INTENT" THEORY OF THE DEFENSE

It Is Argued That Williamson and Co-Defendants Kept Within the Law.

H. S. WILSON'S ARGUMENT

He Holds That No Contracts Were Made and That Consequently There Were No Violations

"Intent" is the one word around which the cause of the defendants in the Williamson-Gesner-Biggs trial, in the Federal Court, revolves, according to the argument begun by H. S. Wilson, yesterday afternoon. There is, and will be, no con-troversy made over many of the facts proved by the prosecution. The defense admits much. There was a plan to gain control of the range contiguous to the Williamson & Gesner ranch. Mr. Wil-liamson was in Princville, on June 16. 1902 and it is probable that at the time he discussed the best way to protect the holdings of the firm from the invasions of the cattlemen. Dr. Gesner did go to Biggs for advice, and Biggs did tell the doctor that he could lend money on timber claims; that he could take the grass in place of the interest; that he could accept a mortgage to protect himself; that he could tell, or intimate, what the claims would be worth to him once patent was

Within the Law, He Says.

All this is admitted, but all this, together with the action upon the advice. was within the law. Dr. Gesner did not make any contracts, nor did Williamson, and Biggs ever counsel such a thing. Just the opposite was impressed upon the minds of the claimants, but the line drawn by the rulings of the department and by decisions of the Supreme Court are so close between the observance of the law and its infraction that the untrained minds of the witnesses who have testified misunderstood the statements of Dr. Gesner and of Mr. Biggs, and construed the utimation of value into a statement or promise to buy. This, in brief, is the plea being made by Mr. Wilson, but

round it is woven other things. It is contended by Mr. Wilson that the witnesses for the Government have been cajoled and threatened by Mr. Heney, Mr. Burns or Mr. Neuhausen; that the fear of the grand jury had been held over their heads until they had been forced into telling stories to fit the contentions of the prosecution. Mr. Wilson called to mind the testimony of one witness that he had been given one day by Mr. Heney in which to change his testimony, at which time the District Attorney made the pregnant suggestion to him that "The grand jury will still be in session.

Coercion, He Declares.

It will not be two years," insisted Mr. Wilson, as he addressed the jury, "until you will begin to hear these witnesses tell of the coercion practiced in these cases and of the club that was held over their

The speaker gave Mr. Hency the credit for being a great prosecutor and a perse-vering fighter. He said that the District Attorney had come to Portland looking for a chance to prosecute, and after glancing over the ground, had gathered circumstances that appeared sufficient to him. "Then," said Mr. Wilson, "Mr. Heney said to himself. I will call these hounds of affairs of defunct citizens and citizensses, various breeds around me, and I will go at which business he has been quite sucafter the big fish." And this has been

It was the first duty of the speaker, he contended, to show to the jury what could be done within the law in taking a timber claim. It was a law settled by the Supreme Court, the attorney contended, that a man could locate claimants upon tim-ber and stone claims; that he could loan money to these men and could take a mortgage, that he could intimate to them what the claims would be worth to him. He might have to his mind at the time that he would ultimately secure the land, but he could make no contract with the claimants. That was the one restriction, The claimants could not be used as dum-mies; he could not make an offer to buy the claims and he could not entertain an offer to sell. This was what had been done by the defendants, who had been entirely within the law.

Line Is Vague.

"The line between the law and its infraction," said Mr. Wilson, "is so vague that it is hard to tell what a man may a honestly or what he may do legally,

unlewful contract with him."
"In this case," Mr. Wilson argued, a many of the witnesses have been allowed to state what their intentions were at the time they filed, and this will be the court with the last half of his open used by the prosecution as tending to ing argument. He contended that the de show that Gesner entered into contracts with them for the sale of the lands. But it is not a fair inference." Mr. Wilson contended the evidence

brought by the Government was circum-stantial and that there was no direct

proof of a conspiracy. defendants must have intended that the claimants commit perjuty or they are not guilty," he said. "The whole are not guilty," he said. "The whole theory of the prosecution only goes to show that some of the claimants might have been fooled, but there is not a syllable of evidence to show that any of them wilfully and corruptly swore to a like North care construction of the morning, after which Mr. Bennett will be North car compatity when he wilfully and corruptly swore to a like North care compatity when he will be not constructed. he. No man can commit perjury when he swears to what he honestly thinks to be all of today will be taken by Mr. Bennett true. He must know that he is swearing in his argument, and that the closing to that which is not true before he can be guilty of the crime."

Sending of Money.

Mr. Wilson stated it was admitted on all hands that Williamson and Gesner knew they were lending money to the people with which to file upon timber claims; that they knew it would be to their benefit if they could get control of those lands for a few years. But it did not make any difference what motive the defendants might have had if they in-

tended to keep within the law.
"It must be admitted," said Mr. Wilson, that all of the defendants have untarmished reputations in the country from which they come. I trust that when you look at Marion R. Biggs you will see in him an absolutely honest man. No mat-ter what the result of this trial you can not take grom Biggs or Williamson or Gesner the confidence and the sympathy of their neighbors. Conviction would be worse than death to them, but it would not rob them of the trust of their friends. Geense consulted a lawyer that he might keep within the law, and through the tes-

GUBERNATORIAL CANDIDATES

No. IX-Lionel R. Webster-By Harry Murphy, Artist and Biographer



HE above open-faced piece of physiognomy is the property of Judge Lionel R. Webster, the latest candidate to be boosted into immortality by

Mr. Webster is at present doing business in the judging line at the County Courthouse. His specialty is settling the cessful. Not a single dead man has, to date, entered the slightest objection to the manner in which his mundane affairs were disposed of.

wealth, I called on His Honor during the contiguous past. After an affecting meet-ing, the following throbbing words of wisdom were tossed off: for Governor, Lionel?

Him-You can scrutinize me. Me-Are you in favor of the direct primary law!

Him-Sure! What is it?

their respect and his own by remaining

good thing, that it forced the witnesses to tell the truth. We will admit if the jury's presence did this it would be a It is possible for a man who tries to do good thing, but if, as is the case, its pres-only what he may under the law to be misunderstood by the men he deals with Attorney compels the witnesses through so that they may come into court at a fear of indictment to testify other than later date and swear that they had an to the truth, then its presence is the higgest outrage ever perpetrated. We are free people, and not to be driven by

threats. Mr. Heney filled the morning session of fendants were proceeding on a false the-ory of defense, owing to the fact that they had been confronted during the latter part of the trial by the testimony of C. E. S. Wood, which showed that they had been trying to ous; Morrow and Keenan from the ranges, and had not entered into the scheme to gain control of the range from fear of he cattlemen. Mr. speech of Mr. Heney and the charge to the jury by the court will in all probability give the case to the jury by to-

Siletz Cases Set for Trial.

Judge Hunt yesterday rendered his decision upon the demurrers in the two cases of Willard H. Jones, Thaddeus Potter and Ira Wade, and Thaddeus Potter and Heeman Pinch, at which time he denied the motions to quash and ordered

These are the two conspiracy cases in which the defendants are charged with inducing men in the Siletz reserve to file upon land and thus defraud the Government. The defendants have not as yet pleaded to the indictments.

Here With Bride From Cubs.

C. M. V. Heny van Kroonenburgh is a Receive roomsited a lawyer that he might been within the law, and through the testimony you will see the witnesses have stated that they were advised they could make no contract. Gener followed the lines drawn by Biggs. It was better for him to keep within the law, for he could not bind the men by an illegal contract. Therefore it was best for him to retain almost a year in remote and picturesque.

Me-What are you going to do about the conflicting demands of the steamboat-men conflicting demands of the steamboat-men and the pedestrians relative to closing and opening the bridges? Him—Give 'em 36th what they want. This sublime exhibition of equity, being

no overpowering, I took a brief vacation to compose myself. Resuming, I brought up the subject of

Frank Baker's peace conference. Me-Are you in favor of peace, Judge? Him-Yes: if we have to fight for it! The Judge also gave out, for the first me for publication, his reason for leaving Southern Oregon, which was: That he was too magnanimous to remain there after learning that Hen Ankeny wanted the Gubernatorial nomination, not caring cruelly to blast that gentleman's hopes. Judge Webster is a man of quiet tastes. His later years have been uneventful, with the exception of the shaving off of his whiskers. His manners are highly fla-vored with amiability-in fact, I think he is a "nicer fellow," even, than George Chamberlain. HARRY MURPHY.

corners of the countries beyond Panama where he met Rosaria Bascunans, in whose dark eyes the tail German pho-tographer awoke the light of love and Pays Hency Compliment. Mr. Wilson then paid a compilment to Mr. Hency and the grand jury. "The District Attorney," he said, "holds that the presence of the grand jury was a good thing, that it forced the witnesses ing. Today they are making the Co lumbia River trip to The Dalles and in-tend making stops at that point and at

TO INCORPORATE SUBURB Fight Under Way This Week in

Montavilla.

The fight for and against the incorporation of Montavilla is on for this the losing week before the matter comes before the County Court, October 2 Both sides will make a vigorous fight. William DeVenny is chairman of a committee which is circulating a remonstrance. Bur day this committee put in most of the day. Seven remonstrances are being cir. culated in Montavilla, and last evening nearly 200 signatures had been secured, mostly resident property-owners. Also there is a movement to get the non-resident property-owners organized against incorporation. There was a meeting of

organized, and another meeting will be held next Friday evening.

The petition for incorporating Montavilla is now being published signed by about 50 residents, and the County Court will give all parties a hearing next Monday on the matter of giving the people of Montavilla the opportunity to vote on incorporation. The opposition is working to prevent this being done, and hopes to make such a strong showing that it will convince the County Court incorporation will not carry in Montavilla even if sobmitted to a vote. The cost of the promitted to a vote. The cost of the pro-ceedings and vote will be about \$40.

CLAREMONT TAVERN.

without doubt the finest roadhouse the West. Old-fashioned Maryland chicken, with corn fritters and cream gravy is one of the many good things to be had. Running daily an automobile be had. Running daily an automobile carrying twelve passengers will leave the Oregon Hotel, stopping at the Portland, Imperial and Perkins hotels, at 2, 4, 8, and 10 P. M., making a beautiful ride of 14 miles (round trip) for \$1. Launches may be had at Merril's boathouse, foot of Morrison street, which land at Clarement dock.

Do not be misled. If you want a com-plete and official copy of the Exposition, get Laird & Lee's "Glimpsea.

SUE WELLS-FARGO

Express Company Accused of Illegal Assessment.

BANK STOCKHOLDERS FILE

Declare That the Corporation When It Secured Control of the Bank Sought to "Freeze Them Out."

The suit of George H. Williams, H. C. Leonard and others, against Wells, Fargo & Co. to collect judgments, held against the Commercial National Bank, amounting to about \$20,000, was on trial yesterday before Judges Sears and Cleiand. Wells, Fargo & Co. are held Hable because this company purchased the assets of the Commercial National Bank. In October, 1897, the stockholders of the Commercial Bank were assessed for \$50 a share. George H. Williams, Henry Welnhard, George H. Durham, S. A. Durham, Perry G. Hinkle, Cleveland Rockwell and H. C. Leonard did not pay the assessment and then stock was sold. They subsequently sued the Commercial National Bank to recover, alleging the assessment The suit of George H. Williams, H. C. quently sued the Commercial National Bank to recover, alleging the assessment was not levied at a stockholders' meeting, and was illegal. The case was carried to the United States Superior Court by the plaintiffs. The value of the stock at the time it was sold was about \$30 a share, and this they are trying to secure from Wells, Fargo & Co.

Shares Bought by Wells, Fargo & Co. In January, 1894, at the time of num-erous bank failures, Wells, Fargo & Co-bought \$100,000 worth of the \$250,000 stock of the Commercial National Bank and of the Commercial National Bank and afterwards caused the stock to be in-creased \$150,000, and took all the new stock. This last transaction Thomas O'Day Counsel for George H. Williams and others asserts was a mere matter of bookkeeping, and he called witnesses to show that the Commercial National Bank show that the Commercial National Bank charged Wells, Fargo & Co. \$250,000 for its assets, and charged it off on the other side of the books as a dividend. The witnesses examined yesterday were Charles Hussy, Col. J. McCraken, Ed. H. Cookingham, J. C. W. Welch, R. T. Platt, R. Lea Barnes, R. L. Durham and George H. Williams.

There was evidence that John J. Valen-

There was evidence that John J. Valen-There was evidence that John J. Valentine, of Wells, Fargo & Co., who was put in as president of the Commercial National Bank after Wells, Fargo & Co. bought it, was the dominant figure in causing the assessment of \$50 a share aginst the stock. R. L. Durham so testified.

Contention of Defense.

The defense wants to show that Wells, The defense wants to show that Wells, Fargo & Co was not responsible for the assessment, and that it was made in October. 1857, and Wells, Fargo & Co. did not take charge of the assets of the Commercial National Bank until July, 1898.

John J. Valentine received a salary of \$5000 as president of the Commercial National Bank. Mr. O'Day asked Mr. Piatt if it was not true that Mr. Valentine was seldom there, and did little or nothing to sare the salary. Mr. Platt did not appressed to the commercial of the commercial National Bank. Mr. O'Day asked Mr. Piatt if it was not true that Mr. Valentine was seldom there, and did little or nothing to sare the salary. Mr. Platt did not appressed to the commercial true that Mr. Valentine was seldom there, and did little or nothing to save the salary. Mr. Platt did not appressed to the commercial true that Mr. Valentine was seldom there, and the commercial true that Mr. Valentine was seldom the commercial true that Mr. Valentine true that Mr. Valentine the commercial true that Mr. Valentine the co

was seldom there, and did little or nothing to earn the salary. Mr. Platt did not appear to know much about it.

The plaintiffs are trying to prove that Wells, Fargo & Co. ran the affairs of the Commercial Bank completely from the time they bought \$100,000 worth of stock, and levied the assessment to freeze Williams and the others out.

HUSBAND'S CROSS COMPLAINT

Accuses Her of Befriending Another Man and of Cruelty.

'My dear do not worry, I will help you Samuel Goldstein, a tailor asserts that his wife, Beasie Goldstein, made these remarks in his presence to Harry Gold-man, and at the same time patted Gold-man on the shoulder in an affectionate manner and then gave him money. Goldmanner and then gave him money. Good-atein also states that his wife bought Goldman a railroad ticket from New York to Portland, and that Goldman, who is a married man, has associated with a woman of bad repute since he

Mrs. Goldstein recently sued her hus-band for a divorce, charging him in her complaint with beating and abusing her, and she demands alimony and \$100 to pay her attorney. Yesterday Goldstein filed an answer to the suit in which he tells about his wife's conduct with Gold-man, and also makes other allegations of an immoral character against his wife. Goldstein says she has allowed strange Goldstein says she has allowed strange men to sleep in their spartment, arrayed almost wholly in nature's garb, and told him to get out if he did not like it. The husband further avers that his wife has instructed the children to testify that he threatened to cut their heads off, and when he asked her to go out with him to resorts, announced that she would rather with a dog. For all these reasons datein alleges his better half is not entitled to a divorce, alimony or attor-

MRS. PROTZMAN IS GUARDIAN

Wins in Contest With Mrs. Woodcock for Position.

Mrs. Kate Proteman, of Portland, won in the contest for the appointment of guardian of Mrs. Margaret Lyle, her foster mother, who is 33 years old. Coun-ty Judge Webster decided to appoint Mrs. Protsman instead of Mrs. M. S. Woodcock, a niece of Mrs. Lyle, Judge Webster after hearing the evidence os both sides, decided that Mrs. Protsman was best fitted for the position. Mrs. Lyle is a sister of the late John A. Crawford, of Albany, and has sued R M. Crawford, also a brother, in the State Circuit Court in Linn County, to have set aside deeds executed by John those opposed to incorporation Friday, and the campaign against incorporation to his death, covering property valued organized, and another meeting will be at \$100,000. The whole estate is said to be worth \$150,000, and Mrs. Lyle wants be worth \$150,000, and Mrs. Lyle wants her share, and Mrs. Protsman desires to continue the litigation as guardian to see that it is recovered. She says the others oppose her efforts. The contest will be fought to the end.

Those who favor R. M. Crawford, assert that his brother wanted him to

have the property believing altogether in male descent.

Sues Attorneys to Recover Money.

Anna F. Hoover has filed suit in the State Circuit Court against W. R. Mc-Garry, an attorney, to recover \$239, which she says he collected for her on a note and has not accounted for. The complaint recites that W. R. McGarry and his hrother, T. F. McGarry, were practicing law in Grand Rapids, Mich., as partners, when Mrs. Hoover gave them a note for 1817 for collection. She alleges that she has received only 1900 of the amount, and, deducting a fee of 10 per cent, is entitled

Gets Six Months in Prison.

J. Guitman, who attempted to rob Mrs. Tille F. Moore, in the Government building at the Exposition, was sentenced yesterday morning by Judge Fraser to a term of six months in the penitentiary. Guitman was caught in the act of trying to

HE LAXATIVE OF KNOWN QUALITY

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There are two classes of remedies: those of known quality and which are permanently beneficial in effect, acting gently, in harmony with nature, when nature needs assistance; and another class, composed of preparations of unknown, uncertain and inferior character, acting temporarily, but injuriously, as a result of forcing the natural functions unnecessarily. One of the most exceptional of the remedies of known quality and excellence is the ever pleasant Syrup of Figs, manufactured by the California Fig Syrup Co., which represents the active principles of

plants, known to act most beneficially, in a pleasant syrup, in which the wholesome Californian blue figs are used to contribute their rich, yet delicate, fruity flavor. It is the remedy of all remedies to sweeten and refresh and cleanse the system gently and naturally, and to assist one in overcoming constipation and the many ills resulting therefrom. Its active principles and quality are known to physicians generally, and the remedy has therefore met with their approval, as well as with the favor of many millions of well informed persons who know of their own personal knowledge and from actual experience that it is a most excellent laxative remedy. We do not claim that it will cure all manner of ills, but recommend it for what it really represents, a laxative remedy of known quality and excellence, containing nothing of an objectionable or injurious character.

There are two classes of purchasers: those who are informed as to the quality of what they buy and the reasons for the excellence of articles of exceptional merit, and who do not lack courage to go elsewhere when a dealer offers an imitation of any well known article; but, unfortunately, there are some people who do not know, and who allow themselves to be imposed upon. They cannot expect its beneficial effects if they do not get the genuine remedy.

To the credit of the druggists of the United States be it said that nearly all of them value their reputation for professional integrity and the good will of their customers too highly to offer

Genuine—Syrup of Figs

manufactured by the California Fig Syrup Co., and in order to buy the genuine article and to get its beneficial effects, one has only to note, when purchasing, the full name of the Company-California Fig Syrup Co.-plainly printed on the front of every package. Price, 50c per bottle. One size only.

open a small leather money satchel which

WILL BOOM NORTHWEST

Traveling Passenger Agents Greatly Pleased With Trip Here.

Tom Richardson of the Commercial Club returned yesterday from British Columbia, where he went in company with the traveling passenger agents, who were on their way home from the Portland convention. Mr. Richardson stayed with the party until it reached Banff, Alberta, and reports a most pleasant trip. Ev-

erywhere the railroad men stopped they were given lavish hospitality. Mr. Richardson is enthusiastic over the good which will result to this section of the country from the visit of these men. The year after the traveling passenger agents held their convention in Southern California, travel to that part of the state from the East doubled, and he ex-

pects to see equally beneficial results to Oregon. "On the trip North," said Mr. Richard son, " the wonderful resources and adject of constant comment. The visitors were simply delighted with everything that they saw here. There was not a person in the party who was not contin-ually taking notes and searching for all the exact information obtainable. This they will apread broadcast in the East and it cannot but bring thousands of peo-ple to this section.

"No city visited received greater praise than Portland. Not only were they pleased with it as a business point and appreciative of the enterprise shown in carrying on the Exposition, but they unamimously voted it the most beautiful city that they had ever visited. The pro-posed railroad down the north bank of the Columbia was discussed and these men saw clearly the great results it would

"I regard this convention as the most important event of the Fair, as it brought to this city a body of men, who are able to do us more good than any others in the country. Everyone who had a part in the convention is to be complimented in the way in which it was carried on, but special mention should be made of the efforts in this line of M. J. Roche, who was elected first vice-president and is the logical candidate for the presidency next

Sherman Indians at Football.

The Sherman Indian school football schedule is just out. Two games are scheduled for Portland. The first game will be on November 18 against the Mult-nomah Club and the other will be November 21 with the Chemewa Indians as ppenents. The rest of the schedule fol-

October 14-Orange Athletic Club, at Riverside; October 21-California, at Los Angeles; October 28-Stanford, at Los An-

ington, at Seattle; November 15-Willa-mette University, at Salem, Or.; Novemland; November 25-Chemewa Indians, at Haskell Indians, at Los Angels; January Portland; November 25-U. S. C., at Los 1-Ali Stars, at Los Angeles,

geles; November II-University of Wash- Angeles; Thanksgiving day-Pomona, a Los Angeles; December 3-St. Vincent's College, at Riverside; December 16-Selma er 18-Multnomah Athletic Club, at Port- Athletic Club, at Selma; December 25-

Fifth and Washington Streets

PORTLAND, OREGON

EUROPEAN PLAN

First-Class Check Restauran Connected With Rotel.

St. Charles Hotel

CO. (INCORPORATED.)

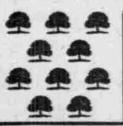
FRONT AND MORRISON STREETS PORTLAND, OREGON

European Plan-Rooms 75c to \$2.00 Pirat-Class Restaurant in Connection

The ESMOND HOTEL

OSCAR ANDERSON, Manager Front and Morrison Streets, PORTLAND, OREGON Free 'bus to and from all trains

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Racks full of **GORDON HATS** wherever the best dressed men lunch or dine



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People have said that if we could get a hair grower we could have a fortune. Well, we have it-a Hair Grower which will grow hair-and we'll prove it to you if you'll permit us.

You'd give a hundred dollars to get your hair back, or to save what you have, wouldn't you?

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