

THE WEATHER
 OREGON CITY—Fair Sunday.
 Westerly winds.
 Oregon—Sunday fair. Westerly winds.
 Washington—Sunday fair. Westerly winds.
 Idaho—Sunday fair.

Morning Enterprise

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OREGON CITY, OREGON, SUNDAY, MAY 4, 1913

PER WEEK, TEN CENTS.

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 DEBATE 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 bailiffs 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 picked 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 blows he struck, and which sent D. M. Leitzel to a higher judgment.

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 Friday because they were not in the city. Mrs. Jones, a woman living at Scott's Mills, testified that she knew Mrs. Leitzel and her son Glenn Gault. She stated that Glenn had threatened to kill his father, while talking to her, and that she admonished him for it.

Mrs. Maude Leitzel, mother of Glenn Gault, and wife of the dead man, went upon the stand at the request of the defense, and told of a number of times in which her husband had struck Glenn Gault and had spoken of him in vile language. She said that her husband had threatened to kill the boy, and had picked quarrels with him. On one occasion, she said, her husband had choked her and had thrown her into the woodbox while she was trying to keep him from injuring her son. She stated that her husband had called her vile and insulting names, and had insulted her character to the neighbors. Prosecuting Attorney Tongue subjected Mrs. Leitzel to the most rigid examination of the trial, but he was unable to confuse her. In the least, her history of all points had been covered in a vile manner. S. D. Adkins, of Scott's Mills also appeared in behalf of the prosecution.

After a brief recess, the state represented by Livy Stipp, deputy district attorney, opened its first address to the jury. Gordon E. Hayes, delivered an eloquent address to the jurors for the defense, saying young Gault, who was but 17 years old at the time of the crime, had been constantly tortured and brutalized by his step-father and had so many times been on the verge of being killed by him, that his act was simply one of self-defense.

Son Against Father

C. K. Leitzel, son of D. M. Leitzel, was brought upon the stand by the defense. He testified his father was of a quarrelsome disposition and had threatened to kill the Gault boy. On one occasion, he stated, Leitzel had come into a rage over some little thing which the boy had done, and had picked up a pitch fork and attempted to run in through Gault. He said that a day or so afterwards, Leitzel had said to him: "Kirk, if you had not interfered when you did the other day, I would have killed the little fellow." He stated that Leitzel had constantly picked quarrels with the boy and had upon several occasions knocked him down with sticks and straps.

In the afternoon session, Bertha L. Prahlick was the first witness to be examined. Although now living in Portland, she had formerly lived near Scott's Mills and had spent one month at the Leitzel home. She stated that Leitzel has abused the boy, and that he was a "vicious and villainous man." In 1909, she stated Leitzel had gone into a rage and hit the boy over the

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head with a milk stool. Don Major, a negro, who had worked for Leitzel, said that he was "an exceedingly vicious man." On one occasion he saw him strike at the boy with a knife.

C. Phillips, mail carrier between Willamette and Mt. Angel, stated that Mr. Leitzel had told him that he was going to kill the boy.

E. H. Hawley, of Woodburn, also stated that Leitzel had told him he was going to kill the boy.

C. E. Leitzel, an other son of D. M. Leitzel, the dead man, appeared upon the stand as a witness for the prosecution. He stated that although he had not seen Glenn Gault for six years, he knew that he had caused trouble between his father and step-mother. He stated that he had visited at home, and had frequently heard Mrs. Leitzel swear at his father in a vile manner. S. D. Adkins, of Scott's Mills also appeared in behalf of the prosecution.

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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 rail-laying machine is not being used the track-layers 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 inter-urban equipment of the most advanced design will be ordered by the road.

Boost your city by boosting your daily paper.

FISHERMEN WIN ROOM ON RIVER

MAJ. MCINDOE ORDERS DREDGE CREWS NOT TO INTERFERE WITH GILLNETTERS

COMMERCIAL CLUB GAINS RELIEF

Prompt and Courteous Reply is Made by Federal Engineer to Request of Oregon City Salmon Catchers

Major J. F. McIndoe, in charge of the government dredging work on the Willamette, has replied to the letter sent him by the Oregon City Commercial club in behalf of gillnet fishermen, and has notified President B. T. McBain, of the club, that he has issued instructions to the dredgers to lower all cables to the bottom of the river at night time, and in other ways to refrain from any work that will interfere with fishing during the 30 day season open to local commercial fishermen.

FARMER FATALLY HURT

While being taken to a Portland hospital in an automobile, so that he could receive medical attention M. H. Taylor, an elderly farmer of Kernsville, near Estacada, died Friday afternoon, and the body was given into the custody of Coroner Wilson. Mr. Taylor was binding a load of hay when the pole broke and hurled him to the ground, causing a fracture of the skull. He was about 60 years old and leaves a family.

MRS. MOUNT IS HOSTESS

Mrs. H. S. Mount, was the hostess of a delightful luncheon Saturday afternoon in honor of Miss Myrtle Parker, whose engagement to Dr. Clyde Mount was announced some time ago. Covers were laid for eleven about a beautifully appointed table, in the center of which was a huge cross-bowl filled with bridesmaid roses. About the table were seated: Misses Ene Charman, Myrtle Parker, Hester Danneman, Cris Pratt, Wynna Hanny, Marybelle Meldrum, Helen Daulton, Bess Daulton, Neita Harding, Dollie Pratt and Mrs. H. S. Mount.

OREGON CITY C. C. TEAM PLANS GAMES

The baseball team recently organized by members of the Oregon City Commercial club has arranged a practice schedule with local and neighboring ball clubs, and after playing these games will challenge a number of other teams for a series later in the summer and early fall. Much enthusiasm is being manifested by the members of the club line, and they expect to be in fine form within a short time. Already the members are developing considerable speed and are working well together as a team.

The practice schedule is as follows: With Mt. Pleasant at Canemah Park Sunday; at Portland, with the "Stilettoes" May 25; at Salem with the Salem with the Salem Athletic club June 2; at Vancouver, Wash., with the St. James Athletic club June 8, and on June 22 at Canemah park with the same club again.

The Portland Railway, Light & Power company is fixing up the diamond and grounds at Canemah, and will soon have the field in regulation shape.

To procure funds for uniforms and other expenses the Commercial club team will give a dance at Busch's hall on the evening of March 21. At this dance music will be furnished by Lucas' orchestra.

COAST LEAGUE

At Portland—Venice 2, Portland 1.
 At San Francisco—Sacramento 10, San Francisco 2.
 At Los Angeles—Los Angeles 12, Oakland 0.

LORD'S DAY SERVICES

Christian Church, Gladstone
 Bible School, 10:00 a. m.
 Communion and sermon, 11:00.
 Subject, "The Lord's Day, Its Observance."
 Evangelistic service at 3 p. m.
 Subject, "Believing in Jesus."
 Evening service at 7:45 p. m.
 Song service by singing Evangelist E. E. Fishman and choir.
 Subject of sermon, "Disciples of Christ, or Christians."
 Closing service with a large number to be buried with Christ in Baptism. Brethren and friends of the church at Gladstone, in Oregon City are invited to services.

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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; BUT POWERS ARE LACKING.

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. Startling 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 enacted.

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 law, 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 \$3,000 apiece; and with the women voting, as they now have a right to do, the cost would be practically doubled.

HIGH SCHOOL LADS TACKLE CHAMPIONS

On a slow field, with alternating sunshine and showers, members of the Oregon City high school track team made a most creditable showing against the crack team of Vancouver high school, at Vancouver, Wash., though the champions of Southwestern Washington took the local athletes into camp by a total score of points of 79 to 33. Oregon City entered the meet crippled by injuries to two of her best men, but nevertheless won three firsts in the series of events. Considering the class of athletes that they went up against, the members of the local team feel that they did even better than was to be expected.

Ernst Cross and Kent Wilson, who had been relied upon to uphold Oregon City were hurt in practice during the week, and another of the men was taken ill while on the field, and though he fought gamely, was unable to establish the mark that he had made during training. The list of events, with the finishing order of the contestants, follows:

50-yard dash—Wilson (O. C. H. S.), Shanadling (Van.) Collings (Van.) Time, 5 2-5 seconds.

220 low hurdles—Crocker (Van.), Wilson (O. C.), Damback (O. C.).

100-yard dash—Miller (Van.), Shanadling (Van.), Crocker (Van.). Time, 10 2-5 seconds.

110 high hurdles—Damback (O. C.), Crocker (Van.), Collings (Van.).

Pole vault—Zillely (Van.), Kellogg (O. C.), Meyers (O. C.) Height, 9 ft. 40-yard dash—Roberts (Van.), Hathaway (Van.), Cross (O. C.), Davis (Van.) Time, 51 seconds.

220-yard dash—Miller (Van.), Cross (O. C.), Crocker (Van.) Time, 25 seconds.

High jump—Roberts (Van.), Damback (O. C.), Hathaway (Van.), Kellogg (O. C.), Shanadling (Van.) Height, 5 ft. 8 in.

Broad jump—Collings (Van.), Wilson (O. C.), Damback (O. C.) Distance, 19 ft.

Half mile—Chandler (Van.), M. Hathaway (Van.), Davis (Van.).

Relay race—Vancouver.

BIG CONFERENCE FINDS ECHO HERE

Dr. T. B. Ford has been requested to take up the work of organizing a local committee in the interest of the Second World's Citizenship Conference to be held in Portland, June 29 to July 6, and will bring this matter before the meeting of the pastor's association next Monday at 10:30 a. m. It is hoped that all citizens who are interested in this cause will assist.

The conference at Portland is to be one of the greatest gatherings of the time. President Wilson, Secretary Bryan, and many of the great men of the country, and others from all countries are to be present, and take part in the work of the conference, which covers every phase of modern world-life.

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