

FIRST DAY OF THE DEFENSE

Its Star Witness a Man of Unsavory Family, C. L. Brandon.

GESNER IN OWN BEHALF

Takes the Stand and Denies That He Has Done Anything Contrary to Law, and Undergoes Cross-Examination.

The first day of the defense in the Williamson case was a trying one for the defense. It started with an ill-selected witness chosen to tell of the motives and intentions of Dr. Gesner and Mr. Williamson. It placed a man, shifting of eye and unsavory of reputation, upon the stand to relate the fact that no contract had been made and no law had been broken. It added to the habitual smile worn by Mr. Gesner, but did not give any brilliant radiance to the circle across the table. Some who watched the trial, listened to the evidence and noted its effect, say that the selection of Clarence L. Brandon to lead the cause of the defense was a mistake, in tactics, at least.

Barnes Recalled by Heney.

When the session of the court was opened in the morning, George W. Barnes, the lawyer from Prineville, was recalled by Mr. Heney for a short questioning before the main work of the defense was taken up for the day. Mr. Heney elicited from Barnes that he was related to Gesner by marriage. He asked him if he had not told Knox Houston, in Prineville, a short time before the second trial of the case, that he was only waiting for \$50 to be given to him to return to Oregon before he started for Portland to assist in the trial of the case. This the witness denied.

Brandon Witness for Defense.

Then Clarence L. Brandon, the half-brother of the murderer, Claud Brandon, was called by the defense to tell his story, which proved not to be strong, and which was hampered by the hang-dog look and uneasy manner of the witness, once he was brought under the range of cross-examination.

Brandon said, in brief, that he was a resident of Sisters, Crook County, where he had a homestead, upon which he had cultivated 15 acres of land, and where he was at present making his home. He stated that in 1902 he had gone to Prineville on his way to Yale, Eastern Oregon, and had here met Campbell Duncan, a man who had told him that Gesner was looking for 100 men to take timber claims for him. Following the suggestion of Duncan, the witness had gone to the abearing camp, where he had met a crowd waiting to see Gesner. Duncan had asked Gesner if he would buy the claims of those who filed upon them, but Gesner had told him such a course was against the law. The defendant had also warned Duncan that he could not sell his claim or contract for its sale. Gesner, however, had told them all that after the patents had been secured the claims would be worth \$200 to him. He had further said that he could loan them the money for the fees, for which he would take a mortgage and would take the grass as interest.

Cross-Examination Severe.

On the cross-examination the witness spent some very unpleasant minutes in spite of the objections of Mr. Bennett, who argued the case for the prosecution. Gesner's family was not the crime of the witness.

Brandon testified that he had been the last man to see with Silas Brandon, his father, who had been presumed to have drowned this Summer in the Deschutes river while in Crook County with his son. The witness further testified that he had not been with Claud Brandon when he and a companion murdered John A. Linn near Eugene, and burned his body to hide the crime. He had been with the witness and had gone as far as Sisters with them, when he had stopped, allowing the other three to go on. Asked where John Brandon, another brother, was at the present time, the witness stated that he was sorry to say he was in the penitentiary. This brother is the man who killed John Fletcher, near Cottage Grove, about a year ago in order to get the insurance money from a policy made in favor of the murderer.

Life a Roving One.

Mr. Heney asked searching questions of the witness as to his whereabouts during all the years he has lived in Oregon as a man, and made a point of the fact that his life has been a roving one and unsettled.

The witness testified that he had come to Portland in answer to a telephone message from Dr. Gesner, who wished him as a witness. He had been promised the same fee that would be paid a Government witness. He had been in the office of M. R. Elliott at Prineville, where he had read in The Oregonian of Campbell Duncan's testimony and had noted its falsity. He had told Elliott of his being on the trip and through this conversation had become a witness for the defense.

Gesner in His Own Behalf.

Following Brandon, Dr. Gesner went upon the stand in his own defense, and told the same story which he has twice related to as many juries. He had gone to Biggs and Barnes asking for advice as to how he could protect his range. He had then been told that he could loan money on the claims and take a mortgage, and he had done so. He had not intended to violate the law and did not now think he had done so, inasmuch as he had made no contract with any of those who had taken claims.

A point was made by the defense of the dates of payment of the checks given Wilford J. Crain and George N. Gaylord. These checks had been given on December 5, while the witness testified to having received them a day sooner.

Dr. Gesner went on the stand during all of the afternoon, Mr. Heney finishing his cross-examination a little after 4 o'clock, when the court was adjourned until this morning at 9:30 o'clock.

WOULD QUASH INDICTMENTS

Attorney for Defendants in Federal Court Makes Argument.

E. B. Huston, attorney for the defendants in the Jones, Potter, Wade and Jones-Finch cases before the Federal court, contended yesterday afternoon that a motion to quash should be allowed by Judge Hunt because of the arguments made by United States District Attorney Heney before Judge Bellinger at the hearing of the Mitchell plea in abatement.

Mr. Huston appeared in argument in the Federal court for a short time in defense of his clients. The crime alleged in the indictments against them is that they entered into a conspiracy to defraud the

Government of land. The attorney stated that one of his reasons for the motion to quash was that the names of the witnesses examined before the grand jury were not affixed to the indictment, according to the provisions of the state law. Mr. Huston argued that during the hearing of the Mitchell plea in abatement, Mr. Heney had contended, and Judge Bellinger had sustained him, that Federal courts followed the state law of procedure. In that event, since the state law expressly provided that the names of the witnesses before a grand jury should be on the indictment, then his contention was right and the motion should be granted. Hence in arguing that Mr. Huston had misunderstood his meaning. The court took the question under advisement.

UNDERTAKERS IN SESSION

Funeral Directors Discuss Subjects of Importance to Members.

Undertakers from all parts of the Northwest, to the number of 45 assembled at the first annual convention of the Oregon Funeral Directors Association yesterday morning in Foresters' Hall. The convention will be in session until Friday afternoon. Among the important steps that will be taken by the undertakers is one of mandating more rigid laws from the State Legislature providing for the prohibition of the shipment of bodies of those who have died of contagious diseases. Steps will also be taken to have a stricter law enacted making it a misdemeanor for any one not a licensed undertaker to handle bodies of persons who have died of infectious diseases. During an afternoon session will be held by the Funeral Directors Association. Professor Clement Williams will lecture daily on subjects directly pertaining to the undertaking business, including embalming, the burial of bodies, etc. The election of officers and the examining of candidates for directors' certificates will be held Friday afternoon. During the stay of members of the association in Portland they will be taken to the Lewis and Clark Exposition and other points of interest.

MANAGERS VISIT PORTLAND

Agents of American Credit Indemnity Company See Portland's Fair at Company's Expense.

E. M. Treat, secretary, and R. H. Heed, assistant secretary and advertising manager of the American Credit Indemnity Company, with head offices in St. Louis and New York, are in Portland. These gentlemen are in charge of a delegation of 20 or more of the leading district managers and agents of the company who are in attendance at the annual convention, which this year convenes in Portland. The convention is usually held annually in St. Louis.

The American Credit Indemnity Company is a progressive business institution, and in recognition of efforts of its most capable men, it is the policy of the company every year to gather these men at its regular conventions, where questions of policy affecting the best interests of the company and its clients are freely discussed. All personal expenses of the agents on these annual outings are paid by the company. The convention this year is being held at the Portland Commercial Club. The forenoon of each day is devoted to the business of the convention, and the afternoons are given up to sight-seeing in St. Louis by way of Salt Lake City, Denver and Kansas City.

RATES FOR PORTLAND DAY

O. R. & N. Co. Allows Below One Fare for Round Trip.

Portland day at the Lewis and Clark Exposition, September 23, will be a summer if people of the state care to take advantage of the specially favorable rates for the Exposition and the road & Navigation Company to induce special travel on the date when the people of the metropolis desire to entertain all their friends and make a record for future attendance that will eclipse all other days.

Rates named for the occasion are the lowest ever announced in this territory, being below a one-fare rate for the round trip, and calculated to induce many persons who have not yet visited the Exposition to do so at once, while offering strong inducements for a return trip of those who have previously visited the fair. Tickets will be sold on September 25 and 29, with return limit of ten days, and will be honored on all regular trains with sleeping-car accommodations under usual conditions.

WOULD OUST THE COUNCIL

Business Men Organize to Accomplish This Result.

At a meeting of citizens and taxpayers of St. Johns, who had become tired of the deadlock in the St. Johns Council, held in Bickner's Hall last evening, a movement was started to oust the whole of the St. Johns Council. A committee was appointed to find out the legal possibilities thereof, and instructed to report at a meeting soon to be held. While this meeting was being held the Council was in session, and the committee reported in many weeks, grinding out many petitions for street work and transacting other business. The members seem to have had their ears to ground and heard something.

Portland Day Committees.

In response to the request of Mayor Lane, President Allen, of the Board of Trade, yesterday selected the following members of that organization to act with other committees in completing and carrying out the programme for Portland day at the Fair: Wallace Nash, F. J. McCormick, Dr. W. I. Cottell, J. D. Lee, W. B. Glafus, Don Zan, A. H. Steinbach, D. C. Burns, B. Lee Paget and T. J. Strong.

Vice-President Hoge, of the Portland Chamber of Commerce, who is acting president during the absence of President Wheelwright in San Francisco, yesterday appointed the following: William Ladd, W. H. Corbett, Edward Ehrman, W. J. Burns, A. H. Devers, C. J. Brown, J. E. Haseltine, W. Y. Masters, Sig Sichel and W. L. Boies.

LOW-RATE SIDE-TRIP TICKETS.

Holders of Lewis and Clark tickets sold east of Prineville, Eugene and Astoria, and the western boundary of Arizona, are entitled to 15-day one-fare tickets to certain points in the O. R. & N. Co. territory, as follows: at Third and Washington streets, Portland.

Burnett's Extract of Vanilla

imparts a superior quality of flavor, try it, see it

DEVELOPE THE SUIT

Relation of Wells-Fargo and Harriman Are Shown.

COMMISSION FEE CAUSE

Action Brought to Recover for Selling Property for New Building at Sixth and Stark Leads to Disclosures.

A building is to be erected on the quarter block at the southwest corner of Sixth and Oak streets in the near future, for the joint occupancy of Wells, Fargo & Co., the Southern Pacific Company and the O. R. & N. Co. The height of the structure has not yet been decided upon, but it will probably be the tallest in the city. Wells, Fargo & Co.'s express offices will occupy the ground floor, and the offices of the Harriman line will be in progress. There may also be some floors for rent for office purposes.

These facts came out yesterday in Judge Sears' Court while the trial of the suit of Charles Henry, a real estate agent, against J. H. Peterson, to recover \$5000 commission for effecting the sale of the property to Wells, Fargo & Co. for \$100,000 was in progress. The evidence disclosed that the O. R. & N. Co. were interested in the purchase, while the title was in Wells, Fargo & Co. Country & Diamond lines, real estate dealers, also claim to have been the ones who consummated the sale, and have sued Peterson for \$5000 commission.

Not Willing to Pay Twice.

Peterson is not willing to pay two commissions, and the result of the litigation will determine who is entitled to the money. Henry first had a verbal contract with Peterson early in March, and afterwards a written contract, executed March 26, for 20 days, which, he says, was to continue unless Peterson notified him in writing to the contrary. Peterson contends Henry's contract never was exclusive, and it had expired, and that the best price Henry ever offered for the property was \$45,000.

Henry commenced to testify concerning a conversation which he had had with R. A. Worthington, general manager in Oregon of the Harriman lines, in March 4 last, when Mr. Worthington said he had received word from Mr. Harriman that he was in favor of erecting a building for office purposes in this city, and a site was required. W. D. Fenton, who testified to this evidence for various reasons; that the conversation occurred before the date of the written contract, and that he had the best interests of what Mr. Worthington stated, and also that it did not connect Wells, Fargo & Co., the purchaser of the property.

Controlled by Harriman.

Rufus Mallory, counsel for the plaintiff, answered that it did not matter if the title was taken in the name of the O. R. & N. Co., the Southern Pacific Company, or Wells, Fargo & Co. Mr. Mallory called Mr. Fenton to the witness stand and asked him if Wells, Fargo & Co. was not controlled by the Pacific Coast branch of the National Federation of Women's Home Missionary State Unions yesterday morning at the First Congregational Church. The meeting was well attended and several prominent Eastern Congregationalists, who are on their way home from meetings in Seattle, were present and took part.

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FINDS REPORT PECULIAR

As Turned In by Policemen It Quotes Erickson's Son-in-Law as Saying Saloon Could "Open on the Quiet."

Acting Chief of Police Gritzmacher is said to be of the opinion that Captain Bailey, commanding the second relief, is after his scalp, and to that end is trying to "job" him.

Suit for Possession Begun.

To obtain possession of the store room No. 34 Third street, the Portland Company began suit yesterday in the State Circuit Court against the Norris Safe & Lock Company, the present occupant. Recently the Portland Trust Company bought the property, which is located at the southeast corner of Third and Oak streets, from the Roman Catholic Church Corporation, of which Archbishop Christie is the head. The Norris safe & lock Company holds a lease, which it contends runs for nearly two years more, and the Trust Company alleges that the lease was to terminate when the church sold the building, although it is admitted that it is faultily drawn.

Street Railroad Sued for Injuries.

Helen Mellis, who avers that she was thrown from a car at Eleventh and Morrison streets, July 11, 1905, and sustained permanent injuries, has sued the Portland Consolidated Railway Company in State Circuit Court to recover \$778 damage. She sets forth in her complaint that as she was about to alight from the car, it suddenly started, causing her to fall. She struck upon her head and side, and alleges that she has been unable to do anything since, and had to give up a position at the Exposition as saleswoman at a salary of \$20 a week. Bertha E. Cohen appear as attorneys for plaintiff.

Indictment Is Quashed.

The indictment against Thomas McGlenn and Ed Johnson charging them with permitting Joyce Cameron, a girl 18 years old, to frequent the saloons, was quashed by Judge George yesterday because the indictment accused them as keepers of the place instead of owner or proprietor, which latter is the language used in the statute. The case was remitted to District Attorney Manning, who will file a new indictment.

Is Appointed Administrator.

E. W. Herman was appointed in the County Court yesterday administrator of the estate of Cillie Herman, his deceased mother. The property is valued at \$600, and the heirs are the husband and five children.

Bartender Is Convicted.

Robert King, a bartender in the employ of John Busby and J. Drouillard, saloonkeepers at Grand avenue and East Morrison streets, was tried and convicted in Judge Sears' court by a jury yesterday of selling beer to Charles Boggess, a minor. Boggess will reach his majority in Jan-

Change of Life. Lydia E. Pinkham's Vegetable Compound. This perfectly natural change in a woman's life is too often accompanied by painful, distressing symptoms due to female troubles and slight irregularities in her delicate organism. The woman who passes this change without the development of tumors, cancers, or chronic invalidism enters a new field of happiness and usefulness in the domestic circle and in social activity. Her physical system should receive the necessary assistance at this critical period.

Lydia E. Pinkham's Vegetable Compound. Is exactly suited to woman's needs at this time. It strengthens and cures all derangements of the female organism, it overcomes the hot flashes and dizzy fainting spells, and all other distressing symptoms. I Was in Bed for Three Weeks. DEAR MRS. PINKHAM:—I suffered a great deal during Change of Life. I flowed steadily for eleven weeks, and it made me so weak I was in bed for three weeks. I began taking Lydia E. Pinkham's Vegetable Compound, although it was against my doctor's will and I had to hide it. I took it regularly until I had taken five bottles, and it brought me out all right, a perfectly strong, well woman. Any one can tell how healthy I am by looking at my picture, and any one can write to me or my daughter about our wonderful cures. Mrs. F. M. MUSHROOM, East Chicago, Ind.

Lydia E. Pinkham's Vegetable Compound Cures Where Others Fail

The whole secret of safety at this time of life is thorough preparation before the change begins. Fortify the system with a course of Lydia E. Pinkham's Vegetable Compound. This wonderful medicine has carried thousands of women through this danger period. No such helpful advice to women who are sick can be had anywhere as will be received free by addressing Mrs. Pinkham, Lynn, Mass.

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TRAVELER'S GUIDE.

O.P.N. OREGON SHORT LINE AND UNION PACIFIC 3 TRAINS TO THE EAST DAILY

Through Pullman standards and tourist sleeping-cars daily to Omaha, Chicago, St. Paul, St. Louis, Kansas City, St. Joseph, Mo., and St. Paul, Minn. (personally conducted) weekly to Portland. Pullman chair-cars (seats free) to the East daily.

Table with columns: UNION DEPOT, Leave, Arrive. Rows include CHICAGO-PORTLAND SPECIAL, SPOKANE FLYER, ATLANTIC EXPRESS.

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Ticket Office, Third and Washington. Telephone Main 712. C. W. Stinger, City Ticket Agent; A. L. Craig, Gen. Passenger Agent.

EAST via SOUTH SOUTHERN PACIFIC COMPANY

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Portland-Oswego Suburban Service and Yamhill Division. Depot, Foot of Jefferson Street.

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