

ACQUIT A GAMBLER

Boss Frank Hellen Is Found Not Guilty.

MUCH ORATORY ON BOTH SIDES

Henry McGinn, Representing the Defendant, Tried to Make the Law Enforcement League the Issue in the Case.

After a hard legal battle in the Municipal Court yesterday, Frank J. Hellen was acquitted of the charge of "frequenting, going into, and visiting or gambling place," for which he had been arrested on a raid made by police officers on the Portland Club several days ago. The courtroom was crowded with spectators, the prominence taken by the Law Enforcement League in the prosecution drawing also many ministers to the hearing, among them Rev. Dr. Morrison, Rev. Dr. E. P. Hill, Rev. Dr. A. W. Ackerman, Rev. J. E. Snyder and Rev. J. F. Gormley. The sensational features of the case were the strong words of denunciation that Henry E. McGinn poured upon the members of the Law Enforcement League for bringing the suit.

"Political theologians and theological politicians," said McGinn, "bolter and thout" spirit with the motive of "cheap notoriety," were among the scathing terms that he applied to the movers in the prosecution.

These were answered by Attorneys Moser and Murdoch for the defense, and the point at issue in the case seemed to be the justice or injustice of the attacks upon the league.

The case was tried before the following jury: E. House, G. M. Webster, R. Marsh, J. Mitchell, J. Rosenthal and H. E. Brooke. These had been chosen after H. C. Brandes and W. E. Connolly had been excused on challenges of the prosecution, and R. A. Schmalz by the defense.

"Are you a church member, Mr. Schmalz?" Mr. McGinn, for the defense, had asked.

"No," was the answer.

"We excuse the juror," said Mr. McGinn.

G. M. Webster was taken by the defense when he said he had a prejudice against prosecuting such cases.

J. Rosenthal begged to be excused after being chosen as a juror. "I know nothing about the facts in the case," said he.

"Well, then," said Judge Cameron, "you are just the man we are looking for."

Attorneys Moser and McGinn had a tilt at the outset.

"This prosecution," said Mr. McGinn, "is said to have been begun by the City of Portland, when in reality it was instigated by the Law Enforcement League."

In the day mentioned McGinn is charged with going into a gambling-house, and it is the great desire of the league to have him mulcted and thrown in jail.

"I object," replied Moser, "the arrests were made by the police, the complaint signed by Chief of Police McCaughan, and issued by City Attorney Long."

"Why, you're not ashamed of the Law Enforcement League?" asked McGinn.

This was answered in the negative, and then Judge Cameron said: "I cannot see what the league has to do with this case, anyway."

Attorney Moser, in his opening address, read the city ordinances covering gambling, in which gambling-houses were prohibited "where any banking or other game is played with cards, dice, chips, buttons, or any other device, for money, checks, credits, or any other representative of value," and in which frequenting or visiting such gambling-houses was prohibited. He described the raid of the police on March 2, stating that a game of keno was found in progress, and that Hellen was present.

"This is a prosecution," said Mr. McGinn, "waving his arms dramatically toward the assembled clergymen, 'put on foot by political theologians and theological politicians, by those who think themselves more just than their neighbors. Their motives are largely notoriety, and they bear a political stamp. They are men who are fond of getting up in their pulpits and exhorting the masses of the people. The authorities have found gambling hard to reach and circumvent. We admit the baneful effects of gambling in every form. But they cannot suppress it. They drive it out of one place only to have it hide its head in dark and secret resorts. The District Attorney—the peer of any man in the pulpit of Oregon—dealt with the question in a practical way. Realizing that gambling in the clubhouse and in the home could not be suppressed, he instituted a system whereby if he paid a tax to the city. This was continued until the city received \$30,000 in fines."

"But then came the talk from the gentlemen of the pulpit of the 'covenant with death' and the 'league with hell,' and with similar phrases of the theological-political school, they started to suppress it. No man deserves greater respect than the minister who does his work and does it well in a spirit of Christian duty; but let him enter the political arena, let him give blows, and he will receive them in return. The organization known as the Law Enforcement League spends its time in saying, in spitting, in meddling, for the purpose of what? Have they the interest of society more at heart than their fellow citizens to say, 'We will attend to the law?' It is the 'bolter thout' spirit in which they act. We have had these spasmodic attempts at virtue. They flare up and then die down to nothing. The motive is one of cheap notoriety. Hellen was not visiting a gambling-house. Gambling was closed. Let us for once and this cheap, spilling business."

Testimony of the witnesses for the prosecution and defense was heard in the afternoon. This was very brief. Captain Hoare testified to making the raid with Sergeant Moore and capturing a keno outfit and \$60 in cash, and finding the players surrounding the apparatus. He saw no money change hands, and did not know whether gambling for money had been going on. He testified that the raid had been made at the instigation of Oscar Cox and Dr. Morrison, but the league, but was not positive as to the latter's connection.

Sergeant Moore testified that the game was going on in Captain Hoare's tempo, rare absence, that "keno" had been called twice, and that the men were playing for chips, which bore the signs, "Good for one drink," or "Trade check."

For the defense, Frank Hellen denied that gambling had been going on, although admitting that the men were playing for the drinks, although he asserted he was not running the game.

Attorney Murdoch, in closing for the prosecution, vigorously contended that the Law Enforcement League had nothing to do with the facts of the case, which should weigh with the jury. He upheld the principles of the league and the character of the men representing it, and argued that the testimony showed conclusively that gambling had gone on, for drinks or money, either one being representative of value, and that Hellen, being present, was therefore guilty.

"Every man should be interested in enforcing the law," said Murdoch, "and he is not to be called a religious crank or 'bolter than thou' for wanting the law enforced."

Mr. McGinn, in closing, bitterly denounced the prosecution. "Respectable names and venerable gray heads have been gathered into the league to cloak

the spring actions of underlings, to add respectability to the league in the same way the Roman conspirators had proposed to use the name of Cicero. These people are trying to force blue laws upon us. These theological politicians are trying to work up a political movement and land themselves and their friends in office. I have the greatest respect for the proper sphere of the pulpit. But, like Edmund Burke, I contend that no sound should be heard in the church but the healing voice of Christian charity. The way to preach morality is not to tread the primrose paths of dalliance in their lives.

"Hellen had closed his place up and kept it closed. He was not gambling, and these people were simply attempting to hound him when he was down."

Attorney Moser again defended the motives of the league, and summed up the evidence to the jury in a forcible speech, contending that Hellen was clearly guilty, having been in a gambling-house when a game was going on.

The jury was dismissed with a short charge, and after 20 minutes' retirement, brought in the verdict of acquittal.

For Timber Cut.
United States District Attorney Hall yesterday commenced suit in the United States Court against L. T. Lewis of Lake County, to recover the value of timber cut in the Cascade forest reserve. The complaint alleges that one T. W. Richards cut 3000 tamarack trees in township 36 S., R. 6 E., about six inches in diameter at the butt, and made 2200 poles

for timber cut.

Mrs. L. W. Stiton was formally inducted into office yesterday afternoon as the first woman member of the Portland School Board. Though her election was the greatest victory the women of Portland have ever won, not a single woman nor a married one, went to the City Hall to see her take the oath. The handsome young clerk in City Superintendent Rigler's office would gladly have been a spec-

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"Oh, that's all right," said Mrs. Stiton, smiling. "No apologies are necessary, Mr. Thompson."

As Chairman Warren took up the gavel he said his work for the afternoon would consist principally of turning the presidency over to his successor. He continued:

"As I retire from service, I wish to express my high appreciation of the uniform courtesy which you have ever extended to me as a member of your honorable body. Though I retire from official service on the board, my interest in the schools of Portland does not cease. There is no official position in the gift of the people which carries with it greater responsibility than that of School Director, and I have ever considered it a high honor to have been called by the people to serve as a member of the Board of Education."

To the honorable member who is to take my place as presiding officer, I can bespeak with assurance the same kind and considerate treatment which I have received from you. I extend a welcome to the newly elected member of the board, I cannot refrain from saying that in past years I was familiar with Mrs. Stiton's work as a teacher in our schools, and if her work as a member of the board is as painstaking and efficient as was her work in the schoolroom, the district will have faithful and conscientious service."

Mr. Warren stepped from the platform to receive thanks and a cordial handshake from Mrs. Stiton. Director Beach ascended the rostrum and became the new chairman. Mrs. Stiton moved into the seat vacated by Director Beach, and the new School Board was ready for business.

As a preliminary the retiring Director thanked for his efficient service as chairman. H. S. Allen was re-elected Clerk, and in response to Director Thompson's demand for a few remarks, delivered the longest speech he has ever been known to make.

"This is the 12th time I have been elected your Clerk," he said, "I have endeavored to be faithful and if I have failed in any way it is not because I have not tried to do my best. Again, gentlemen, er—er—ladies and gentlemen, I thank you." Clerk Allen's bond was fixed at \$50,000.

Chairman Beach thought work should be begun on the New Central School, on the East Side, as the weather is favorable for excavating. The building committee was instructed to inspect the plans of the school made by the late R. H. Miller, architect of the board. It was suggested to Mrs. Stiton that she accompany the committee.

The request of H. E. Desch, superintendent of the Oregon exhibit at Buffalo, that the Portland public schools make an educational display, was referred to Chairman Beach, Mrs. Stiton and Superintendent Rigler, with power to act. The display will cost \$100, and must be ready in five weeks.

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"Later," she added, with a smile, "I may have something to say."

"It is a little early for Mrs. Stiton to know the routine of work," said Director Williams.

"Yes," chimed in Chairman Beach, as he dropped his gavel and declared the meeting over.

COMING ATTRACTIONS.
"Faust" at Cordray's.

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Death of Arthur Bergvin.
Arthur Bergvin, a young man whose parents live on the corner of East Ash street and Union avenue, died yesterday afternoon at St. Vincent's Hospital, where he had been several weeks, suffering with pneumonia. Three months ago his right ankle was crushed under a car wheel at Canby. Although the injury was serious he recovered, but soon afterward was taken sick, and had to be removed to the hospital. He was an estimable young man, about 21 years of age.

NEW TODAY.
Full-weight creamery butter, 40c; 2 dozen fresh eggs, 25c; 10 lb prime No. 1 ground coffee, 30c; 2 lbs. coffee, 25c; No. 1 lemon, 10c; 2 lbs. big oranges, 25c. Call and get our full price list.

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232 North 14th.

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WOODMEN OF THE WORLD.—All members of Portland Camp No. 107, are requested to meet at the home of Mrs. J. W. Pratt, 404 Fourth and Yamhill, at 8 o'clock P. M. this (Thursday) afternoon. The purpose of our late neighbor, F. S. Pratt. All members of the order are cordially invited. HERMAN SCHADE, Clerk.

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MANNING.—In this city, March 13, 1901, at the residence of her parents, 319 Webster st., Frances Catherine, eldest daughter of Mr. and Mrs. George F. Manning, aged 1 year, 4 months. Funeral notice later.

FUNERAL NOTICE.
PETER.—In this city, March 12, 1901, at 2:15 A. M., Francis B. Peter, aged 41 years. The funeral will take place today, 2 P. M., from Holman's undertaking parlors. Interment at Riverview cemetery. Saginaw, Mich., papers please copy.

EDWARD HOLMAN, Undertaker, 4th and Yamhill sts. Res. 3500 1/2. Lady assistant. Both phones No. 507.

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Always even in quality and color.

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WHITE & McCracken, Agents. Rooms 314-315 Commercial block, as per Portland, Or., March 11, 1901.

NEW SCHOOL BOARD

Mrs. Stiton Seated as First Woman Director.

WELCOMED BY OLD MEMBERS

J. V. Beach Becomes Chairman, Vice R. K. Warren—H. S. Allen Elected Clerk of the District for the Twelfth Time.

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