

TRIALS TO GO ON

Judge Bellinger Rules Against Defense.

CRIMES MAY BE PROVED

Must Show That Defendants Are Again in Jeopardy.

JURY TO BE CHOSEN TODAY

Attorneys for Defense in Land-Fraud Cases Argue That Their Clients Are Being Tried Twice for the Same Offense.

The farion hope led by Thomas O'Day and Charles E. Hardy for the defense in the land-fraud trial has been dashed aside by the decision of Judge Bellinger, and the case will go to trial this morning at 10 o'clock. It is expected that the jury will be secured early in the afternoon and that the first witness can be examined by the prosecution by the time the court adjourns for the day. Neither the prosecution nor the defense wish to waste time, as all are tired with the long strain of the previous trial. The case will be out of the way by the Christmas holidays.

When Judge Bellinger convened court yesterday morning Judge O'Day asked that he be allowed to file his plea of former conviction, former jeopardy and similar petition filed by Mr. Hardy be argued in conjunction with the argument upon the plea of the other defendants. Before this could be done, however, the court overruled the motion of the defendants, asking for a new trial, and denied their petition for arrest of judgment.

Judge O'Day then filed his plea of former conviction, former jeopardy and similar petition, in behalf of the defendants, and the plea was considered demurred to by the prosecution and was argued.

In stating his argument, Judge O'Day said that the defense in entering the plea proceeded on the theory that the government could not carve out a small offense from the greater, and then, having once convicted the defendants upon that charge, turn again to the large offense and try the parties over again upon the same charge.

The indictment of the government had alleged that the defendants were guilty of a crime against the government, and that they had entered into a conspiracy to defraud the government out of a portion of its public lands in township 11 south of range 7 east, and that the date of the conspiracy was charged as being on or about the 1st day of January, 1901. Upon the indictment the defendants had once been tried and convicted.

At this time now comes the prosecution and attempts to try the same defendants upon the same charge under a different indictment, the attorney declared.

The second conspiracy was alleged to have been formed on April 1, 1901, and the government alleged that the defendants "did conspire together to defraud and deprive the government of a portion of its public lands by means of forged and fictitious entries." Under the second indictment the defendants could be tried for having defrauded the government out of any lands in the state, whether in township 11 south of range 7 east or any other place. The indictment was general and covered the whole state. Under it the defendants could be tried for the same offense upon which conviction had been had, the same evidence could be used and the parties would be twice put in jeopardy for the same offense.

Judge O'Day's Argument.

This fact was claimed as a bar by Judge O'Day, who argued that the defendants, under the law, could not be tried twice for the same offense, and that he was tried upon facts growing out of the former indictment. This argument also applied to the case of Marie Ware, who had once been tried upon a charge of having conspired to defraud the government out of lands in township 11 south of range 7 east, and had, upon the motion of the prosecution, been ordered acquitted. She could not therefore be tried for the same offense again.

Mr. Hardy argued the plea of former acquittal for Miss Ware, and stated a number of authorities as bearing on the question.

Mr. Healy in his reply stated that the argument included questions of fact and of identity of person. The latter was conceded by the defense and was therefore eliminated from the argument.

"Two Offenses," Says Heney.

As to Miss Ware, there has been no testimony to show that she was a party to the first conspiracy; there has been no evidence tending to connect her with the first conspiracy, and for that reason she could not well claim to have been once in jeopardy. It was not the same conspiracy, but an entirely different offense. The first had been entered into on one date in one part of the state, and having been completed, or practically so, the plan to gain the lands in the other sections had been formed, and McHenry and Miss Ware had been taken into the conspiracy thus formed anew. All during the trial the defense had objected to the introduction of any evidence other than that bearing directly on township 11 south of range 7 east, showing that they had recognized the separate offenses. Now that they had been beaten, they come in and say in chorus that the offense was identical, was his argument.

The argument was continued by Mr. Hall and finished by Judge O'Day.

Crimes May Be Identical.

Judge Bellinger, at the close of the discussion, denied the plea and ordered the trial to proceed at the opening of court this morning. The court held that there might be many agreements to defraud proved, because there had been many agreements made. But the same proof could not be used to prove the different agreements. In that case the court would have to conclude that the crimes were identical, and order that the jury take such notice. If the facts of the case as tried tend to show a separate agreement then the different offense can be proved and the trial can proceed. Judge Bellinger, however, stated that while his convictions were positive, his reasons were not entirely clear, inasmuch as there was much to be said upon the side of the defense, and that he would not make a final and definite statement until later in the trial, as occasion might demand.

Married in Haste, Now Repent.

Carlton, where Triplett has a hop farm, and they formerly lived in Eastern Oregon. During the days of their courtship it is alleged that the father of Mrs. Triplett objected to an avial. The young couple insisted upon keeping each other's company, and finally eloped and were married. Now it seems they no longer love, and want the law to sever the nuptial bonds.

LIBRARIANS HERE IN JULY.

American Library Association Sets Date for National Convention.

The American Library Association, which will convene in Portland next summer, has announced to Miss Isom, the public librarian, through its secretary, Dr. E. C. Richardson, of Princeton, N. J., that July 2-8 has been settled upon as the dates of the meeting. Miss Isom and the other delegates who attended the convention in St. Louis the past summer were instrumental in securing the 1905 convention for Portland, and it is hoped that many strides in library work will be made through its coming. One important step in this work in the Northwest will be the formation of an Oregon Library Association, including both college and public libraries, its object being development of the work.

The Art Association will probably vacate the upper floor of the Public Library building in March, and the much-needed additional room for book shelves will then be available. The reference and cataloging departments will be placed on the second floor, and the spaces now occupied by them will be utilized by the circulating department and periodical room. The children's room will probably be moved into the present periodical room, giving it an absolutely necessary enlargement. A new library station has been established at Lents with Arthur Geisler in charge. The Portland staff will undergo some changes. Miss Mabel Hoge takes the place made vacant by Miss Besse Brown, who has moved to Indianapolis. Miss Dewart, who passed the examination last week, is serving an apprenticeship. Miss Louise Van Duzer, assistant librarian of State Memorial Library, of Elmira, N. Y., may come to the Portland Library, having recently passed the examination for that position.

FINAL MEETING OF THE YEAR

Chamber of Commerce Trustees Arrange for Good Roads Meeting.

The board of trustees of the Chamber of Commerce held its final meeting of the year yesterday morning. The meeting transacted considerable routine business. At the beginning of the meeting, which was presided over by President W. J. Burns, a telegram was read from Secretary of State John Hay, in which the Chamber was commended for its recent stand in favor of international arbitration.

A communication was received from the Milwaukee (Wis.) Chamber of Commerce asking the adoption of a resolution against uniform bills of lading, such as are about to be adopted by railroad companies. It was urged in the communication that the uniform lading bills are detrimental to the interests of shippers, as they enable the railroad companies to gain immunity from their common-law liabilities as carriers.

The question was referred to the committee on transportation. The Chamber passed a resolution endorsing House Bill No. 8002, lifting the tax from such classes of alcohol as are not used for drinking purposes.

An invitation was issued to President John Scott, of the Oregon Good Roads Association asking him to come to Portland next month and speak before the Chamber on the important subject of good roads and the work of the association.

REFORM PRAISE SERVICE.

Masmeeting Will Commend Sheriff's Anti-Gambling Crusade.

A citizens' mass meeting, having for its purpose the indorsement of the late actions of Sheriff Tom Word, and to commend and rejoice over the decision given by Judge George in the recent gambling case, will be held in the Marquis Grand Theater next Sunday, afternoon at 3 o'clock.

The various religious institutions of the city are behind the call, and will send a general citizens' meeting, and in no way a Municipal Association session, it is generally understood that the latter organization is lending its moral support.

The meeting will be addressed by prominent business men and clergymen, and the present municipal conditions will be discussed. Confidence in and approval of the actions of Sheriff Word will be strongly expressed. The question of municipal corruption will also find a place on the programme.

The suggestion for this meeting came spontaneously from several sources, and while it might have been brought up later, it is thought the recent visit of Jacob A. Rils hastened its occurrence.

MRS. BROUGHER INJURED.

Baptist Pastor Learns of Painful Injuries to His Mother.

Dr. J. W. Brougher, of the First Baptist Church, received a telegram from Oakland, Cal. yesterday stating that his mother, Mrs. F. C. Brougher, had met with a most painful and serious accident, breaking both arms and receiving internal injuries. Mrs. Brougher resided in Portland the past Fall and made scores of friends among the doctor's congregation, all of whom will be distressed over her misfortune. The message stated that the injuries are not serious, and that Dr. Brougher's pressing duties prevented him starting to Oakland immediately, but if he receives further unfavorable news regarding his mother's condition, he will go to her without delay.

DIES BETWEEN COUPLES.

Edgar M. Watson Crushed by Cars in Terminal Yards.

In an accident yesterday in the Terminal Company yards near Hoyt street, Edgar M. Watson was almost instantly killed by being crushed between the couplers of two cars.

Coroner Finley took charge of the body. E. E. Dreyer, A. A. Abbot, William Abbot and Samuel Johnson, witnesses to the death, told of the affair, and the coroner thought an inquest unnecessary. Watson was the son of Mr. and Mrs. Elmer Watson, 435 Ross street. He was aged 22 years, and was employed by the Terminal Company. He was a member of Webfoot Camp, Woodmen of the World.

\$12.50

The Price for a Good Suit.

The Brownsville Woolen Mill Store is without doubt the busiest clothing store in Portland these days, and it is no wonder, when only \$12.50 will buy the pick and choice without reserve of any suit in the store.

There are now over fifteen hundred suits in the store, ranging in price at \$15.00, \$16.50, \$18.00, \$20.00, \$22.50, \$25.00, and a few up to \$30.00.

This sale is for the purpose of reducing our immense stock, and will run only to January 1.

Brownsville Woolen Mill Store, \$2.00 styles for, each... \$1.52 \$3.00 styles for, each... \$2.18 \$3.50 styles for, each... \$2.65 \$5, \$5.50 styles for, each \$3.95

DO YOU WEAR GLASSES? Properly fitting glasses and MURKIN promote eye comfort. Murkin makes weak eyes strong. Druggists and opticians, or Murkin Eye Remedy Co., Chicago.

The Meier & Frank Store Holiday Specials

Smoking Jackets Men's \$12.50 Smoking Jackets, plain and fancy weaves on sale for \$10.15 Men's \$15.00 Smoking Jackets, silk, velvet and Tuxedo styles; great bargains \$12.35

Lounging Robes Men's \$6.50 Lounging Robes, plain blue and gray colorings; cord and tassel \$5.35 Men's \$6.00 Terry cloth Bath Robes, striped and fancy effects \$4.85

Silk Petticoats All our best styles are greatly reduced in price— \$14.00 Silk Petticoats \$10.85 \$16.50 Silk Petticoats \$12.95 \$18.00 Silk Petticoats \$14.65 \$24.00 Silk Petticoats \$18.45

\$8.50 Table Sets \$6.40 Hemstitched Satin Damask Table Sets, cloth 2x2 yards, one dozen napkins to match; regular \$8.50 value on sale for \$6.40 \$10.50 Table Sets for \$8.15 \$12.50 Table Sets for \$8.90

Ribbons 3c a Yard 5000 yards of all silk, satin and gros-grain ribbons, odd shades, No. 5 and 7 widths only, marvelous value, yard \$3c All silk, double-faced satin Ribbons, 20c to 60c values, yard 12c

Black Silks 21-in. \$1.25 Peau de Soie \$0.98 21-in. \$1.50 Peau de Soie \$1.27 23-in. \$1.65 Peau de Soie \$1.37 22-in. \$2.00 Peau de Soie \$1.63 20-inch Black Taffeta \$0.59 24-inch Black Taffeta \$0.83 27-inch Black Taffeta \$0.97c

Comforter Specials \$5.50 saten cov. Comforters \$4.40 \$6.50 saten cov. Comforters \$5.25 \$7.50 saten cov. Comforters \$6.25 \$12.50 silk cov. Comforters \$10.15 \$17.50 silk cov. Comforters \$15.00 \$25.00 silk cov. Comforters \$20.00

Haviland China 60 pieces Haviland China Dinner Set, green floral decorated, with gold finish, \$33.50 value \$29.50 100-piece Haviland China Dinner Set, same as above, \$47.00 value \$39.75

Basement Bargains \$3.75-\$4 Fern Dishes \$3.19 \$2.25 Plated Tea Baskets \$1.83 \$2.25 plated Tea Set \$4.19 \$2.50 plated Pickle Castors \$1.98 \$2.75-\$3.00 Beer Steins \$2.25 \$3.00 plated Syrup Pitcher \$2.59

Dressing Sacs All our Eiderdown Dressing Sacs at special low prices: \$1.00 Dressing Sacs \$0.78c \$1.50 Dressing Sacs \$1.18 \$2.25 Dressing Sacs \$1.85 \$3.25 Dressing Sacs \$2.48 \$3.75 Dressing Sacs \$2.78

Handkerchiefs These Specials—Second Floor. Women's unlaundered hand-embroidered and hemstitched sheer linen Handkerchiefs, regular 25c values at each \$16c Women's demi-laundered, hemstitched and embroidered all-linen Handkerchiefs, best 25c values, each \$16c Women's hemstitched and embroidered or scalloped edge Handkerchiefs, 50 styles to select from; great values, each \$12c

Women's Swiss Handkerchiefs, embroidered, scalloped or hemstitched edge, also lace trimmed, 100 styles to select from; regular 35c values for \$25c

50c Sheet Music 10c All the newest and most popular music, vocal and instrumental 10c copy— "Susan Van Duzan" "Louisa Schmidt" "Strolling on the Pike" "Her Boy in Blue" "Karama" "Yankee Land" "Mr. Wilson" "Zono" and many others, copy \$10c

Children's Furs Child's White Thibet Fur Set, round muff and collar, \$3.50 value set \$2.42 Child's Angora set; regular \$1.75 value \$1.52 Child's White Coney set \$1.38

Golf Blouses All our Golf Blouses and Norfolk at reduced prices: \$2.00 styles for, each \$1.52 \$3.00 styles for, each \$2.18 \$3.50 styles for, each \$2.65 \$5, \$5.50 styles for, each \$3.95

Artistic Picture Framing to Your Order at Lowest Prices—Orders Promptly Executed

The Meier & Frank Store

PORTLAND'S LARGEST AND BEST STORE Buy a "Willamette" Sewing Machine for the Housewife's Christmas Gift—\$15 to \$35 Holiday Merchandise Purchased This Week Free and Delivered When Wanted

Our Complete Art Goods Department

Can supply all the needs of the fancy worker promptly, satisfactorily and at the very lowest prices—Everything that is required in Silks, Braids, Ornaments, Needles, Cushions, Hoops, Pompons, Cords, Etc., will be found in complete assortments—These special values to attract you today

Stamped Pillow Tops—Holly wreaths, red poppy, fleur de lis, conventional, scroll and other designs. Great special values at \$19c Stamped Pillow Tops—Lewis and Clark, cross-stitch, holly, King and Queen of Hearts, colonial, baby-rose and Dutch designs. 43c Stamped Pillow Tops—Bedella, Easter Brown, conventional and cross-stitch designs. 56c values for \$47c



Holiday Specials in the Book Store

A big table full of copyrights, best bindings and popular authors. Great special values at \$50c The Simple Gift in three editions—Cloth, 25c; paper, 10c "In Love's Garden" the hand-somest gift book of the year. "Peck's Bad Boy," always a good book for the boys, copy \$39c "Helen's Babies"—Special \$30c Jacob Rill's popular books are all on sale here at the lowest prices. "The House Cook Book," 1904 Chatterbox—Special \$1.00 "Samantha at the St. Louis Fair"—Special \$1.00 1905 Calendars, immense variety: Christmas Cards, many styles. All the latest copyrights \$1.08 Books for boys, books for girls, children's books.

Slippers for Men, Women, Children

The grandest values for the money to be found anywhere about town Men's fancy leather Slippers—splendid styles—all sizes. Regular \$1.75 value on sale for \$1.39 Men's fancy leather Slippers—Regular \$1.25 values, pr. \$92c 300 pairs of men's fancy velvet Slippers, pair \$62c Women's low felt Slippers—wine, blue, red and black. Regular \$1.50 values, pr. \$1.29 Women's low felt Slippers—black, blue, brown, wine, gray—\$1.25 values, pair \$98c Men's and boys' Slippers in immense variety—all the newest and best styles—all leathers. Regular \$1.50 to \$3.00 Men's Riding Boots at special prices. Women's Riding Boots at special prices.



Raincoats at \$9.90

We place on sale today 100 Women's Cravenette Raincoats—This season's very best styles in Oxford and olive, a great special purchase from a leading manufacturer, very best style, belt all around, collarless, button and outhouse braid trimmed, all sizes, only 100 of them, remember. We don't expect them to last many days at the remarkably low price of \$9.90 Second Floor.

HOLIDAY FUR SALE

Great special holiday sale of Furs in Portland's leading cloak store—Second Floor. Short Cluster Scarf in Japanese mink \$4 tails, regular \$3.00 values—\$1.98 Short Cluster Scarf in brown opium-sum, mink, 6 tails, regular \$5.00 values—reduced to the low price of \$3.72 Long brown Marten Scarf, 6 tails, cord and ornaments, best \$11.00 value—on sale at the low price of \$9.25 Gray Squirrel and Molekin Neckpieces, handsome styles, regular \$9.00 and \$12.50 values—on sale at the price of \$6.55 Gray Squirrel and Molekin Neckpieces, newest styles, \$12.50 to \$16.50 values—on sale at the low price of \$8.25 22-inch Electric Seal Jacket, \$35.00 value, for \$29.25

KNIT UNDERWEAR SALE

Women's swiss ribbed silk and lisle Union Suits, in pink, blue and black, regular \$3.00 values \$2.27 Women's "Harvard Mills" fine ribbed silk and cotton mixed Vests, cream only, \$1.25 value \$93c Ankle-length tights \$93c to match Women's extra heavy ribbed wool Vests, in gray, \$1.75 value \$1.43 \$2.00 "Harvard Mills" Vests and Pants, all wool ribbed \$1.53

Great Holiday Rug Sale

The Great Holiday Rug Sale is interesting crowds of buyers—Rugs of all kinds and sizes are marked at saving prices—Take advantage—Third Floor 18x36 Axminsters—\$1.25 values for, each \$83c 27x60 Axminsters—\$2.75 values for, each \$1.88 36x72 Axminsters—\$4.50 values for, each \$3.49 30x60 All-Wool Smyrnas—\$3.00 values, each \$1.65 30x60 All-Wool Smyrnas—\$4.00 values, each \$2.17 27x54 Utopia Rugs—\$4.50 values, each \$3.47 27x54 Royal Wiltons—\$4.75 values, each \$3.45 36x63 Royal Wiltons—\$8.50 values, each \$6.95 Sakai Oriental, 30x60 in.—\$6.50 values, each \$5.10 27x54 Nubia Rugs—\$2.00 values, each \$1.47 Entire stock of Oriental Rugs at 1/4 off regular prices.

Great Bargains in "Toyland"—Third Floor

Special bargains in new Toys for today and tomorrow—Inducements to make as many as possible do their Holiday shopping this week—More satisfactory to you as well as ourselves—Portland's greatest "Toyland" is here on the Third Floor—Two good old reliable "Bull Run" elevators to take you up and down—The original Santa Claus is "at home" to the children mornings and afternoons



Large all-wire doll Go-Cart, most durable kind, \$2 val. \$1.27 Galloping Horse, 29 in. high, Mexican saddle, \$3.25 value \$2.47 Great Combinola Game Board, 50 popular games on a board \$2.75 Mechanical Train on track, 3 pieces, \$1.00 value, for \$75c See our full-dressed Doll at \$1.00; \$1.25 is price elsewhere, today \$69c Stout kid body Doll, with bisque head, curly hair, moving eyes, real shoes and stockings, 16 inches long, great value, each \$33c Electro-oxidized iron Passenger Train, engine, tender and 3 coaches, regular \$1.25 value on sale for \$89c Steel wire Folding Cradle, 9x18 in., regular 25c value for \$18c Extra fine Sailboat, 75c value \$39c Slate Blackboard, adjustable folding frame, \$2.35 value for \$1.37 Doll's Cozy Corner, complete with pillows, elegantly trimmed \$67c Child's willow Morris Chair, strongly built, regular \$1.75 value \$1.17 Automobiles, Handcars, etc.—Third Floor.

The Meier & Frank Store Holiday Specials

40c Hosiery 25c Women's fancy embroidered Hosiery, eight different styles; best 40c values, all sizes, pair \$25c Great holiday sale of fancy lisle and Black Silk Hosiery.

\$3.50 Fans \$2.57 Each 25 beautiful lace and spangled Fans, plain or decorated; regular \$3.00 and \$3.50 values are being offered for \$2.57

Cut Glass Specials Cut Glass Bowls, 8-inch size, very pretty cut; regular \$5.00 values for \$3.97 5-inch Cut Glass Bowls, handsome cut; regular \$4.00 values on sale for \$3.18 \$3.00 Cut Glass Spoon and tray \$2.49

Carving Sets Handsome Carving Set in case, stag handles; reg. \$4 val. \$3.19 Silver stand fruit dishes; regular \$3.75 value on sale for \$3.12

Chafing Dishes \$10.00 Nickel Chafing Dishes, fancy cover, best burner; special at \$8.12 Nickel 5 o'clock Teas, wrought-iron stand; regular \$2.50 value for \$1.98

Men's Gloves 92c Pair Great special values in men's Kid Gloves, in shades 6 1/4, 7, 7 1/4, 7 3/4, good shadings, \$1.25, \$1.50 values on sale at the low price of, pair \$92c

"Anasco" Cameras A suitable gift for man, woman or child, every one guaranteed: Baby Anasco Cameras, ea. \$2.00 3 1/2x3 1/2 "Anasco" Cameras \$5.00 4x5 "Anasco" Cameras \$7.50 4x5 folding "Anasco" \$13.00 3 1/2x4 1/4 fold "Anasco" \$13.00

\$1.75 Gilt Mirrors \$1.39 25 handsome standing Gilt Mirrors; regular \$1.75 values on sale for \$1.39 Sterling Silver Baby Comb and Brush Sets, great values at \$1.25, \$2.00, \$2.50, \$3.50 set.

Stationery Bargains Fancy boxes of holiday stationery, values extraordinary at: 50c boxes for, each \$39c 60c boxes for, each \$46c 80c boxes for, each \$71c \$1.00 boxes for, each \$83c \$1.25 boxes for, each \$95c \$1.75 boxes for, each \$159

Xmas Necessities Holly sets for tying up Xmas parcels, box \$10c Gummy labels for addressing Xmas pkgs., book \$10c Paper Napkins and Tablecloths, holly pattern.

Burnt Leather Albums Burned Leather Kodak Albums; entire stock at reduced prices: 45c values for, each \$35c 75c values for, each \$59c \$1.35 values for, each \$1.10 \$2.00 values for, each \$1.67 Triplicate Mirrors \$2.50 to \$10

Celluloid Boxes On the second floor, near millinery section, we are offering a great special lot of fancy celluloid and Austrian boxes, also fancy boxes of stationery at ONE-THIRD OFF regular prices.

Men's Handkerchiefs Extra values in men's colored silk Handkerchiefs; 50c, 75c and \$1.00 values for \$38c Men's pure linen Handkerchiefs, initialed, each \$25c Box of six for \$1.40

Boys' Pants 59c 300 pairs of boys' all-wool easel-made Pants in grays, browns, plaids and mixtures, extra well made, ages 3 to 16 years; 85c values, pair \$59c

Coffee Machines Handsome nickel "Sternau" Coffee Machine, \$7.50 value \$6.14 Children's silver-plated mugs, \$1.50 values for \$1.23

Velvet Ribbon 19c No. 1 colored Velvet Ribbon for holiday purposes, all colors, brown, black, white, lavender, green, gray, pink, navy, mail, cream, purple, light blue, red, piece \$19c