigration situation and the results of the riots. Quietly he has been carrying out his commission. Next week he will return to Washington. He was surprised to find that hundreds of Japanese had wrongfully crossed the international boundary and were continuing to do so.

The American Immigration office did its duty so far as possible, but there was no hindrance to foreigners in any number taking not only an underground, but an aboveground, broad daylight, route and walking across the boundary in the shelter of friendly woods. Now a big staff of guards is to be placed at Blaine and an efficient patrol system undertaken.

Official figures show that 1,600 Japanese have come to the United States from Vancouver in the last three months. Of this number at least half have dodged the officers at Blaine and wrongfully entered this country.

CONVICTION SURE.

Government Has Ample Proof of Rebates by S. P.

San Francisco, Oct. 4.—John H. Marble, one of the attorneys representing the Federal government in the investigation being conducted in this city by Interstate Commerce Commissioner Franklin K. Lane into the subject of secret railroad rebates and other abuses, said today that the officials have sufficient evidence to convict officials of the Southern Pacific Railroad company of such violation in at least 50 cases. It is understood the matter will be referred to the Washington authorities very shortly, and that United States District Attorney Devlin will be asked to present the facts to the Federal grand jury. Mr. Marble called attention to today's testimony of J. C. Stubbs, assistant freight agent of the Southern Pacific, who showed the discrimination and rebates in favor of the large shippers.

"When it comes to favoring the large shipper and discriminating against the smaller shipper conditions are worse in California than anywhere else in the United States," said Mr. Marble. "I do not see how it is possible for the smaller concerns to exist at all under the circumstances."

Primary Law Invalid.

Springfield, Ill., Oct. 4.—The new primary law passed at the special session of the legislature in 1906 was declared unconstitutional today by the Supreme court, which reversed the lower court's decision and remands the case. The court left nothing of the act upon which a new law can be constructed. The court holds that the law violates the constitution because it specifies more than the title. It says the title does not confine the operation of the act to the actions of political parties.

Cooks Journey to Pole.

North Sydney, N. S., Oct. 4.—The American auxiliary schooner yacht John R. Bradley, which left here early in July for the Arctic regions, arrived here late yesterday. The Bradley landed Dr. F. H. Cook, who is in command of an exploration expedition at Smith's sound, latitude 79 north. The expedition expects to cross Ellsmere land early in the spring and will attempt to reach the pole by way of the Polar sea.

OREGON STATE ITEMS OF INTEREST

PRUNE YIELD BIG.

Southern Oregon Produces Crop of Excellent Quality.

Myrtle Creek.—The harvesting of the prune crop throughout the prune districts in the southern part of Oregon is now nearing the end. The season has been an exceptional one for the grower of fruit. Intermittent rains have produced a yield unusual and a size and quality hardly before known. The French or Petite prune is the one most extensively grown and in ordinary years fruit weighing 70 and 80 prunes to the pound would be considered good, while this season has produced fruit weighing 35 to 40 prunes to the pound.

Douglas, Jackson and Josephine counties have always produced Oregon's best French prunes. This fruit is equal if not superior to the famous Santa Clara valley prune boasted of by all California fruitgrowers. There will probably be about 150 carloads of this fruit shipped from the packing houses of the Douglas County Fruitgrowers' association at Roseburg and 30 carloads from the E. S. French company's plant at Myrtle Creek.

In addition to the excellence of the yield this season the growers have been favored with very high prices in the Eastern market, owing to the failure of fruit crops throughout the East. The fruit will in most cases be shipped direct to the markets at New York, Chicago, St. Louis, New Orleans and other cities, while some of it will reach the best markets of Europe.

Correspondence Course for Teachers.

University of Oregon, Eugene.—With a view to bringing the work of the university within the reach of the teachers of the state and others who find it impossible to attend the regular sessions, the department of education of the university is announcing a number of correspondence courses. No charge is being made for tuition, and the only expense attached will be that of postage and books. The state library commission is co-operating in the matter of furnishing libraries. Courses are now being given in English Classics, (state high school course) Shakespeare, History of England, Pedagogy, and Algebra.

Farmers Institutes in Linn.

Albany.—A series of farmers' institutes will be held throughout Linn county during the latter portion of the month of November. The institutes are being promoted by Dr. James Withycombe, of the O. A. C., and the same are in connection with the work of the college. Five places have been selected in Linn county and are as follows: Crabtree, Lebanon, Brownsville, Halsey and Harrisburg. The dates for the holding of these institutes have been placed for November 19, 20, 21, 22 and 23.

Money for Road in Sight.

Baker City.—William L. Vinson, promoter of the proposed Eagle Valley railroad to extend from Baker City to Eagle Valley, has announced that the full amount of subscription to stock in Baker City, \$1,000,000, has been raised. His engineers have begun cross sectioning the line out of Baker City, and in a few days the engineers will be followed by the graders.

Weston's Good Prospects.

Weston.—This is proving to be by far the best year in the history of the Weston normal. Already 150 pupils have been enrolled and by Christmas after the fall session is over, it is expected that there will be at least 200 pupils at the school. Every available room in the town has been occupied and arrangements are being made for more.

Examines Power Site.

La Grande.—H. R. Thompson, representing the Portland General Electric company, is making an investigation of the electric power proposition up the Grand Ronde river in the vicinity of the Carson mines. N. E. Imhaus, who with J. E. Foley of this city owns the power site, is with Mr. Thompson.

Open Wallows Timber Land.

La Grande.—Thirty-five thousand acres of the Wallows forest reserve is to be thrown open for settlement October 30, and a line-up at the La Grande land office is expected to begin this week. Most of the land is said to be heavily timbered. A large portion of it has been squatted upon already.

Inquire Into S. P. Shortage.

Salem.—The state railway commission has decided to investigate on its own motion the car shortage on the Southern Pacific. The date for the hearing has not been set exactly, but it will probably be about October 10.

Old Taxes: Old Law.

Salem.—Attorney General Crawford has given an opinion that taxes assessed and levied in 1906 and now in process of collection must be collected under the old law and not under the 1907 legislation.

STATE'S POSITION STRONG.

Attorney General Crawford Confident of Telephone Case.

Salem.—Attorney General Crawford states that he is preparing the briefs for the state in its fight against the Pacific States Telephone company in regard to the gross earnings of the company in which the telephone company attacks the constitutionality of the Oregon initiative law.

"I do not fear for the state's position in this matter," said Mr. Crawford. "The initiative was enacted simply as a corrective and does not destroy the representative form of government of the state constitution. The telephone company has undoubtedly prepared its strongest case and I will work along the lines which I have just stated so far as I can tell at present."

"The reference in its papers filed by the company to the election of United States senators by direct legislation was done simply to involve the Federal law with a view to carrying the case to the United States Supreme court should the state be successful in its fight against the telephone company in the state courts."

Referendum Ties Up Funds.

University of Oregon, Eugene.—Although the girls' dormitory and the new library building have been completed, it is not probable that they can be used this year, on account of lack of money for furnishing and heating them. The referendum has tied up the funds with which it was expected to install an additional boiler at the heating plant. The two boilers in use now are already taxed to their fullest capacity. The university is badly crowded for additional recitation rooms and a dormitory for girls was especially needed. The main library room in the new building has been partially fitted up, and will be used.

Potatoes Killed by Frost.

Albany.—Forty acres of potatoes north of Lebanon were killed by frost this week. Elmer Clem lost 22 acres in this manner and Andrew Demore, a neighbor, lost 20. The potatoes were planted late and had not attained full size, and though they will grow no more because of the frost they will probably be in a marketable condition.

Railway Nears Completion.

Pendleton.—Track laying on the Unatilla Central, the branch line of the O. R. & N. running to Pilot Rock, 10 miles distant from Pendleton, is progressing rapidly, and it is understood that the line will be completed within six weeks' time. This will mean much for the Pilot Rock country.

Linn Has Teacher Shortage.

Albany.—County School Superintendent W. L. Jackson, of Linn, reports a great scarcity of teachers and says that many schools will be unable to open on account of this condition.

PORTLAND MARKETS.

Wheat—Club, 83c; bluestem, 85c; valley, 82c; red, 81c.
Oats—No. 1 white, 26c; gray, 25c.
Barley—Feed, 25c; brewing, 26c@27c; rolled, 26c.
Corn—Whole, 31c; cracked, 32c.

Hay—Valley timothy, No. 1, 17c@18c; Eastern Oregon timothy, 16c@20c; clover, 11c; cheat, 11c; grain hay, 11c@12c; alfalfa, 12c@13c.

Fruits—Apples, 10c@1.75 per box; cantaloupes, 75c@1.50 per crate; peaches, 65c@1.00 per crate; prunes, 50c per crate; watermelons, 1c@1.50 per pound; pears, 1c@1.75 per box; grapes, 50c@1.05 per crate, casaba, 12.25c per dozen; quinces, 1c@1.25 per box; huckleberries, 8c@10c per pound.

Vegetables—Turnips, 1.25c per sack; carrots, 1.25c per sack; beets, 1.25c per sack; cabbage, 1c@1.50 per pound; celery, 35c@1.00 per dozen; corn, 1c@1.50 per sack; cucumbers, 10c@15c per dozen; onions, 15c@20c dozen; parsley, 20c per dozen; peppers, 8c@10c per pound; pumpkins, 1c@1.50c per pound; radishes, 20c per dozen; spinach, 6c per pound; squash, 50c@1.00 per box; tomatoes, 35c@50c per box.

Onions—1.50c per sack.
Potatoes—75c@85c per sack; sweet potatoes, 2c per pound.

Butter—Fancy creamery, 27c@35c per pound.

Veal—75 to 125 pounds, 8c@8.5c; 125 to 150 pounds, 7c; 150 to 200 pounds, 6c@7c.

Pork—Block, 75 to 150 pounds, 8c@8.5c; packers, 7c@8c.

Poultry—Average old hens, 12c@13c per pound; mixed chickens, 12c@13c; spring chickens, 12c@15c; old roosters, 8c@9c; dressed chickens, 14c@15c; turkeys, live, old, 16c@17c; young, 18c@19c; geese, live, per pound, 8c@9c; ducks, 15c.

Eggs—Fresh ranch, candled, 32c per dozen; Eastern, 27c@30c.

Hops—1907, 8c@9.5c per pound; old, 4c@5c per pound.

Wool—Eastern Oregon, average best, 16c@22c per pound, according to shrinkage; valley, 20c@22c, according to fineness; mohair, choice, 29c@30c per pound.

STENOGRAPHER MUST TELL.

Information About Crime Is Not Confidential, Says Judge.

San Francisco, Oct. 2.—That information imparted by an employer to a stenographer is not confidential under the provisions of the political code when it relates to the proposed commission of fraud or crime was decided yesterday by Judge Lawlor, in overruling an objection interposed by the Tiley L. Ford defense to the questioning of Miss Celia McDermott, Ford's stenographer. The court having ruled, the examination of Miss McDermott was resumed, but it brought out nothing of value to either side. Miss McDermott declared that she "tended to her own business and knew nothing else."

The prosecution called George Francis, chief clerk in the law department of the United Railroads, and assistant to Ford. He was asked by Mr. Heney whether he had not in May of 1906 seen on top of Ford's rolltop desk two long narrow packages of bank notes. He denied it. He said the name of Abraham Ruef was not on the payroll of the company's law department, nor were there on the payroll any "John Does" or "Richard Roes."

The prosecution called for the books of the United Railroads, and the defense made a vigorous and prolonged effort to keep them out of court, on the score that they were unwilling to have them subjected to the inspection of Rudolph Spreckles, who was characterized by Rogers as the company's financial and personal enemy. Judge Lawlor ruled that the books be produced and assured the defense that the prosecution would conclude its case this afternoon, with the exception of the testimony of Abe Ruef, who will be called tomorrow morning.

When court reassembled at 3 o'clock a further adjournment was taken until this morning.

GRAND JURY CLEARS RUICK.

Also Indicts Two of District Attorney's Accusers.

Boise, Oct. 2.—The Borah trial was interrupted for a time yesterday to allow the special grand jury, which has been investigating charges of misconduct against District Attorney Ruick, to report. The grand jury declared the charges were "not a true bill," and returned indictments against two of the men who filed affidavits against Mr. Ruick.

In connection with its inquiry the grand jury has had before it an affidavit made by George Y. Wallace, Jr., of Salt Lake City. Mr. Wallace swore that he met Fred Miller, of Spokane, one of the Federation attorneys, in Salt Lake last April, and that Mr. Miller declared the miners' organization had spent \$91,000 of its defense fund up to that time—a month before the trial. Mr. Wallace, it is stated, also said that Mr. Miller told him \$15,000 of this amount was spent securing the indictment of Senator Borah.

Mr. Miller was called before the grand jury and it is said denied the story in all its details, saying he had made no such assertion at any time or place and that any such assertion would have been false.

John F. Nugent, of this city, another Federation attorney, was also a witness before the grand jury, and it is understood that he said he had never even heard of such a story.

Vancouver Asks Relief.

Ottawa, Oct. 2.—It is reported from Vancouver that a petition praying the Dominion to pass drastic legislation barring all Orientals from Canada is being circulated. It is expected the petition will have more than 5,000 signers. Sentiment is in favor of appealing to the king if the decision of the government is not to act immediately. A dispatch from Vancouver adds: If this has no results, measures to prevent the disembarking of Orientals at Vancouver which shall be effective will be taken.

Moffett Tells of Rebating.

Chicago, Oct. 2.—President Moffett, of the Standard Oil company of Indiana, yesterday spent 90 minutes before a special grand jury, telling what he knows about shippers violating the laws prohibiting rebating. It is understood he gave the names of shippers who shipped goods over the Chicago & Alton railroad under the same conditions that resulted in the heavy fine for the Standard Oil company.

Two-Cent Rate in Pennsylvania.

Harrisburg, Pa., Oct. 2.—The Democratic act passed by the last legislature, placing long distance railroad passenger rates in this state on a flat 2-cent basis, went into operation yesterday. Practically all of the railroads have announced their intention to comply with the law pending the Supreme court decision on its constitutionality.

Strike Failure in Canada.

New York, Oct. 2.—The general officers of the Western Union Telegraph company were today advised that at a meeting held in Toronto on Sunday the few operators remaining on strike there declared the strike a failure in Canada and agreed to apply for reinstatement.

BROWN AS EXAMPLE

Killed to Terrorize Enemies of Miners' Federation.

WEAVING NET FOR ASSASSINS

Officers Suspect Several Baker City Characters and Arrests Will Follow in Due Time.

Baker City, Or., Oct. 5.—A network of facts and circumstances is weaving to encourage the belief that the officers are following closely the dynamite murderers of Harvey K. Brown. Indications point more strongly than ever to Federation radicals as the assassins. Their motive seems to have been to destroy a man who they thought was playing them double, or whose fate would be a warning to all foes of the Federation who have not "had the fear of God put in their hearts," as the miners have often expressed it.

The network of evidence is tightening around several local characters who are known to be Federation extremists. That they know they are suspected is realized by the detectives and officers. Considerable evidence has been gathered, but not enough yet for arrests.

Thursday night a gunshot encounter between the sheriff and bold characters, the night before an attempt to kill the bloodhounds in the county jail and threats to demolish it—these occurrences are causing the people of Baker county to wonder each day if the night will bring forth another deed of terror.

The assertion of Mr. Lillard that he paid Federation money to Brown for his testimony in the Adams trial and that Brown was in the service of the Federation is borne out by Clarence Darrow, legal counsel for the Federation officials, and by Haywood that the miners regarded him as a friend. But this is not believed as a sure sign that the Federation did not desire Brown's murder.

A new witness to the tall-tale episode was found tonight in Miss Navona Miller, who paged the kimonos man 10 minutes before the explosion. The same man was seen by Mrs. Brown a little while later and a few minutes before the discharge; also by Mrs. Romig, who remarked to her husband that a woman was outside who walked and looked like a man; and by H. S. Gedder, a plumber.

LANE REFUSES IMMUNITY.

Southern Pacific Official Not Allowed to Tell of Rebates.

San Francisco, Oct. 5.—An unsuccessful effort was made by Attorney Peter F. Dunne, of the Southern Pacific railway, to have Chief Traffic Agent Luce placed on the stand yesterday at the close of the taking of testimony by Interstate Commerce Commissioner Lane. The commissioner made his reasons for doing so plain.

"If Mr. Luce was placed on the stand," he said, "it might raise the question of immunity. It would be improper and inexpedient at this time to give Mr. Luce the benefit of immunity."

Mr. Dunne said that Mr. Luce could complete the explanation of the special or inside rates which had been partially made by J. C. Stubbs, and pleaded at length that he should be sworn. Mr. Lane declined to administer the oath. Another sensational incident of the hearing occurred when John Dillon, one of the chiefs of the Miller & Luce corporation, asked for permission to take the stand so as to amend his testimony. He then said he got a reduction on the published rate on local shipments since the Hepburn act.

"And I must say," he added, "this influenced me to give the Interstate business to the Southern Pacific."

After hearing evidence of other shippers, several of whom admitted receiving rebates on shipments within the state, the hearing was closed.

Coal Near Manila.

San Francisco, Oct. 5.—Uncle Sam is to undertake the mining of coal on his own account from deposits found on one of the southern islands in the Philippine group. Ralph John MacKenzie, mining expert for the War department, is here on his way to the Philippines. "These coal mines," says MacKenzie, "are on the island of Batuan, about 200 miles to the southward of Manila. The coal is bituminous. There is one six-foot seam, and it is supposed to be a very cheap working proposition to mine it."

Enjoin Reduction of Rates.

Sioux Falls, S. D., Oct. 5.—All leading railroads having lines in South Dakota have commenced a united effort in the United States court in this city for a permanent injunction preventing the state board of railroad commissioners from putting into effect October 15 an order reducing passenger rates in the state from 3 to 2½ cents a mile.