

THE TRIAL OF WILLIAMSON, BIGGS AND VAN GESNER

to tell, Judge Bennett cross-examined Duncan, and just before he closed he, too, almost lost his temper. Duncan was one of the men alleged to have been selected to take up a claim for Williamson and Gesner. He testified that he and his wife had both taken up claims under promise that the money with which to make final proof was to be paid by Dr. Gesner. He testified that he had given a note for the money that was advanced to him. His claim, he swore, never came up for final proof, because Dr. Gesner had read to him a story in The Oregonian containing an interview with Secretary Hitchcock. The witness testified that Dr. Gesner had said that the Secretary was "mad" and because of this was evidently so much trouble in sight over the Oregon land frauds, that he (Gesner) could not furnish Duncan with the money to make his final proof.

Duncan stated on the stand that Biggs had made out the papers when he made his relinquishment, and had written the order returning his right to take up another claim. There was an attempt made to prove that Biggs had anticipated the relinquishment of Duncan, and had the papers all made out when Duncan called at his office. Like many of the other questions put to the witness, he could not remember. Duncan was on the stand for two hours. He was subjected to the severest sort of questioning, and his evasiveness must have been exceedingly provoking to both Mr. Henry and Judge Bennett. Mr. Henry developed the facts from the witness that he was still in the employ of Williamson and Gesner, and that he had talked before the trial with Attorney Barnes, who is aiding the defense.

JURY IS QUICKLY CHOSEN

Judge De Haven convened the United States District Court at 10 o'clock, and directed that the clerk call the names of the jurors. This being done, the court ordered the clerk to fill the jury-box, preparatory to selecting a jury in the case of the United States vs. Williamson, Van Gesner and Marion K. Biggs, A. E. Blinn, S. L. Brooks, Arthur Robertson, John H. Paulsen, Webb Must, Barney May, M. V. Thomas, G. O. Walker, J. E. Henkle, W. P. George, E. Haberman and Reuben Fanton were drawn to fill the box.

United States District Attorney Henry H. Bennett, who was present, made the statement of the case to the jury, and upon objection by the counsel for the defense, the same was followed by a statement as permitted by the ruling of the court. Upon this selection of the jury was begun.

A. E. Blinn, the first man on the panel, was examined by Mr. Wilson. The witness stated that he was a livestock man at Heppner, Morrow county, and that he had been a resident of that place for several years. On direct examination, the witness asked him whether or not he had read The Oregonian in regard to the land fraud case, or in regard to the case of Williamson and Gesner, and he stated that he had read of the land frauds, but had no definite remembrance of any one article. The juror had met Williamson at Heppner, and had heard him talk, but was not well acquainted with him. He had no prejudice against any of the defendants.

"Are you conscious of any prejudice against any man because he is a member of Congress?" asked Mr. Wilson. The witness said he was not.

"You would give him a fair show?" "Yes, sir."

"You would prejudice against a man because he is in the sheep business?" "No, sir."

HARRY MURPHY'S SKETCHES AT THE FIRST DAY OF THE WILLIAMSON-BIGGS-VAN GESNER TRIAL



had formed a strong prejudice on account of what he had read and heard. It would take a great deal of evidence to shake his present belief.

Reuben Fanton Excused.

Reuben Fanton, of Carus, Clatsop county, was not agreeable to the Government. He seemed willing to serve, but he was willing to have a man like yourself on the jury," he was asked by Mr. Wilson. "I most certainly would," was the answer, and the Government entered a peremptory challenge.

Arthur Robertson, a bookkeeper of Springfield, testified that he had heard a good deal about the land cases, but had formed no opinion. He had read enough of the land cases to keep up on the news, but he had not formed an opinion. He was accepted by both sides.

Opening Statements Made.

First Witness is Campbell A. Duncan, Who Remembers Very Little.

Defense Makes Statement.

H. S. Wilson presented the case for the defense. He commenced his argument by relating the history of the defendants, and showing that all of them were men of high standing in the neighborhood in which they live. He then turned to the history of the Williamson-Gesner firm, stating that in 1902 the firm of Williamson, Wakefield & Gesner was running sheep in Wheeler county.

First Witness Testifies.

Campbell A. Duncan, of Prineville, was the first witness for the prosecution. He had lived in Prineville or near there for many years, and he had known Williamson and Dr. Van Gesner. In 1902 Williamson was in partnership with Dr. Gesner, and was a partner in the sheep business and was a partner in the land frauds.

Witness Testifies.

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"Have you forgotten it since yesterday?" the District Attorney persisted. "Yes," was the answer.

"Have you talked with these defendants?" "No, sir."

John M. Christopherson, to whom she was united in marriage in Chicago in 1898, was a drunkard. She was divorced and her maiden name, Goodwin, was restored to her. There are no children in this case.

Infidelity, Desertion, Drunkenness and Cruelty the Several Grounds Upon Which Actions Are Brought for Divorce.

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Marie Frazenbach told Judge George that her husband, William Frazenbach, a marbuter, drank and threatened to kill her and their child and then kill himself. She also stated that he falsely accused her of unfaithfulness. They were married four years ago. She was granted a divorce.

Emma M. Middleton was divorced from Frank J. Middleton, a carpenter, because of desertion. They have two children in the Children's Home.

William Sues, who is suing his wife, May L. Sues, for a divorce, testified at the trial before Judge Sears yesterday that he allowed Mrs. Sues \$20 to \$40 a month spending money, some of which went to buy champagne for Max Bailey, who was one of the empty bottles in Court as testimony. Sues also stated that he accepted the offer of his wife to pay her \$600 as a settlement after they had broken the agreement to read the minutes of the two preceding meetings, Montag being of the opinion that the idea possessed many bright educational features, and all through a caution was observed leading to the proceedings a sort of "show me" air.

Committees of Board.

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Because he wanted the grass, and that he would lend the money to get the grass," I don't remember.

"When was it that you first talked about getting the grass?" "June, 1902."

"You had been thinking of getting a timber claim, hadn't you?" "Well, I might have a little, but I don't remember."

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"Didn't you ask Biggs where you could get a timber claim and the money to file upon it?" "I don't remember."

"You were mad at Gesner because he would not let you have the money and said mean things about him, didn't you?" "I don't remember. I don't think I was very mad."

Not Mad at Gesner.

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QUESTIONS NOT PERTINENT.

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