

RELES ON ALBI

Line of Defense in Hillsboro Burglary Case.

A GREAT HIATUS OF TIME

Eleven Hours on Night of Crime Unaccounted For.

SEEN EARLY NEXT MORNING

Many Letters Are Introduced Showing the High Regard in Which the Minister is Held in Many Parts of the Country.

CASE FOR DEFENSE.

The defense commenced the presentation of its case in the Hillsboro burglary case today. He had witnesses to testify that he was in Portland at 11 P. M. the night of August 31; that his room bore every evidence of having been occupied the remainder of the night, and that he was seen to leave the room shortly after 6 o'clock the next morning.

The wheel he used on the evening of August 31 is an old machine, used as a hack-about wheel for messenger boys while there is repairing. It was covered with mud from sprinkled streets when it was left and had the same kind of dirt when returned. A wheel used in the country would have dust instead of mud. In the opinion of the machinist the wheel never came to Hillsboro that night.

HILLSBORO, Or., Jan. 15.—(Special.)—The third day of the trial of Rev. R. H. Kennedy for alleged burglary of the Warren residence the morning of September 1 was opened this morning, the state resuming its case. Several witnesses were called to testify to the time required in riding from Hillsboro to Portland, or vice versa.

J. W. Bailey, of Hillsboro, a druggist, made the trip on ordinary roads, dusty, in summer time, by daylight, in two hours; he had made it in one hour and 20 minutes as a speed test.

Elmer Smith, of Portland, under similar circumstances, had made the trip in an hour and 25 minutes.

Loren Palmiste, of Hillsboro, had made about the same time.

Each of the witnesses all of whom are fairly good riders, testified that the time of a wheelman in an appreciable light night would depend on the amount of recklessness he showed.

Kennedy a Good Wheelman.

W. M. Parker, of Albany, was called and testified that he knew Mr. Kennedy when he was pastor at Albany. He said he knew Mr. Kennedy rode a wheel and had seen him carry a child on the bicycle, and that Mr. Kennedy had brought a wheel with him when he arrived from California to locate in Albany. He said Kennedy had told him he was a timber cruiser some months ago.

Constable Sappington testified that he served the original warrant of arrest and that when he first went to the Kennedy home the minister paid no attention to him for some little time. When arrested he said that Mr. Kennedy asked him if it was "for the Warren job," and that he used the expression "Job." At this time the state rested its case and the defense started to prove its alibi.

Frank Harrington, who at one time owned a saloon in Portland and who for some years had been connected with the Courthouse as an attaché in after years, testified that he lived at Peninsula. He said the first time he met Mr. Kennedy was when he was about September 15, when the defendant came to his home in Peninsula and asked him if he did not remember of a man asking the way to the electric sawmill at St. Johns on the evening of August 31.

Not Sure of the Day.

Harrington stated that after Kennedy had refreshed his memory he remembered that a man riding a wheel had called at his house at not earlier than 3:45 in the evening about two weeks prior to September 15, but he would not swear that it was on the night of the robbery, the night before that, or the night after the robbery.

He swore that he had not fixed the date in his mind, but that about two weeks prior to September 15 he was satisfied that he had pointed out to Mr. Kennedy the way to the electric mill and at that particular time of the evening. Upon cross-examination he admitted that he had talked with Detective Ford (who was supposed to be in the employ of Mr. Kennedy) about this affair. Harrington said he merely talked with Ford about the case because he knew Ford knew this territory, and that he did not know that Ford was in the employ of the defense.

Testimony From Lodging-House.

The next was a deposition before Reference Runyon by Sadie Freshman, of Portland, who was chambermaid in the Multnomah Lodging-House, Portland. She testified that she saw Kennedy leave the room the next morning after the robbery some time after 6 o'clock. She testified that the bed looked as though it had been occupied and that the occupant had washed and used the towels, but that there was no more evidence of dirt than in any of the other rooms. Upon cross-examination she testified that she saw him leave the room at 6:15 or 6:30.

Mrs. Sadie Ingram, who managed the lodging-house at the time Kennedy allegedly had stopped there (after returning from St. Johns) on the night of the Warren robbery, sent her deposition from Minneapolis and in substance her evidence was: Kennedy came to the lodging-house in Portland, about 17 miles from the scene of the robbery, at 5 P. M. the evening before the burglary; he had registered

and been assigned the room 13 and disappeared 14; did not see him again until 7 in the morning, but had seen light all the evening in the room and had heard a noise in the room; believed he was in the room; room looked as though it had been occupied; did not know who occupied other and adjoining rooms. Would not swear that he was there; and was sure she had seen light in the room after 11 o'clock or between then and 12.

Saw Bicycle in Hallway.

Conductor Dorneside, of the Independence motor line, was the next witness. He testified that he had arrived in Portland from the San Francisco veteran encampment and that he had slept at this lodging-house and that when he went out the next morning about 6:15 or a little later he saw a wheel in the hallway of the house, but did not remember seeing the chambermaid who testified before a referee in Portland last night that she was in the hall and had seen Kennedy leave at about 6:15 or 6:30.

This is the case of the defense, so far as an alibi is concerned, and the evidence goes to show that not a living soul testified that they saw Kennedy on the night of the robbery between 7 P. M. and the next morning at 6 o'clock, except Mrs. MacKinder and Miss Warren, who positively swear that they recognized the burglar at the Warren home about 3 on the morning of September 1.

Impressed With His Bearing.

A. S. Dresser, Register of the Oregon City Land Office, was the next witness called. This witness caused a ripple of excitement throughout the courtroom, for he testified that when he first met Kennedy he was impressed by his language, by his evident culture and by his gentlemanly bearing, almost the exact words of Mrs. MacKinder in describing her first impressions after meeting the minister.

Mr. Dresser testified that Kennedy was at Oregon City about 10 o'clock in the morning of September 1 and asked to look at some maps in the office. Someone else showed Mr. Kennedy the maps, if he saw them at all, as Mr. Dresser went to the Postoffice and when he returned Kennedy was gone.

Delivery of Accident Policy.

James Daniels, a laborer in a sawmill at Boring, testified that Kennedy sold him an accident policy and that Kennedy delivered it and that he saw him at Boring at 7 in the morning, August 31. The Boring Hotel man also testified that Kennedy left his place the Monday morning prior to the Hillsboro robbery.

E. H. Weisel, for whom Kennedy was writing insurance, told about seeing Kennedy both the day before and the day after the robbery in Portland. He stated that Kennedy had written the policy some time before and had taken an order on the man's employers for the payment. The witness said, as all did who saw Kennedy the next day after the robbery, that the defendant did not look altered or at least that they did not notice any change in his appearance.

Rev. A. Robinson, of Hillsboro, saw the defendant in Portland between 10 and 11, or about when he was supposed to be at Oregon City, according to the Dresser evidence.

Mr. Wells, of Portland, testified that he saw Kennedy in Portland the day before the robbery and had paid for an article on Oregon trees and shrubs, giving him in lieu of cash an advertising due bill which Kennedy was authorized to sell for cash or trade to Portland mercantile houses which wished space in the publication.

Seen Early in Portland.

J. H. Gault, a son of Representative Gault, and who is a warm personal friend of Kennedy, testified that he saw the defendant in Portland shortly after 7 o'clock the morning after the crime. Gault and several others afterward were questioned as to bicycle riding the time between here and Portland, and it would appear that this will be one of the strong arguments of the defense that Kennedy could not come out, effect the robbery and get back in the time limit.

Upon cross-examination Gault denied that he had told Miss Sigler, of Hillsboro, while out walking, that he wished to see Kennedy acquitted even if he were guilty, as he thought the trial would be sufficient punishment. It is understood that Miss Sigler will swear that Mr. Gault remarked this to her while out promenading.

Good Reputation in Albany.

Several Albany people, notably A. Brownell, H. Bryant and others, testified that Kennedy's reputation while at Albany was good, but upon cross-examination answered that they had not heard of Kennedy. Hoff Percy R. Kelly, of that city, testified with the others that Landis' reputation was very bad. Landis yesterday testified that some time during the last summer he had seen Kennedy riding across the Albany steel bridge about midnight upon the same night that Dr. Winward's wheel was stolen. Kelly was not asked as to the reputation of Kennedy by counsel for the defense.

Mr. Merrill, of Albany, and with whom Kennedy stops when he visits the Linn County capital, said that Kennedy's reputation was good and Landis' was bad. When asked by District Attorney Allen: "Was Kennedy's honesty questioned?" the witness hesitated, deliberated and finally said:

"I don't know."

H. V. Gates and wife, of this city, testified to coming home on the same train with Kennedy the night after the house-breaking. They noticed nothing wrong in his appearance.

Other bicycle expert testimony from two farmers, one on each of the leading Portland roads was elicited.

President Perrin of Pacific University, Hon. Thomas Adams and several other prominent Forest Grove people testified that Kennedy's reputation was good at Forest Grove, but all answered that they never had heard of Kennedy, upon cross-examination.

Dr. Winward, of Albany, arrived this evening, and testified that he left a wheel July 13, and that after the robbery at Warren, Landis had told him about meeting Kennedy on the Albany bridge, but that he would not believe Landis, as his reputation for truth and veracity was bad. The doctor did not know whether Kennedy was at Albany at that time.

Affidavits from prominent people at Chattanooga, Tenn., where Kennedy resided and where he entered upon the study of the ministry and where he worked in the composing-room of a newspaper, testified to his good character.

An affidavit letter from Hon. H. Clay Evans, of London, England, United States Consul-General for the United States, was also read, and while the letter did not show acquaintance, it went on to say that the writer knew Kennedy and that his reputation was good. Similar affidavits were read from Boston, East Pepperell and other places.

The court adjourned shortly before 6 this evening, and will convene at 9 tomorrow morning. It is not known that the defendant will take the stand, but the court should finish some time tomorrow evening, except the argument.

"HEZ" WINS CONTEST

Whitman Unanimously Given Intercollegiate Debate.

LABOR UNIONS UNDESIRABLE

That is the Decision of the Judges After Hearing the Conclusive Arguments of the Washington College Men.

UNIVERSITY OF OREGON, Eugene, Or., Jan. 15.—(Special.)—The Whitman College debating team was the second intercollegiate debate between the University of Oregon and Whitman College, held in Villard Hall this evening. The decision was unanimous and met with the approval of a large and enthusiastic audience. The debate was a spirited contest.

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WANT THE FIRST TIP

Landgrabbers Heretofore Had Advantage of Leak.

OBTAIN LIEU LAND OF VALUE

Federal Officers Meet With the State Land Board and All Present Enlarge Their Knowledge of the Situation.

SALEM, Jan. 15.—(Special.)—"Give the state the first tip" was one request the State Land Board made of the Department of the Interior through Gifford Pinchot and F. H. Newell, when they consulted at Portland a few days ago.

As representatives of the President Messrs. Pinchot and Newell asked the members of the State Land Board to meet them and express their opinions regarding local land matters in Oregon. Among other things the members of the board explained the manner in which speculators have gobbled up state lands in Oregon in advance of the creation of reserves. The state wants a change to keep these lands.

In almost every instance in which the Department of the Interior has withdrawn land from entry for the purpose of making a forest reserve, it has been found that some private capitalists had in some way secured information as to what would be done, and then bought up the state land at \$1.25 per acre. As soon as a reserve had been created the land became worth \$4 to \$5 an acre as base for the selection of lieu land.

The members of the board explained to the representatives of the Federal Government that a measure was to be created, the state would like to be informed as soon as any one else, so that the state land could also be withdrawn, and the state profit by whatever rise there might be in the value of the land. The state does not ask to be informed in advance of every one else as to what the department intends to do, but the board wants to receive the first information that is given out, at the same time that others receive it.

The state wants to share in the first tip, so that speculators shall not make all the profit. Mr. Pinchot thought this a reasonable request, and said he would submit it in writing as a portion of his report.

It is not likely that the state will ever profit much by any information it may secure relative to forest reserves. Very few lands, if any, will be withdrawn for the future, and as to lands already withdrawn, the evil has already been done.

During their conference with Messrs. Pinchot and Newell the members of the State Land Board learned for the first time that the purpose of the proposed reserve in the Rogue River country was to produce a forest rather than to preserve one. It was stated that a large part of the tract included in the proposed reserve has been burned over and the timber destroyed. It was explained to the Land Board that the project is to create a reserve and protect the growing timber, and a new forest, and take the place of that which was destroyed by fire. That is one of the proposed reserves which contains a large amount of railroad grant land that will be available for use as scrip in the reserve should be permanently created.

The conference between the State Land Board and Messrs. Pinchot and Newell was a very pleasant one and resulted in a better understanding between the representatives of the state and Federal land departments. The men from Washington learned more regarding the needs and wishes of the state, and the Oregon officials gained information concerning the plans and purposes of the Government.

There were mutual assurances of co-operation in land matters with a view to the accomplishment of the best results.

STATUS OF ARMSTRONG CASE.

Next Appeal is to the Power of the Federal Courts.

SALEM, Or., Jan. 15.—(Special.)—Pleasant Armstrong is under sentence to be hanged at Baker City one week from today. An application is pending before the Supreme Court for stay of execution, unless the execution is a writ of probable cause for appeal. An appeal has been taken from Judge Eakin's order directing that Armstrong shall be hanged, but this appeal does not stay the execution unless the Supreme Court is never very critical in examining the questions presented on appeal, when a certificate of probable cause is asked for. If there is any room for an argument the certificate is usually granted.

After he has exhausted his remedies in the State Court, Armstrong can seek relief in the Federal Court.

Gives Names of State Officers.

SALEM, Or., Jan. 15.—(Special.)—Secretary of State Dunbar has recently compiled and published a small pamphlet entitled: "Official Directory, State of Oregon." It contains the names of all state officers, members of state boards, commissioners, officers of state institutions and schools, and also a list of all county officers. Many requests are received for information such as is given in this pamphlet and by means of it the Secretary of State can promptly answer all such requests.

Many of the states get out an elaborate and expensive "Blue Book," which has the same purpose as this small pamphlet of 16 pages.

Kidnaping Case to Supreme Court.

SALEM, Or., Jan. 15.—(Special.)—The kidnaping case of State of Oregon vs. James White, from Multnomah County, was appealed to the Supreme Court today. About a year ago White and "Mysterious" Billy Smith were jointly charged with the crime of kidnaping C. A. Buren, a Portland capitalist, and were sentenced to one year's imprisonment. He appealed and has been out on bail pending a hearing before the Supreme Court.

Barbers Will Charge Two-Bits.

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Woodburn Tax is Twelve Mills.

WOODBURN, Or., Jan. 15.—(Special.)—At a special meeting of the Woodburn school district, held in this city today, a 12-mill tax was levied for school purposes and the Board of Directors authorized to enlarge and improve the school premises.

Clergymen Take Notice.

Applications for clergy certificates for the year 1904 are now at the office of A. L. Craig, general passenger agent of the Oregon Railway and Navigation Company, and those entitled to permits will please call at room 1, Worcester building, for the same.

Will Try to Fill His Place.

SALEM, Or., Jan. 15.—(Special.)—The State Board of Education of the Oregon Railway and Navigation Company, Secretary of State and Treasurer, will probably take no immediate action in filling the vacancy in the sailor board-in-house commission, caused by the resignation of J. W. White today.

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THE OLD RELIABLE

ABSOLUTELY PURE

THERE IS NO SUBSTITUTE

LOADED WITH MUCH LOOT

ITALIAN HOBOES ARE PUT IN JAIL AT HEPPNER.

Alleged to Have Held Up Reginald Horbern, of Boise, When Seized in Box-Car at Irigoin.

HEPPNER, Or., Jan. 15.—(Special.)—Joe Rosa, Andi Rosa and Bassi Dominick, the three Italian hobo who held up and robbed Reginald Horbern, at Irigoin, in Morrow County, were given a preliminary hearing in Justice Williams' court here today.

The men were sullen and refused to talk, and as an interpreter could not be found, little could be gotten out of them. Horbern was the only witness examined for the prosecution. He told a straight story and positively identified the three Italians as the men who held him up. He also identified and described the watch taken from him.

Joe Rosa, who appears to be the leader of the gang, entered a plea of not guilty. Justice Williams placed the three men under bonds of \$100 each to appear at the next term of Circuit Court. They made no attempt to secure bonds and were committed to the County Jail.

Reginald Horbern was also placed under bonds of \$100 to appear at the next term of Circuit Court. He was being a man of good appearance, his bonds were furnished in Heppner. The statement made that Joe Rosa had drafts amounting to \$500 on his person was an error, as the papers, after close investigation, have proven to be only receipts for drafts that have been sent, and are of little value. One of the men had in his coat pocket a leg just below the knee-cap. This was taken from Horbern, was all that could be found.

An inventory of the plunder taken from the prisoners, consisting of watches, jewelry, razors, revolvers, etc., is enough to make quite a showing in a country store.

PRIZE-WINNING ANGORS.

Goat Show at Dallas is a Very Great Success.

DALLAS, Or., Jan. 15.—(Special.)—The second and last day of the fifth annual Angora goat show, now being held in the large woolen mill building in this city, opened with a large attendance, despite the stormy weather. The crowd today was larger than yesterday, and a special motor from Independence and Monmouth brought a large crowd of interested spectators.

The exhibit of Angora goats was the best ever shown at this place, and the contest for awards was very close in nearly every instance. The display of fine poultry, sheep, hogs and dogs is far above the average.

Among the exhibitors of fine hogs was Thomas Brunk, of Eola, who had on exhibition a herd of ten Poland China pigs. The largest prize ever paid for a sow in open sale. The hogs on exhibit here are of the same strain, two of the sows weighing 350 and another 387 pounds, the latter having won three straight prizes at the Salem Fair.

Fred Koser, of Rickreall, also had on exhibition a select herd of pigs, one boar weighing 675 pounds.

The awarding of prizes on Angoras was done by Judge W. B. Angus, of Salem, Mo., secretary of the National Stock-raising Association. Following is a list of prizes awarded in the registered Angora class:

Buck, born before March 15, 1903—First and second prize, U. S. Grant; third, C. Staats.

Buck, born after March 15, 1903—First and second prize, William Riddell; third, U. S. Grant.

Buck, 1 year old—First prize, William Riddell; second, H. L