

TRIAL IS NEAR
POINTS CLOSE

Government Will Conclude Its
Testimony Early This
Morning.

DRIFT OF PROSECUTION

Seeks to Shatter the Contentions of
Williamson's Defense by the
Evidence Which It Has
Just Introduced.

The third trial of the Williamson-Biggs-Gesner case is nearing its end. This morning one more hour will bring to a close the presentation of the Government's evidence, and the conduct of the last half of the case will be placed in the hands of the attorneys for the defense. Monday may see the commencement of argument, and it is probable that the jury will give the consideration of the guilt or innocence of the defendants by Tuesday noon.

Yesterday was a dull day from the standpoint of the spectators who waited to hear the testimony given by the last remaining few of the Government witnesses. The stories told, however, were of importance and brought the defense more and more into the influence of the charges made in the indictment.

Contention of Defense Weakened.

The contention of the defense that the cattlemen and the sheepmen in the vicinity of Prineville were at war in 1902 and that it was on this account the defendant sought to secure control of the range was weakened and damaged by the evidence of Paul Frank, a campfinder for the sheep firm of Morrow & Keenan, and by the story told by W. F. Elliott, who was in the cattle business in Crook County in 1902. The testimony of J. P. Lucas, ex-Register of The Dalles Land Office, drew Williamson into the net still more closely when he said that the defendant had told him during the early summer of 1902 that he and his wife would file on timber claims in a short time, that a large number of Prineville people would also file, and that Gesner would send the money to cover the fee. Lucas stated that Williamson had told him the firm "had to protect its range and stock."

W. F. Elliott's Testimony.

W. F. Elliott followed Frank upon the witness stand and told of his association with the defendants. He had been in the cattle business in 1902 and had been on friendly terms with Gesner and with Williamson. He and Gesner had used the same land in grazing their flocks and herds and during this time he had a conversation with Gesner in which the latter had urged him to lease a number of road sections in order to gain control of the range and keep other stock out of the country. Elliott had declined to do this on account of having as much land as the size of his lungs would justify. The witness did not remember of there being a "dead line" established in the country around Prineville. He said that in 1904 Morrow and Keenan had 600 head of sheep killed upon the land at that time in dispute between them and Williamson and Gesner and the first firm, as a consequence had abandoned that part of the country. Williamson and Gesner had secured the land which had been controlled up to that time by the other firm.

SHERRIFF SUES THE COUNTY

Word Would Recover for Sums Paid
Guards in Gambling-Houses.

To recover \$855 expended in suppressing gambling, Sheriff Wood yesterday filed suit against Multnomah County. The County Court when the bill was presented several months ago, refused to pay it. Judge Webster deciding that there was no law authorizing the payment of such a bill. The principal item is the salary of James H. Miller, who served in the Warwick Club, which the Sheriff closed and took possession of, so as to put a stop to poissouling. Other bills are for guards who served in the Portland Club, Paris House, and Little Paris. Henry E. McGinn, the attorney who prepared the complaint, states in that connection that the majority of the gambling-house keepers when on trial was that they were not proprietors, and they introduced false and perjured testimony, and forged bills of sale to win the cases. In consequence it is alleged the Sheriff found it necessary to adopt summary measures or fail to close the places; so he placed guards in the premises and kept them there until he received assurances that they would obey the law. It is further stated in the complaint that the amount realized from gambling cases in the way of fines amounted to \$700.

Judge Bradshaw for Defense.

Judge Bradshaw, of The Dalles, was put upon the stand, by the defense to testify concerning the good names and reputations of the defendants. It was necessary for the witness to return to his home to preside over the sessions of the Circuit Court in the Seventh district and Mr. Heney made no objection to his testimony being given before the close of the Government's case. Mr. Heney announced that the prosecution would be able to finish its case within an hour this morning and Judge Hunt adjourned the session until 9:30 o'clock.

PORTAGE ROAD'S HAUL.

Load of Produce Delivered by
Steamer at Celilo.

The first load of produce to be hauled over the Portage Road was received at Celilo yesterday when the steamer Columbia reached that place from Lewiston with 300 sacks of wheat, together with other commodities. The first shipment for up-river points will be a consignment of groceries, which will leave Celilo today.

Christian Endeavor Institute.

Christian Endeavorers of the Northwest held the last meeting of their institute

yesterday morning in the First Congregational Church. Von Ogden Vogt, of Boston, who has been the principal speaker before the institute, made an address upon "The Work of the League Union." This organization, which is an alliance between the Endeavorers of all the churches of the city, should have a four-fold purpose, according to Mr. Vogt. It should act as a clearing-house for all societies; it should foster complete spiritual harmony between the denominations, and should hold frequent meetings to keep all members in close touch with the work.

HAMILTON IS CONVICTED

TOO MANY HALF INTERESTS IN
MATRIMONIAL AGENCY.

Must Suffer Penalty of the Law on
a Charge of Petty
Larceny.

Andrew Hamilton, who conducted a matrimonial agency which he called the Interstate Introducing Society, was tried and convicted in Judge Sear's Court yesterday of swindling W. V. Young, one of his partners, and unless he succeeds in getting off with a fine, he will have to spend some time as a member of the rock-pile gang.

BECAUSE OF NEGLIGENCE

John Warner, a tinner, has neglected his wife and four children for the past four years, according to the testimony of his wife, Nettie Warner. She asked that he be committed to the workhouse, but afterwards did little for them. She took in sewing, and finally, when the burden became too great for her, told him to take the children, which he did. She said efforts at reconciliation failed, because she stated she could not have confidence in him. He formerly drank and associated with other women. The divorce was granted.

DRUNKENNESS A CAUSE

Deila Earl, who was married to T. C. Earl in Portland, in May, 1898, was granted a divorce because of drunkenness and cruelty. They have four children, and the youngest child is with the plaintiff. Mrs. Earl was divorced from Frank Turney because of desertion beginning in October, 1900. They were married in Oregon City in 1897. There is one child 5 years old, in the custody of the mother. Mrs. Earl is allowed to resume her former name Huffman.

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JUDGE FRAZER GRANTS MANY
DECREES OF DIVORCE.

PLAINTIFFS MAINLY WOMEN

Cruel Treatment and Desertion Are
the Chief Grounds Upon Which
Legal Separations Are
Asked for in Court.

Judge Frazer presided over the divorce court yesterday, and granted decrees of legal separation in 12 cases. The most prominent was the main case, and desertion was next in order. The plaintiffs were all women except in two cases.

Margaret Macdonald testified that she was married to Fred D. Macdonald at Vancouver, Wash., in September, 1897. They have three children, the oldest 5 years and the youngest 2 months. Mrs. Macdonald stated that Macdonald had abused her for the past six years, and severely assaulted her soon after the birth of the last child, and she was compelled to have him arrested and locked up.

Mary Funk was divorced from George R. Funk, ex-Deputy County Clerk and Deputy Assessor. Mrs. Funk testified that her husband associated with another woman at Montavilla, where they resided, and caused a great scandal in the neighborhood. The plaintiff further stated that Funk treated her shamefully, and once threatened to draw a revolver upon her. A son of the litigants, 14 years old, corroborated the statements of his mother, and there were other witnesses.

John Warner, a tinner, has neglected his wife and four children for the past four years, according to the testimony of his wife, Nettie Warner. She asked that he be committed to the workhouse, but afterwards did little for them. She took in sewing, and finally, when the burden became too great for her, told him to take the children, which he did. She said efforts at reconciliation failed, because she stated she could not have confidence in him. He formerly drank and associated with other women. The divorce was granted.

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A Present Without a
String to It

Resurvey and Original Measure-
ments Compared.

In the course of proceedings at a meeting of the street committee of the City Council yesterday, it developed that a satisfactory solution of the problems affecting the notorious South Portland fills has probably been reached upon the basis of the property-owners pocketing the loss on the amount found to be lacking in the resurvey of the fill on Front street, between Woods and Grover, the difference in measurement and the other fills not being considered sufficiently important to warrant any further action in that direction, it being accounted for in various ways that appealed to the satisfaction of the committee.

Under date of June 7, the City Engineer notified Auditor Devin that the Front street fill north of Gaines street was shown by the survey under municipal authority to amount to 24,900 cubic yards, while a resurvey by Mr. McMullen, under direction of the property-owners, only revealed a difference of 55 cubic yards, or 24,845 cubic yards; while in the matter of the Court-street fill, the resurvey brought out a difference of 713 cubic yards on an original estimate of 21,515 cubic yards.

In reference to the First-street fill, between Woods and Gaines streets, by re-measurement and allowing for an average shrinkage above the grade of one foot, to which point, according to Assistant Engineer Hanson, the grade was brought, this fill contains 23,264 cubic yards, an increase over the original estimate of 1,645 cubic yards, which difference, according to Mr. Hanson, is easily accounted for by unevenness in the surface of the ground under the fill, not now obtainable. The original estimate of 21,619 cubic yards was allowed in accordance with the custom hitherto prevailing in the City Engineer's office, upon which custom the contractors are alleged to have based their bids.

Relative to the fill on Front street, between Woods and Grover, it was shown by the report of City Engineer Wanser that the original estimate raising the fill to the established grade line amounted to 42,628 cubic yards, but this was figured on a basis of the street being 54 feet wide. The resurvey of the fill to a point three feet above grade line of the street, to which point the fill was actually raised, shows the amount of embankment to be 38,535 cubic yards.

According to Captain Wanser, the original estimate should have been figured to a width of street of 60 feet, instead of 54 feet, which would reduce the original estimate 2500 yards, or to the corrected amount of 40,135 cubic yards, leaving a difference between that amount and the present measurement of 1813 cubic yards, which difference is accounted for by irregularities in the cross-section of the surface of the ground under the fill, not now obtainable. Consequently, the City Engineer advised that the final estimate of this fill should be 40,135 cubic yards, which includes all the yardage added for shrinkage, which it has been the custom of the department to allow, and upon which the contractors unquestionably base their bids.

Mark O'Neill, who has been quite active in calling attention to the situation in reference to the fills, was present at the committee meeting as the representative of certain property-owners in the affected district, and stated that he did not wish to advise his constituents to go into litigation about the fills, as it appeared that only one of them was worth considering. He said that engineers, whose names he refused to divulge, had advised that the resurvey of the fills would demonstrate glaring deficiencies, but this had not proved to be the case, and he was willing to accept the concession from the city that the fills were correct, and that the amount of something like 2400 feet was found between the original estimate and the resurvey.

It was shown that the fill had been accepted by the city before the City Engineer discovered the error, and that the municipality has since expended \$3000 in leveling the fill up to a level.

In view of the circumstances, City Attorney McNary recommended that the assessment remain as amended, and to this the committee agreed.

Health Board and Garbage.

At a meeting of the health and police committee of the City Council yesterday forenoon, the proposed garbage franchise, granting exclusive privileges to the Northwest Civic Improvement Association and the Portland Garbage Company in connection with the handling of city garbage, was disposed of by resolution that it not be passed. There is a strong probability that the committee will recommend the passage of an ordinance in favor of the municipality handling the garbage, a conference between members of the City and City Attorney McNary