

JURY IS CHOSEN

Murder Trial of David Van Houten On.

INSANITY WILL BE PLEADED

Wife's Infidelity to Be Urged as Justification.

PROSECUTION OPENS ITS CASE

Will Ask Conviction on Ground That Man Has No Right to Take Law Into His Own Hands Under Any Circumstances.

The juryman that will try David G. Van Houten for the murder of Albert Young, last December, have all declared themselves to be entirely unprejudiced against any plea that may seem in harmony with justice. Not one of them, according to their own statements, is prejudiced against an insanity plea, nor have they radical beliefs regarding any of the points that will figure prominently in the trial.

The jury is made up as follows: A. W. Allen, Harry Deal, W. H. Markell, Charles J. Cook, James Mallott, A. L. Hazzler, Frank D. Higgins, E. C. Johnson, J. H. Small, M. C. Sandell, A. J. Gelding, J. B. Ziegler.

David G. Van Houten's lawyers will plead temporary insanity brought on by domestic troubles in extenuation of his act in shooting down Albert Young, a saloonkeeper, on December 31. They will also seek to establish that Mrs. Minnie Van Houten, wife of the accused man, was guilty of infidelity and that Young was the cause of her waywardness. On these grounds they will seek acquittal. At least this would be indicated from yesterday's opening proceedings in the murder trial, which is the sequence of the tragedy in the North Pacific saloon, which occurred two evenings after Christmas. The trial is being held in the Circuit Court before Judge Sears. Remarkable progress was made yesterday, a jury of 12 being selected and the testimony of four witnesses for the state being taken before the hour for the adjournment of court arrived. The defendant is being represented by Attorneys Logan and Cleaton, while District Attorney Manning, Deputy District Attorney Spencer are looking after the state's interests. From the progress made yesterday it is thought the trial may be concluded by Saturday.

Van Houten appears to realize fully the seriousness of the situation. Through the whole day he sat with bowed head, his face partially covered by his left hand. Hardly did he shift from this position, and not once during the examination of jurors or witnesses was he seen to lift his head or exhibit any signs of interest in the proceedings.

Behind him sat his aged father, who came from Montana to render his son all the assistance possible. The elder Van Houten in decided contrast to his son's demeanor, took a lively interest in everything that was done and carefully scrutinized every juror and lawyer from head to foot.

The courtroom was crowded and many stood out in the corridors unable to get inside. Most of those present were friends and acquaintances of the prisoner and there was the usual gathering of the curious.

Much Sympathy With Prisoner.

That the sympathies of many were with the prisoner was evident when, at the noon recess of the court was declared, Fully 20 of those who knew him gathered about his seat to shake his hands and extend their hopes for his acquittal. Van Houten smilingly acknowledged all these messages of good cheer, and gave each of his friends a hearty handshake.

There were a large number of talesmen to select the jury from, and many were rejected because of having formed opinions or being prejudiced against the plea of insanity or for believing no man has the right to take the law into his own hands. Charles Sequest had formed a strong opinion as to the guilt or innocence of the defendant, and he was excused by the court. Frank W. Miller declared openly his belief that the defendant was guilty. He was dismissed. The court then took occasion to remark that talesmen who had formed opinions should refrain from making their opinions known.

Eugene Shelby said he had a strong prejudice against sitting in a murder case of that sort, and his services as a juror were dispensed with. H. A. Maltby, secretary of the Oregon & Columbia Railway Company, would have made an excellent juror for the defendant had he been accepted. He stated his belief that the law is entirely inadequate when a man's wife has been betrayed. He was excused by Judge Sears.

The entire venire was finally exhausted and a special call for two talesmen was made at noon, returnable at 2 o'clock. Eight jurors had been secured, and it was thought from the showing made at the forenoon session that the others could be selected from a venire of ten. The venire in this respect proved well founded, for the jury was completed before the case was then proceeded with.

Prosecution Opens Its Case.

Deputy District Attorney Spencer made the opening address to the jury on behalf of the prosecution. He painted Van Houten in scathing terms, likening his temper to that of a demon and saying he was as ungovernable as the infernal Mr. Spencer said that since the marriage of Van Houten and his wife he had treated her cruelly and of late had forced her to earn her own living and supply him with much of his spending money. It was entirely through her efforts, he said, that their two children have been clothed and cared for, their father contributing in no way to their support.

"It is now very unbecoming of this man," declared Mr. Spencer, "to try to save his own hide by publishing his wife and the mother of his children to the world as a lawbreaker and a woman of ill repute." In concluding his address he outlined the facts surrounding and leading up to the shooting.

The opening address for the defense was made by Attorney Cleaton. He referred to the speech of the Prosecution Attorney and intimated that officers who continually prosecute cases become prejudiced through their daily dealing with guilty culprits, finally coming to believe that the fact of a charge having been preferred against some person renders him guilty.

"We expect to show," said Attorney Cleaton in conclusion, "that the lives of the defendant, Van Houten, and his wife, Minnie Van Houten, ran along smoothly

after their marriage. They were blessed by two children, and while they had their little differences, such as come into all families, their lives ran along smoothly enough. The husband loved and even worshipped his wife and believed her as pure as heaven itself. And she loved and appeared to love him and all was well until one unfortunate day an evil influence came into her life. We will show how Van Houten saw his life's affection depart and how the truth finally thrust itself upon him."

The first witness, Dr. A. J. Giesy, was then called and the trial of Van Houten for his life was fairly under way. Dr. Giesy gave testimony regarding the nature of the wounds on the body of Albert Young, saying there was one bullet hole in the side and another in the arm, showing where two balls had taken effect. It was the wound in the side that had proved fatal.

R. F. Strain, of Montavilla, the second witness called by the state, testified that Van Houten was at the Strain home several hours prior to the shooting, and had acted rather queerly. Fred McCroskey, a saloon-keeper, who was the third witness testified that the defendant was in his saloon at 308 Irving street a short time before the shooting. The testimony of these two witnesses was preliminary, and was intended to show Van Houten's whereabouts immediately before the tragedy.

A. A. Powers, a poker dealer at the North Pacific saloon, the scene of the killing, related what he saw of the affair before he beat a precipitate retreat through the front door when the shooting commenced. He says Van Houten entered the place and said something to Albert Young and then fired. Young closed in on his assailant and a second shot was fired. The witness said he heard Van Houten say something to Young before firing, but could only distinguish the one word, "wife," which seemingly was spoken in a louder tone of voice.

On cross-examination the witness said he was in the habit of spending his evenings in the North Pacific saloon, although he has no business there, not having been employed as a poker dealer for the past month. He liked to sit around the place and have a good time, so he admitted in answer to questions from Attorney Cleaton.

No other witnesses being on hand, the prosecution asked that the case be continued until this morning at 10 o'clock.

LOCAL DOCTORS DISSENT.

Doubt Statement That Overdose of Poison Prolonged Wright's Agony.

Many a local physician took a dusty volume of materia medica from his bookshelf yesterday and looked up the deadly effect of cyanide of potassium. The telegraphic report from London stating that an overdose of this most deadly of poisons had prolonged the agony of Whitaker Wright, in his determination to evade his seven years' sentence to penal servitude, aroused the memory of something contrary in the medical books, and the doctors are smiling at what they term the absurdity of such a statement.

When a man's neck is broken he is dead, and when paralysis of the heart takes place man's connection with this world is only in the flesh. According to Dr. George Frank Butler, the great Chicago physician, one-eighth of a grain of cyanide of potassium is sufficient to cause death in any case. Dr. Samuel O. L. Potter, of New London physician, and now at the head of the Cooper Medical Institute of San Francisco, is authority for the statement that one-half grain of the deadly drug is sufficient to sever man's connections with terra firma.

Prussic acid, one of the most deadly poisons known to science, is the active factor in cyanide of potassium. The drug when taken internally usually causes very sudden paralysis of the heart, unless taken in a very small quantity and after eating a very heavy meal, when the patient has sometimes been saved. If death does not occur from paralysis of the heart shortly after the drug has been taken, paralysis of the respiratory center is the cause of death. Death occurs in almost every case in from one to 40 minutes, only one case where longer suffering was endured by the suicide having been recorded, when one hour and 15 minutes elapsed before death occurred.

Emesis is sometimes caused by too large a dose of some kind of poisons being taken, coming quite frequently in contradistinction to the attempts of the suicide, but cyanide of potassium taken in sufficient quantity to cause death seldom fails to have the desired effect, and in no case has a life been saved or suffering prolonged by an overdose. Such is the opinion of the prominent local physicians.

Dr. A. Tilsner said: "Death usually takes place in from five to 10 minutes, only one case being recorded where a longer time elapsed prior to death. In this case death was the result of asphyxia produced by a direct paralytic action of the poison on the respiratory center. The statement by Mr. Whitaker Wright's case that a small dose would have produced death sooner is not borne out by the experience of toxicologists. It is a fact that when smaller doses are taken death has been delayed."

Physicians rarely have an opportunity of treating a case where cyanide of potassium has been taken, death in nearly every case occurring before medical aid can be secured. A suicide in a Portland hotel some years ago is an illustration of the quick and deadly work of the poison, death having occurred before a dozen steps had been taken by the man who swallowed the poison.

Trouble With Militiamen Averted.

PUEBLO, Colo., Jan. 28.—The case of the men of Company G, Colorado National Guard, who announced yesterday that they would hold the state armory in this city until the state remunerated them for services in Cripple Creek, looked serious for a time today, when Adjutant-General Sherman Bell sent word to Pueblo to have warrants sworn out against each of the men. Later, however, a telephone message was received from Governor Peabody announcing that Paymaster Gross would be in Pueblo at noon tomorrow to pay all the Pueblo men of Companies B and G who were on duty during the strike.

DROPPED THROUGH ROADWAY.

Ralph Olmator Fell Twenty Feet on East Ankeny Street.

Ralph Olmator, a boy 15 years old, fell through the elevated roadway on East Ankeny street, between East Second and East First streets, Wednesday evening, and was severely bruised. He dropped

NOMINATED FOR NEW MEMBERS OF THE MULTNOMAH CLUB BOARD OF DIRECTORS.



E.H. HANBRIGHT



ARTHUR O. JONES



W.A. ROBB



DAVID HONEYMAN

TO PREVENT COLLISIONS

STREET RAILWAY COMPANY INSTALLS DISPATCHER'S OFFICE.

Man Will Warn Motormen on Hawthorne Avenue of Approach of Southern Pacific Trains.

The Oregon Water Power & Railway Company is having an elevated dispatcher's office and flag station built on the southwest corner of Hawthorne avenue and East First street, which will make any collision between an electric car and a train on the Southern Pacific tracks practically impossible. Electric cars on Hawthorne avenue cross the tracks of the Southern Pacific Railway Company at this intersection every few minutes, while passenger and freight trains pass at frequent intervals.

Several accidents did occur a few years ago at this point, but not since the company required the conductors on electric cars to leave their cars and flag from the intersection. This takes time. The big electric cars have to come to a stop and wait until the conductors find out that all is clear and safe, but the man in this elevated station will command a full view of the tracks of both lines on Hawthorne avenue and East First street, and will signal the motorman on electric cars of approaching trains on the Southern Pacific tracks.

Assistant Superintendent Fields, of the Oregon Water Power & Railway Company, said a man will occupy the station day and night. Even with the conductors flagging the electric cars there is an element of danger that cannot be eliminated where so great a number of cars pass the intersection. The dispatcher's office and flag station is perched on the top of a large post. It is about 20 feet high, and is so placed that the dispatcher will have a full view of the Southern Pacific tracks northward almost to the steel bridge, and southward to the curve, while he will command a view of the electric car tracks across the Madison street bridge and east on Hawthorne avenue for about a mile. The little cabin being built on the top of the high pole has attracted much attention.

HAIR GROWS AGAIN.

Irene Exley, of Graham, Recovers From a Singular Accident.

Little Irene Exley, whose hair was stripped from her head by a separator last August at Graham, Ore., is recovering from the effects of that accident. Mrs. Exley was having her daughter's hair cut in a Grand-avenue barber shop.

It was feared at the time that the hair would not grow over the spot on the right side of her head which had been left entirely bare, but the hair is now coming in, and there is little indication of the damage wrought.

TO BUILD SCHOOLHOUSE.

Oak Grove District Has Had Plans for Building Prepared.

Oak Grove, the new district just south of Milwaukie, will soon have a new schoolhouse. Plans have been prepared for the building, and Clerk Daniel Calkins has them ready for examination by contractors. This is district No. 10, and a school is now maintained there. Some pupils of the higher grades are attending the Milwaukie school for the present. The proposed schoolhouse will cost about \$2000.

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H.W. KERRIGAN



F. MORRIS DUNNE

His men have been chosen by the nominating committee of the Multnomah Club to fill the positions which will be left vacant on the board of directors on February 6. At that date the annual election will be held, and according to the custom of the club President Pratt appointed the nominating committee for the purpose of choosing the most active men available for the positions. After several weeks' consideration, they have made their choice, and it is not anticipated that any one will be put up to run against them. The nomination is considered as good as an election.

The attempt of the committee, as expressed by Lansing Stout, the chairman, has been to pick from the body of the club members men they considered the most actively interested in the welfare of the club. Of these Herbert W. Kerrigan takes the greatest interest in outdoor sport, having a long career behind him. F. Morris Dunne represents indoor activities. The others cannot be readily classified. They are all members who make the most of the club, however, and can be counted on to look after the best interests of the club.

East Side Notes.

Mrs. Pearl C. Pourmentin, wife of Charles Pourmentin, died yesterday at her home, 161 East Thirty-fourth street. She left an infant. The family recently arrived from Oklahoma, and are strangers in the city.

Property-owners on East Washington street, between Union avenue and East First street, are having part of that block filled up so they can reach their buildings. Since the big fire in that district several months ago nothing has been done to clear away the wreckage and open the street. The movement to fill up the street between Union avenue and East Washington street has made no progress.

Irish Leader Travels for Health.

DUBLIN, Jan. 28.—John Dillon has gone to the South of Italy under his doctor's orders, and will not return to Ireland or engage in politics for four months. In a farewell letter to John Redmond, Mr. Dillon wrote that it was consoling to know that the Irish party would not allow the question of Irish freedom to be redesigned from the front place by any other political question.

EXPENSIVE SEASON FOR VEGETARIANS.

NEW YORK, Jan. 28.—Vegetarians here are having a rather expensive season in supplying themselves with food. All kinds of green vegetables are high in price and scarce in quantity, owing to the long and continued cold, and people in ordinary circumstances have been compelled to fall back on "canned goods."

Smallpox Experts Going to Manila.

CAMBRIDGE, Mass., Jan. 28.—Drs. Tyler and Tinkerhoff, who have been assisting Dr. Connerman, the bacteriologist of Harvard University, in recent experiments into the cause of smallpox, will leave for Manila soon to continue work there along the lines pursued at Harvard. Besides smallpox, other tropical diseases which are likely to be brought to this land through growing intercourse with the islands, will be investigated.

DAVE G. VAN HOUTEN IS ON TRIAL FOR MURDER OF ALBERT YOUNG.



DAVE G. VAN HOUTEN



T. J. CLEATON AND J. E. LOGAN, ATTORNEYS FOR THE DEFENSE

FATHER OF THE ACCUSED.

DAVE VAN HOUTEN.

there are now several large business houses carried on exclusively in this new wholesale district growing up about the railroad yards.

The two districts, the wholesale and the retail, are predicted in time to divide up the section of town lying between Morrison street and the depot. Just what proportions each will get depends on the growth of business, but an equal division of spoils is counted upon.

BETTER PROTECTION FROM FIRE

New Companies to Be Installed in New Engine Houses.

That North Portland may be better protected from fire, a fire engine and hose company is to be installed in a new engine-house at Fifth and Irving streets.

South Portland will also be looked after. Another engine is to be put in a new engine-house near Jones' sawmill. The ground for the engine-house has already been provided for, and the engine, which has been ordered from the Eastern manufacturers, will reach the city some time in the early spring.

The engine which will be placed at Fifth and Irving streets will be of the same size as Engine 1 at the department headquarters, at present the largest engine in the city. The house will be erected near the southeast corner of Fifth and Irving, adjoining the Zimmerman Wells Company. The engine and equipment will cost about \$12,000. A full company of firemen will be stationed at the new engine-house.

For years the residents and property owners in the terminal yard district have asked for better fire protection. It has been everywhere admitted that they were poorly protected, and insurance rates have been proportionately high on that account. Councilman Hummel, of the First Ward, has been rustling about for the past three months making arrangements for the new engine-house. The Northern Pacific Terminal Company, a great part of whose valuable property is directly affected, agreed to supply the ground, and now the city has done the rest. The matter is definitely closed, and the engine is expected here within two months. As it is generally believed that by that time the full-paid fire department will be in operation, the full equipment of men will be placed there without delay.

The increasing number of warehouse and factories near the terminal yards made the installation of a new engine in that vicinity imperative.

WYOMING HAS GOLD CRAZE.

A Very Rich Strike Is Made in the Muskrat Canyon.

SUNRISE, Wyo., Jan. 28.—Northern Laramie County is in a tumult of excitement over a gold strike made this week in Muskrat Canyon. Prospectors are flowing into the district by scores, and every foot of ground for miles around is being staked. A true fissure vein of gold quartz was opened up and has shown values running over \$2000 a ton in gold.

Burnett's Extract of Vanilla

Used exclusively by leading hotels and clubs



Economy Brand Evaporated Cream

is of uniform quality at all seasons, always pure, heavy in consistency, of delicious flavor and appetizing appearance.

Ask for the brand with the "Helvetia" cap label. Made by the largest producers of Evaporated Cream in the world.

It so happens in Portland that the retail district presses upon the residence district, and that readily capitulates. But meanwhile if the wholesale district does not interfere, it is interfered with, it has room to spread, but only parallel with and not obtruding on the retail district. This is gradually forcing it north, a direction that it would naturally take, jobbers say. In that quarter the railroad facilities sidings are almost a necessity to half the jobbing trades and they are seeking out locations where these conveniences can be had. Where there were only a few warehouses with sidings a few years ago,



LADY AND COOK.

What is this Lady doing?
She is explaining to her Cook that Cottomene is better than Lard for all Cooking and Baking Purposes.
Why does the Lady prefer Cottomene while the Cook prefers Lard?
Because the Lady is Intelligent and the Cook is Ignorant.
How does the Lady show her Intelligence?
Having convinced herself by Study and Experiment that Cottomene is the Best Shortening, she insists on having it used in her Kitchen.
How does the Cook show her Ignorance?
Having used Lard all her life, she refuses to make any change, even for the Better.
Moral: "Cooks are Stubborn Things."

Cottomene will be found at good grocers. Sold only in sealed tins. 20-page Cottomene Primer, illustrated in colors, from which above is one page, sent free on request. Made only by THE N. K. FAIRBANK COMPANY, Dept. 393 CHICAGO.