

OREGON CITY ENTERPRISE

The Enterprise is the only Clackamas County newspaper that prints all of the news of this growing county.

CLACKAMAS COUNTY, OREGON
FAIR, CANADIAN, ETC.
SEPT. 24, 25, 26, 27.

FORTY-SEVENTH YEAR—No. 19.

OREGON CITY, OREGON, FRIDAY, MAY 9, 1913

ESTABLISHED 1866

GLENN GAULT FREED BY JURORS IN 45 MINUTES; GOES TO WORK

YOUTH WHO SLEW STEP-FATHER LEAVES COURT ROOM WITH STAIN OF MALICIOUSLY TAKING HUMAN LIFE REMOVED FROM CHARACTER—GEORGE C. BROWNELL'S CLOSING ARGUMENT, TOGETHER WITH PRISONER'S DEBEANOR WHEN UNDER FIRE FROM PROSECUTION, BELIEVED TO HAVE INFLUENCED JURY.

On the verge of his majority—he will be 21 within a month or so—Glenn Gault, after almost a year in prison, is a free man, and the strain of the charge of murdering his step-father in cold blood has been removed from his character by a jury of twelve men, who listened for two days to the evidence introduced for and against the young man. It took the jurors just 45 minutes of deliberation to reach their verdict, and five minutes after they re-entered the court room young Gault walked out on his mother's arm, his face bright with hope, and voicing the determination to return to life with the firm purpose of conducting himself as a good citizen.

Gault's ordeal reached its climax late in the afternoon Saturday, after the waning light of day had made it necessary for balliffs to turn on the electric lights in the court room, and when their yellow glare made the faces of spectators, prosecutor and jurymen alike turn sallow and cold. It was then that Prosecuting Attorney Tongue, in his closing statement, pointed an accusing finger at the young man, and in sibilant tones that reached every corner of the chamber, told the jurors that he firmly believed that the young man had with malice and premeditation, deliberately killed a quarrel with his step-father, knowing full well that the older man would probably attack him, and had relied upon this attack to give him the excuse of self-defense later on when he would be called upon to explain the blow he struck, and which sent D. M. Leitzel to a higher judgment.

Charges Direct Malice
The indictment charges this man with deliberate, premeditated murder, said Mr. Tongue. "The defense admits the killing. Evidence has shown that the boy entered his home on this fatal night, picked up an axe, and went to chopping wood. He took care to see that he was armed. Then with the axe in his hand, he deliberately provoked this old man to a quarrel, by throwing back at him all the things that he had done to him in times gone by. When Leitzel, in his rage, rushed at the boy, he felled him. Had he gone no farther, perhaps he could plead that he had acted in self-defense. He had resisted force with force, he had put his adversary out of the way of doing him immediate and further harm.

"But he did not stop then. In his own words, words which the defense does not controvert, he went further, and this shows the malice in his act. With his step-father down and out, and squirming on the floor before him, as he told some of these witnesses you have heard, he hit him again, rushed at the boy, he felled him. Had he gone no farther, perhaps he could plead that he had acted in self-defense. He had resisted force with force, he had put his adversary out of the way of doing him immediate and further harm.

Boy Wins at Charge
As the prosecutor reached this climax of his case in his appeal to the jury, Gault blanched and bowed his head. Tears sprang to his eyes, and instinctively his hand went out toward his mother who sat beside him. But before the hand touched her he had recovered his self-possession, and drawing back his hand he straightened in his chair, and looked the jurymen—all of whom were regarding him closely, square in the eyes. It was the turning point of the trial, many who noted the circumstances believe, and the boys behavior, coupled with the mastery defense afforded him by George C. Brownell, Gordon E. Hayes and Rosecoe Hurst, swung the verdict in his favor.

Mr. Brownell, of counsel for the defense, fought for the boy's life as if it had been his own. Ever alert, and taking advantage of every bit of evidence in the lad's behalf, he built up a defense that showed the boy had been the victim, long before the fatal quarrel, of a series of cruelties that would have broken many a man. From time to time Mr. Hayes, associate counsel, detected an overlooked flaw in some bit of evidence, and brought it to the attention of the court.

Closing Appeal Stirring
Mr. Brownell closed the case for the defense. His plea for his client's life was earnest and without passion. He spoke to the jury as he would to friends, discussing with them the various phases of the case, and not until the end, after he had built up proof of the self-defense of the prisoner did he appeal to the sympathies of the twelve men. When he did make this appeal, however, his words carried may of them back to their own boyhood days, when they had seen their hardships in magnified form, as children do view their wrongs; and as he terminated his argument there was scarcely a dry eye in the court room.

Judge Campbell was absolutely fair in his charge to the jury, and neither counsel found anything for objection in his remarks. They endeavored to find opportunity in them for an eleventh-hour plea in behalf of his theory, but was choked off by his honor, who curtly informed him that he believed all points had been covered in the charge. Judge Campbell outlined the three degrees of guilt which the jury could embrace in their verdict, and then charged them that if they could not, beyond a reasonable doubt, find the defendant guilty in any of these degrees, it was their duty to acquit him.

Much Testimony Taken
The case opened Saturday morning with the testimony of several witnesses for the state, who did not appear.

LOCAL RAILROAD WORK IS RESUMED

Improved weather conditions have made possible the resuming of track-laying on the Clackamas Southern railroad, and since Friday full crews have been busy putting down ties and steel on the newly graded right-of-way in the neighborhood of Beaver Creek. Ties are hauled out from Oregon City on flat-cars, and while a railying machine is not being used by the tracklayers have become so proficient in handling the material that rapid progress is being made.

At present material is being hauled by a construction locomotive, such as is used by general contracting firms; but orders have been placed for an engine to handle the freight and passenger traffic on the line as soon as the road is opened. The engine will be procured from one of the big trans-continental lines, and will come from their shops with the name of the new road painted in bright letters on the tender. Rolling stock for the line at first will probably be borrowed.

As it is the intention to eventually use electric power in operating the road, orders for permanent equipment will not be placed until the line has been completed well beyond Beaver Creek. By that time installation of wires and power lines will be commenced, and then a complete interurban equipment of the most advanced design will be ordered by the road.

HILL LINES CHIEF HAS PLANS READY

Announcement will shortly be made by President Joseph H. Young, of the Hill Lines in Oregon, of plans for the extensions of the Oregon Electric system in the Willamette valley. Mr. Young has just returned from a conference of Hill chiefs in the East, and while not yet ready to make any definite statements about local work, has said that plans and profiles would soon be prepared for future work south of Portland.

It is very generally believed that the Hill Lines will extend south from their new East Side terminal property at Belmont, Morrison, Third streets and Union avenue, Portland, along the eastern side of the Willamette valley, and announcement of the route to be followed and the regions to be tapped is eagerly awaited. The Hill interests have had agents out in the Clackamas valley on several occasions, and this has led to the belief that they were planning to run a line into the fertile timber and agricultural region lying along the shores of the chief tributary of the lower Willamette.

Activity of the Southern Pacific interests south of Oregon City has also led to the belief that the Hill lines were planning an invasion of their territory, and that news of their intentions had leaked to the rival system.

The announcement of President Young, when made, will clear up much of the mystery that has surrounded local railroad plans, and will probably contain news of the best sort for the east side of the Willamette valley.

RAILROAD SEEKS LAND PIONEERS RECALL DAYS OF CHAMPOEG

Through Brownell & Stone, local attorneys, the Portland, Eugene & Eastern railroad has filed condemnation suits against the Portland Cement company, the Oregon Iron & Steel company, the Security Savings & Trust company and R. H. Coshun. Rights-of-way are desired through property owned by the defendants along the west bank of the Willamette for the new electric line that the electric division of the Southern Pacific interests are building south from Portland.

HUGE CAR SHOPS WILL RISE HERE

DECISION OF PORTLAND, EUGENE & EASTERN R. R. TO BUILD ACROSS RIVER OUT

PLANT TO EMPLOY OVER 1500 MEN

Modern Railroad Repair and Construction Headquarters Pledged for Plateau Near Span from Heart of Oregon City

Much excitement has been caused about Oregon City during the last few days by the rumor that the Portland, Eugene & Eastern railroad has definitely announced that its mammoth car shops will be located in West Oregon City.

The Portland Daily Examiner states that the announcement was made of the new car barns the first part of the week. It says the temporary car shops will be located on the company's property at Beaverton, but that the permanent shops will be located near Holton.

It has been known in this city for some time that the car shops would be located in West Oregon City, at a distance about midway between the suspension bridge and the town of Holton. Twenty-four acres have been set aside for the shops, but it was not thought the new industry would be on anything like a big plan as is now planned.

The main car shops, machine shops, repair shops and paint shops will be located at this point on the main line of the railroad, which will have a four-track system into Portland. The plant will cost upward of \$1,000,000, and will employ between 1500 and 2000 men when it is completed and in operation. The plant will be by far the largest and most modern of its kind in the Northwest.

Being situated on the main line of the main line of the company's system and in the heart of the Northwest, it is considered that a better location could not have been chosen for the shops. The land on which they will be located is almost level and lies on a plateau about 150 feet above the river. The fact that the present car barns are located at Beaverton will not in any way effect the erection of the Oregon City shops. As soon as the local plant is erected, the Beaverton shops will be moved to this city. The buildings which will be erected at Oregon City will all be of an entirely fireproof and permanent nature, being of steel, brick and concrete.

The shops, if erected here, will be a wonderful boon to Oregon City, employing at least 1500 men. This number of employees will bring about 6500 people into this city and the west side, who will be directly dependent upon the shops for a living. They will also be a strong incentive for other manufactures and industries to come into this portion of the county. It will be impossible to start work upon the proposed shops until work is well underway upon the Portland, Eugene & Eastern line.



WINNER OF AUTOMOBILE IN HUNTLEY'S CONTEST



Frank Waitman, mail carrier on rural route No. 2, who won the Howard automobile after six months' of constant effort in Huntley Bros.' recent contest. Mr. Waitman plans to use the automobile in delivering Uncle Sam's mail over his route when the weather is good, and in this way expects to materially increase the efficiency of his service. Friends rallied to his support, and in the contest he beat his nearest competitor by over 2,000,000 votes.

WEST SIDE FOLK FAVOR FREEDOM

OUT OF 59 AT MEETING, 50 VOTE FOR INCORPORATION—TWO CAST NO BALLOT

POSITION OF BIG MILLS OUTLINED

B. T. McBain Declares Corporations Will not Antagonize Plan Though Being Against Increased Taxes

Voting 50 to 7 in favor of incorporation of the towns of Sunset City, Willamette Heights, Bolton and West Oregon City in a new municipality, residents of the district effected met in the parlors of the Commercial club in Oregon City Tuesday night to further discuss the matter first seriously broached last week. There were 59 qualified electors present all told, most of whom were members of the West Side Improvement club, but two of them cast no ballot.

GRAND JURY IRE ROUSED BY "FAKE"

REPORTED ATTEMPT AT BRIBERY IN GAULT MURDER TRIAL TO BE PROBED

COUNTY OFFICIALS MUCH ANGERED

Story Printed in Portland Paper Subject of Consideration by Inquirers and District Attorney—Seek Facts

A "fake story" sent to the Oregon Daily Journal, Portland, by one of its Oregon City correspondents, will in all probability be the basis of an investigation by the grand jury of Clackamas county. The article, which was printed in Monday's edition of The Journal, set forth that "one of the jurymen, who did not want his name mentioned" had been approached during the trial of Glenn Gault for first degree murder, and had been promised a bribe if he would hold out for the prosecution.

Subsequent inquiry, both by county officials, members of the circuit court staff, and others, failed to reveal any basis for the article. In a private interview the correspondent who sent in the story named one of the jurors as "the man he thought had been approached," and Sheriff E. T. Mass later questioned this juror, who denied all knowledge of any such offering or attempted offering of a bribe. Deputy District Attorney Stipp has taken the matter up, and Wednesday night said that he thought "the matter ought to be investigated by the grand jury, which is now in session. "If any bribe was offered," said Mr. Stipp, "it was the duty of the juror approached to report the matter to the court. If no bribe was offered, and the report is purely a fake, it seems to me that the author of the story has been guilty of something closely akin to contempt of court. The story casts a reflection upon the court, the jury and the prosecution in the case, and I strongly feel that the matter ought to be investigated. I will take the case up with the grand jury, and I think they will probably be interested in it."

The juror who was implicated in the matter by the statements of the correspondent after the article appeared is very indignant that use of his name should have been made, even in informal discussion of the bribery story, and feels that his reputation has been impeached. The juror in question is a man of excellent standing in the community, and nobody places any credence in the report that he would listen even to what might have been a poor attempt at a practical joke, and not report the proceeding to the court.

After investigating the report The Enterprise became impressed with the fact that there was practically no basis of truth to the story, and printed its conclusions to this effect. Action of The Enterprise in denying the report has received favorable comment from county officers, the jurors in the case, and the circuit court. Under the circumstances, however, the grand jury is said to be strongly in favor of going to the bottom of the matter, and possibly advising punishment for the author of the canard.

STATE'S NEW RECALL AMENDMENT MAY YET BE PROVEN INEFFECTUAL

ATTORNEYS WHO INVESTIGATE RECENT POPULAR LEGISLATION FIND THAT NO PROVISION IS MADE IN LAW FOR EFFICIENT ENACTMENT—MEASURE AS IT NOW STANDS SAID TO MERELY PROVIDE MANNER BY WHICH POPULAR DISAPPROVAL OF OFFICERS MAY BE EXPRESSED;

LA FRANCE TRIAL TO BE HELD HERE?

That J. C. LaFrance, who was arrested in Coquille May 26, charged defrauding insurance companies and lodges out of \$16,000 through substitution of a body found in the Clackamas river for himself, may be tried in the Clackamas county courts is one of the possible outcomes of inquiries made in the matter by Sheriff E. T. Mass and Coroner Wilson, who went to Portland Sunday to talk the matter over with Multnomah county authorities, and to interview the prisoner. It may develop that as the actual fraud itself was perpetrated by LaFrance in this county the case will have to be heard here.

Another aspect of the case in which the local officials are interested is where LaFrance obtained the body that he used in his swindle. In an interview with the sheriff and coroner Sunday he is said to have told them that he obtained it from an Indian grave, but it is almost certain that the corpse was not that of a red man. Those who have investigated the case have a clue as to the identity of the body, and expect shortly to have a complete line on LaFrance's actions at the time he was preparing for his crime.

RECALL PETITIONS OUT; CRITICIZE TIMBER CRUISING

Petitions are in circulation asking for the recall of County Judge Beatie and County Commissioner N. Blair. The petitions are being put forth by the same interests that have filed complaints with the joint committee of citizens and Live Wires with regard to conduct of county affairs, and charged that irregularities have been indulged in by the court in regard to county bridge work.

Complaint is also made of the fact that the county has entered into a contract with an outside firm to cruise Clackamas timber lands. The cruising of these lands has already produced figures which will increase the assessed values of these holdings over 100 per cent in many instances, but no mention of this result is made in the complaint upon which the petitions are based.

RECORDER'S OFFICE HAS BUSY MONTH

Fees received by County Recorder Dedman for the filing and recording of deeds and other documents during the month of March amounted to \$717.74. While this is not establishing a record for the month, the amount is much larger than usual, and reflects much activity in real property and timber land in the county. Many of the deeds filed were for small portions of large land holdings, and indicate a general partitioning of bigger properties and their sale to new settlers.

Timber lands were unusually free in sale, and show that there is soon to be much cutting of prime timber in the county. Many right-of-way deeds were also recorded during the past month, showing conclusive proof of railroad activity in the county. Owing to the fact that many deeds representing sales of property valued high in the thousands gave but \$10 and other considerations" as the amount paid, it is impossible to estimate the actual cash value of the transfers.

J. D. MICKLE SENDS DAIRIES WARNING

"The statutes regulating the manufacture and sale of butter provide for the branding of creamery butter, but not for the branding of dairy butter, except that each roll or square must be plainly marked '16 ounces, full weight' or '32 ounces full weight.' We find some dairy butter that is not so marked, and we also find some that is short weight," says J. D. Mickle, state dairy commissioner.

"We would be glad to hold the manufacturer responsible for the misbranding and also for the short weight, but in the absence of any name and address on the butter so as to positively identify the manufacturer we cannot do so. The following is therefore made:

"All dairy butter offered or exposed for sale will be considered misbranded if it does not have plainly marked on each roll or square the words, 'dairy butter, 16 ounces full weight' or '32 ounces full weight,' and the name and address of the manufacturer. Any person offering or exposing for sale dairy butter not branded in compliance with this ruling will be prosecuted under the statutes provided for the branding of food products."

LA FRANCE TRIAL TO BE HELD HERE?

Local enthusiasts who desire to recall certain of the county officers may find, provided they secure a sufficient number of signatures upon their petitions to make it seem evident that a recall is desired by any substantial percent of the electors, that such an election cannot legally be held in the state of Oregon. Starting as this possibility may seem, there is a very grave doubt as to whether the recall amendment of the state constitution is operative, or even legal, in spite of the fact that under what were believed to be its provisions, several recall elections have already been held.

Investigation of the law leads many attorneys who have looked into the matter to believe that the amendment adopted by the people is ineffectual, and that if its wording were questioned and the matter taken before the supreme court, the justices of that tribunal could not do otherwise than declare the measure inefficient and useless. The amendment, as it reads is not sufficient to make the recall of any officer possible until there shall have been enacted legislation in aid of the amendment.

The amendment, by its terms, says that "there may be required twenty-five percent, but no more, of the number of electors * * * to file their petitions demanding his recall by the people."

There is in the foregoing phrase nothing but a provision that "there may be required." Necessarily the requirement must be by law—either that of the legislative assembly or that of the people. No such legislation has been had.

There is another provision which makes legislation necessary, which is as follows: "Such additional legislation as may aid the operation of this section shall be provided by the legislative assembly." No such legislation has been passed.

J. E. Hedges, a local attorney who has, among others, been looking into the matter of the recall amendment, comments on the above condition of affairs as follows:

"Evidently the people in adopting the amendment with such language contained in it contemplated further legislation before the amendment should become operative. As far as \$ have been able to determine, no such legislation has been passed that makes the measure operative in this county."

Investigators of the recall law as it stands today have also found that there is no provision in it for the payment of the costs of a special election. Thus, under a strict interpretation of the law, there is no responsibility that can be fallen back upon by people who print ballots, and in case of dispute, those ordering them printed, or ordering any other expense incurred, might have to put up the costs themselves. There is no provision in the law that definitely sets it forth as the duty of the county to pay the costs of such an election.

This may have even more bearing on the local recall election than the other phases of the matter, for such an election would cost, as near as can be computed, from \$5,000 to \$6,000. Former elections, at which only men voted, cost the county an average of \$3,900 apiece; and with the women voting, as they now have a right to do, the cost would be practically doubled.

HOOD RIVER FINDS FLAWS IN RECALL

Following publication in Sunday's Enterprise of the opinion that the present recall amendment to the constitution may be inefficient because no enabling act has been passed to make its provisions mandatory, attorneys interested in the locally threatened effort to recall two county officers are looking up the progress of a case brought upon the same points in regard to a recall election at Hood River.

The Hood River case is still before the courts and embraces one of the points brought to light locally—that of the percentage of signatures that may be required upon a petition. The Hood River suit, however, does not concern itself with the lack of provision for paying the expenses of such an election, and should the abortive effort at recall in this county eventually become sufficiently far advanced to make further testing of the law necessary, the point will probably be taken up here. As the law stands interpreted at present, there is no provision for paying the \$5,000 which such an election would cost here.

MILWAUKIE FARE FIGHT SOON TO BE CONCLUDED

The matter of 5-cent fare between Milwaukie and Portland is before the Supreme court of the United States and a decision is expected in a short time. Final hearing was set for last Monday. Milwaukie won its contentions in all the lower courts.