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SMITH TAKES STAND IN HIS OWN BEHALF

Defendant in Perjury Trial Denies Having Ever Met Witness Who Swore to Have Known and to Have Had Business Transactions With Him

Repudiates Handwriting Alleged to Be His, and Swears Positively That He Was Never in Seattle in His Life—Opening Argument By Defense

The defense rested its case in the Smith perjury trial yesterday afternoon after examining six witnesses, including the defendant, his son Delbert, and brother, and Attorney Donovan made the opening argument for the defense. Court adjourned at the conclusion of his address to the jury, and will convene again at 9:30 o'clock this morning, when Attorney George Noland will conclude the argument for the defense. District Attorney Harrison Allen will present the state's side, after which the jury will receive instructions from the court and retire to consider the evidence.

Smith Denies Everything

Joshua S. Smith the aged defendant in the remarkable case now reaching a close, took the stand in his own behalf yesterday and for nearly an hour underwent a rigid cross-examination at the hands of the district attorney. He referred to penciled notes taken by him during the trial, from which he answered the questions of the prosecution. At times he raised his voice to a high pitch in emphatic denial of some of the statements made by witnesses who testified against him, and his evidence in substance was an absolute denial of the damaging case presented by witnesses for the prosecution. On the stand he was cool and cunning, often resorting to evasion in order to save himself from peculiar embarrassment. When A. M. Harmon of Seattle was pointed out to him as a man with whom he had dealings in Seattle Smith said: "I never saw that man in my life until yesterday, and I was astonished when he took the stand and swore that he had met me and that I had been a party to any transaction with him."

"Were you ever in the city of Seattle?" asked Mr. Allen. "Never in my life," answered the defendant in a firm voice.

Referring to testimony adduced by him in the former trial of the suit brought by Lane, alias Bock, against the city of Astoria, Smith said that if the stenographer's notes recorded that he had said such and such a thing he certainly must have said it. "Now, was that testimony true and correct?" demanded the district attorney. "Why of course it was true, I wouldn't testify to anything that was untrue," he replied, and a ripple of laughter surged through the court room that even Judge McBride did not attempt to suppress.

Smith testified that he had known Lane ten years. He knew him by the name of Bock, he said, and referred to

him during the examination by that name. Asked if he knew Lane's real name he replied in the negative. "His mother's name was Bock and that is all I know about it. I don't know his father's name; it might be Ebenezer."

He then described his business dealings with Lane previous to their coming to Astoria. Lane owed him \$180, he said for some livestock. This was to be paid as soon as a woman in Oakland, Mrs. Hinton paid him, Lane, some money which she owed him. Together they went to Oakland, saw Mrs. Hinton and he collected the amount of the note from her. In this way he explained the transaction previously and differently explained by Mrs. Hinton.

Ignorant of Letter

The names of John P. Hart and P. D. Hughes of Seattle were then dragged into the case. Smith denied that he had ever met either of these men; neither had he written to Hart. The purpose of this cross-examination was to prove that he had received assistance from a Seattle attorney in an attempt to defraud the city out of money for alleged injuries received by Lane. Judge McBride excluded from the evidence a letter said to have been written by Smith to Attorney Hart and signed John E. B. Myers, urging the attorney to fix up some dates so as not to jeopardize the chances of the defendant Lane when the case came to trial. These dates had direct reference to the time between the alleged injuries sustained by Lane in Seattle and Astoria. He said that he deemed them too near, which might result in arousing the suspicion of the authorities investigating the case. He explained possession of this letter, which was taken from him by Sheriff Linville, by saying someone had thrown it into the corridor of the jail at a time when he was probably the only occupant. The exclusion of the letter in evidence as part of the state's case seemed to relieve the defendant, who took particular interest in the argument that followed. On the stand he stated that he was not quite sure that he had written the letter, and compared it with another letter which he admitted he had written. The penmanship suggested the same hand, he admitted, but he would not swear that he did not write the letter. Charles R. Higgins, assistant cashier of the Astoria National Bank, was called by the state as an expert witness. He examined both letters and said that in his opinion they were written by the same hand.

A brother of the defendant then took the stand and testified to the good character, and reputation for honesty and veracity borne by his brother in the county of Contra Costa and community in California in which he resided. The witness stated that the character and reputation of E. L. Perkins, of the same community, a witness for the state, was not above suspicion. Deputy Sheriff Frank Thompson was then called by the state and impeached the testimony of Smith by saying that the reputation of the father and son both was bad. He said that E. L. Perkins' reputation was above par.

Thompson Says Bad

When Thompson took the stand to testify as to the character of Smith, the old man moved his chair from the corner of the table and placed it where he could look straight at the witness. He almost raised himself in his chair when the first interrogation was put, looking intently at the witness. Thompson is a man of large proportions and a most positive witness. When the question was put he merely answered "bad" and the defendant resumed his chair with a disappointed look on his face. "Dr. A. A. Finch testified to examining under a bad light the injured limb of Lane on the night in August, 1900, when the accident is alleged to have occurred. He admitted that he was not then

WHAT TO DO IS QUESTION

Colombian Government Kind Of Between Evil One and the Deep Sea

CANAL TREATY WORRIES 'EM

Congress Will Be Uphraided If It Accepts and Roasted If It Doesn't

Colon, Colombia July 17.—The text of President Marroquin's message submitted to the Colombian congress has reached here. The part referring to the Panama canal says:

"There are two alternatives before the government. Firstly the curtailment of Colombian sovereignty in consideration of foreign advantages and secondly to rigorously maintain sovereignty and demand peremptorily the money indemnity to which we consider ourselves entitled. In the first case the wishes of the inhabitants of the department of Panama would be satisfied, but the government may be afterwards accused of failing to defend the sovereignty of the country and the interests of the nation. In the second place if the canal is not built via the Panama route, the government will be accused of failing to obtain the wealth of which the canal may be regarded as the beginning and which may be the sole condition of our future aggrandizement. I have already made known my wish that an inter-oceanic canal should be opened through our territory. I even think at that cost and sacrifice we should not place obstacles in the way of such a grand enterprise because it would surely result in a gigantic material improvement of our country; also because once the canal is opened we will expand and draw closer to our relations to North America, whereby our industries, commerce and wealth will be greatly benefited.

"Happily for me, the immense responsibility of deciding the questions rests for congress, which must definitely approve or disapprove the canal treaty proposed by the United States government."

REWARD FOR HOLDUP MEN

Capture of Street Car Robbers Made Object By Chamberlain

Salem, July 17.—Governor Chamberlain today issued a reward of \$1000 for the conviction of street car robbers. He also issued a proclamation urging peace officers of Eastern Oregon to use every effort to prevent recent threats of violence against life and property made by cattle and sheep men.

STAMPEDE FOR GOLD FIELDS

Rich Find in North Stirs Prospectors to Action.

Seattle, Wash., July 17.—A special despatch to the Post-Intelligencer from Depew says that 150 men left there by steamer today on a big stampede to the new gold fields 100 miles west of White Horse. Governor Congdon has sent mining recorder Barwash to the seat of the new find and the latter will record claims on the spot. Mounted policemen have also been sent to the new fields. White Horse is said to be almost deserted in consequence of the stampede.

RUSSIAN FLAG HOISTED

London, July 17.—According to the Times correspondent at Shanghai it is the opinion of Chinese officials that Port Arthur conference has not made the evacuation of New Chwang any more probable. A correspondent at New Chwang reports that on July 4 the Russian flag was again hoisted at the railway station of King-Tze-Kau, the terminus of the Shanghai-Kwan line.

WILL DISCUSS DAMAGE CASE

New York, July 17.—Among the affairs to be discussed in the next session of congress, is the award of \$1,250,000 damages, which Casimiro Castro obtained here against a New York life insurance company says a Herald dispatch from Montevideo, Uruguay. The minister of foreign affairs is keeping secret details of United States Minister Finch's communication. It is said that there will be an amicable solution of the trouble. Further action is suspended until next week.

QUESTION OF PETITION IS CLOSED INCIDENT

Positive Information that Foreign Office Would Not Receive Note Puts Quietus On Matter and Stops all Negotiations on the Subject

Secretary of State Hay Informs President at Oyster Bay In Long Telegram—Chief Executive Sends out no Statement, Considering Decision Final

Washington, July 17.—It is stated by the secretary of state that the incident created by the question of the presentation of the Jewish petition to Russia is closed. The state department made public today the correspondence that has taken place respecting the petition. Its substance has already been forecasted in the press dispatches. The correspondence consists of an instruction to Mr. Riddle, United States charge at St. Petersburg, reciting in detail the petition and directing him to present the same to the foreign office if it were willing to receive it. It is stated by Mr. Riddle that the foreign office would not and Secretary Hay so informed the committee in a brief telegram.

It is unlikely that further efforts will be made to induce the Russian government to receive the petition. It is certain that after so frank and unequivocal a refusal to receive the petition, Russia would regard the bringing of pressure to bear upon her to induce her acceptance of the representation as an act of unfriendliness.

As the actual presentation of the petition involved no question of principle, and substantially the result hoped for by the promotion of the movement concerning the Kishinev outrages had been achieved by calling Russia's attention to the petition, the probabilities are that the incident will be considered as closed.

Oyster Bay, N. Y., July 17.—The information of Russia's declination was received here last night. In a long telegram from Secretary Hay. Towards midnight the president sent an extended reply to Secretary Hay. The contents of neither message are disclosed although it is known that the president

POPE NO BETTER AND NO WORSE

Rome, July 17, (8:25 p. m.)—"I cannot say that the pope is better, but he is no worse."

In these words Dr. Lappont summed up for the Associated Press this evening the pontiff's condition at the end of the second week of illness in all varying results of which the pontiff has scarcely had a quieter day than this, with the result that tonight's official bulletin declared him to be a little less depressed. In the morning after a night during which stimulants had nourished and restored him to a fairly good condition

the pope complained of a soreness due to the many days he had passed in bed. To relieve this the patient was allowed to sit in his arm chair for a short time with apparent good effect.

After the examination tonight it appears that the liquid plasma appears at about the same level which is marked with dermographic pencil on the pontiff's side. The physicians think the liquid amounts to about 1200 grams. Considering the physical condition of the pope the doctors do not think it possible that his body can absorb it.

CORDIALITY ON INCREASE

London, July 17.—The Times published a three column article this morning from a correspondent who witnessed the meeting of the British and American warships in 1895, at Bermuda in 1899 and Portsmouth in 1903. The writer emphasizes the continual growth of the affinity and cordiality between the two navies and reflecting the ever-quickening amity of the two nations.

TO KEEP OUT PAUPER LABOR

Conference Called In Seattle to Oppose Oriental Biffraff.

Seattle, July 17.—An important conference, having for its object devising of ways and means to keep out pauper oriental labor, is now in progress in this city. The conference is attended by Chinese inspectors from Portland, Puget sound and San Francisco, and the commissioner of immigration at Victoria.

CHINA CONCLUDES BIG LOAN

S. Petersburg, July 17.—China, it is announced, has concluded a loan of 2,000,000 taels with the Russo-Chinese bank, which, in lieu of interest, obtains certain privileges in Chinese Turkestan.

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