

COURT ERRORS ON SINGLE POINT

Government's Case in Williamson Trial Sustained With One Exception.

TIMBER LAW IS LIBERAL

Entryman Permitted to Contract for Sale of Land Between Time of Filing and Date of Making His Final Proof.

POINTS IN WILLIAMSON DECISION.
Write of error denied for want of jurisdiction and attempt to plead immunity privilege dismissed as frivolous.

OREGONIAN NEWS BUREAU, Washington, Jan. 7.—The decision of the United States Supreme Court in the case of ex-representative J. N. Williamson, heretofore briefly reviewed in these dispatches, is below quoted at some length on various points of interest.

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Exemption Privilege Abused. We cannot give our assent to the proposition, indeed, we think it is a proposition that the privilege which the constitution creates extends to an arrest for any criminal offense, such privilege would embrace exemption from any execution of process by way of arrest and prosecution for the commission of crime, the effect of which execution of power would be to prevent a Congressman from attending a future session of Congress.

Where Government Failed. Attached to the court decision is a liberal quotation of the laws and regulations relating to final proof, which are contained in the Williamson case. As to the instructions of the court on this point—and this is where the Government's case failed—the Supreme Court says:

It becomes necessary to consider not only the scope of the indictment, but, moreover, to construe the timber and stone act, and to determine the validity of the regulations of the general land office. We are of the opinion that the particular false averment to which the indictment related was alone the violation of the statute provided for in section 2 of the act to be made on applying to purchase the land, and, therefore, the indictment did not embrace a charge concerning a statement deposited under oath required to be made by any regulation of the Commissioner of the General Land Office, after the publication of the notice, and after the period has arrived for final action by the Land Office on the application to purchase.

The decision then takes up that clause of the constitution granting immunity to Members of Congress under certain conditions, and then continues:
If the words extending the privilege to all cases were unqualified, and therefore embraced the arrest of a member of Congress for the commission of any crime, we think they would not only include such an arrest as operated to prevent a member from going to and returning from a pending session, but would also extend to prohibiting a court during an interim of a session of Congress from imposing a sentence of imprisonment which would prevent him from attending a session of Congress in the future.

applied because the offense in question is confessedly not technically the crime of treason or felony and is not embraced within the words breach of the peace. On the other hand, the Government insists that the words breach of the peace should not be narrowly construed, but should be held to embrace substantially all crimes, and, therefore, as in effect, confirming the parliamentary privilege exclusively to arrests in civil cases.

Indictment Is Sufficient. From the foregoing it follows that the terms treason, felony and breach of the peace, as used in the constitutional provision relied upon, except from the operation of the statute, all criminal offenses; the conclusion results that the claim of privilege of exemption from arrest and sentence is without merit, and we are brought to consider the other assignments of error relied upon.

Perjury Was Premeditated. These allegations plainly import, and they are susceptible of other construction, than that the unlawful agreement contemplated a future solicitation of individuals to commit perjury. It is not necessary to say that the conspiracy was not fully stated in the indictment, and it may, therefore, be assumed that the conspiracy was fully stated, and the time and place of such solicitation, and the persons who were to be solicited, are stated in the indictment, except as might be inferred from a purpose to procure the persons to be solicited to commit perjury.

With great elaboration it is insisted in argument that the indictment charges no crime, and that there can be no such thing as a conspiracy to commit the crime of perjury. It is insisted that the conspiracy to commit the crime of perjury is not a crime, and that the conspiracy to commit the crime of perjury is not a crime, and that the conspiracy to commit the crime of perjury is not a crime.

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Kid Gloves Two famous brands feature in this astonishing sale. Gloves that women who prefer the better sort of handwear will instantly recognize and decide to buy.

OLD MAN WORTH & KING MAIL ORDERS VERY CAREFULLY FILLED. FIFTH-WASHINGTON-SIXTH STREETS.

Embroideries Another monster em-broidery sale, embracing a choice selection of nainsook and cambric embroideries in edges, and insertions, openwork, blind and eyelet effects.

10th Annual Clearance Sale

Big Sale OF SEMI-PORCELAIN Dinner Sets. Closing out open stock patterns and odd pieces at very special prices. Pleasing decorations in border patterns with gold lines or sprays with gold tracings.

Children's Fine Undermuslins 1/2. CHILDREN'S MUSLINWEAR 1/2. Muslin underwear for children in broken lines, drawers and petticoats of fine nainsook, cambric or muslin.

\$8 Hand-Made Lace Curtains \$5.25. Curtains like these are an ornament to any home and any housekeeper will take pride in the appearance of her windows when hung with such rich affairs.

Umbrellas Women's Umbrellas with pieced-taffeta covers, finished with tape edge. The color is absolutely fast and they are mounted on the best frames made.

Women's Lingerie Waists 1/2. Charming bodices of sheer white materials, trimmed in the most pleasing styles. A lot of over 300 waists containing every size and every designed style.

New Foulards The new designs for Spring, 1908, in Foulard Silks, are here. 'Tis prophesied this will be one of the leading fabrics for smart wear in Spring and Summer gowns.

concerning the bona fides of his application and the absence of any contract or agreement in respect to the timber and stone act. It remains only to consider whether it was necessary to procure the entryman of the General Land Office to enact rules and regulations by which an entryman would be compelled to do that at the final hearing which the act of Congress must be considered as having expressly excluded in order that the entryman of the General Land Office should not be held to a right which the act by necessary implication conferred upon him.

Entrymen's Right to Speculate. The second section requires the applicant to make a sworn statement, giving many particulars concerning the land—their unfitness for cultivation; its being uninhabited, etc., followed by the requirement that the applicant shall declare that he makes the application for the purpose of speculation, but in good faith; and that he intends to appropriate the land to his own exclusive use and benefit, and that no agreement has been made, directly or indirectly, with any person or persons whatsoever by which the title to be acquired from the Government shall inure, in whole or in part, to any person except the applicant.

The court then explained the provisions of Section 2 of the act, and the requirements of the statute which the applicant to make proof of, after showing publication, it is apparent that while some of the requirements of section 2 are reiterated all requirements are omitted of any statement regarding a speculative purpose. It is clear that the applicant, his bona fides, and his intention to acquire for himself alone.

RASH ACT OF CLUBMAN Fires Two Shots at Wife, Then Blows Out His Brains. OAKLAND, Jan. 12.—John Alexander Athlow, an Oakland clubman, aged 48, son of a New York banker, after firing two shots at his wife, turned his revolver upon himself and blew out his brains to-night. Temporary insanity is given as a reason for the deed.

BOOB IN THE LAKE Missing Mrs. Pomeroy Is Discovered. DROWNING IS A MYSTERY Bloodhound Traces Her to Water's Edge at Night and Next Morning the Body Is Found Within Few Feet of the Place.

SEATTLE, Wash., Jan. 12.—(Special.)—The body of Mrs. Bethel Pomeroy, wife of C. H. Pomeroy, a prominent lawyer and capitalist, was found at 11 o'clock this morning, resting on the bottom of Lake Washington, a few feet from where a bloodhound, which had been used to find her last night, lost the trail.

POSSE PURSUES MURDERERS Two Hold-Up Men Kill Old Man Who Is Too Slow. SEATTLE, Wash., Jan. 12.—(Special.)—A posse of half-dozen Deputy Sheriffs and 50 or more citizens have all day been scouring the country in the vicinity of Kangley, a small lumber-camp town on the Palmer cut-off, about 20 miles from here, in search of two hold-up men, last night, shot and killed an old man named A. E. Johnson, because the latter was too slow in responding to an order to hold up his hands, during an attempt to hold up and rob a saloon at that place.

SHIPS RACING TO HONOLULU Four Windjammers Place Wagers on Sailing Contest. SAN FRANCISCO, Jan. 12.—An ocean race to Honolulu, between four sailing vessels, on the ship Port George, the barkentine Irizarra, the bark Gerard C. Tobey and the ship Erskine M. Phelps all left this port today bound for the islands, loaded with island products, and several vessels made wagers on the race. Each will crowd on all sail in an effort to reach the islands first, and the captain of the winning vessel will pocket a tidy sum.

Mr. O'Shea Enters Denial. John F. O'Shea, who has been named as among the candidates being boomed for County Commissioner, denies that he has any intention of running. Mr. O'Shea declares that he does not want the office of County Commissioner, or any public office.

KISER CALENDARS 10c UP. Halfrize while last. 248 Alder. Do it now. Attend Rosenthal's great house-cleaning sale.

COFFEE The world is full of anonymous coffee: "Java and Mocha." Who returns your money if you don't like 'em? Your grocer returns your money if you don't like Schilling's Best; we pay him.

EXHIBIT HOOD RIVER APPLES Horticultural Meeting. HOOD RIVER, Or., Jan. 12.—(Special.)—Hood River delegates to the meeting of the State Horticultural Society in Portland this week have prepared exhibits for the apple show to be held in connection with the meeting, which is expected to be one of the largest and most interesting held by the society in several years.

When You Buy Meat, Buy Nourishment, not Merely Filling. You Can Be Sure of This Only When You Demand of Your Dealer "Is It U. S. Government Inspected?"

UNION MEAT CO. PORTLAND OREGON. The concern that is putting millions of dollars into circulation in Oregon. Wholesale dealers U. S. Government inspected OREGON MEATS.