CONFESSION OF WEBB IN EVIDENCE

Walter A. Johnson Says Dead Brother Not a Quarrelsome Man.

TESTIMONY IS DISPUTED

Defense Holds Statement of Accused Man Was Made Under Duress. Court Overrules Objection and Confession Is Read.

William A. Johnson, who, as alleged, William A. Johnson, who, as alleged, was murdered by Jeese P. Webb June 20, and his body stuffed into a trunk, was not a quarrelsome man, according to the testimony of his brother. Waiter S. Johnson. The brother was placed on the witness-stand by the state yesterday afternoon, and after both Deputy District Attorney Fitzgerald and Attorney McCue had finished the examination, one of the burnes closely questioned him as to

Cue had finished the examination, one of the jurors closely questioned him as to the murdered man's habits.

The witness said he is a barber, 43 years old, and has lived in Spokane 21 years old, and has lived in Spokane 21 years. He recognized a photograph of the dead man as his brother, he said, and last saw him at the morgue. The dead man was a farmer, said Johnson, but had done no outdoor work for a year before his death. He was not a powerful man, and for a year had been indisposed. He was deaf in both ears, said the witness, so that it was necessary for a person to speak loudly for him to hear. He was 40 years old.

The wife and daughter of the alloged

him to hear. He was as years old.

The wife and daughter of the alleged
murderer arrived from Seattle at 11
o'clock yesterday morring, and went at
once to the scene of the trial. In Judge
Morrow's department at the Courthouse. Morrow's department at the Courthouse. They carefully watched the proceedings during the remainder of the day. The morbidly curious crowd, which has packed the courtroom since the trial began, grows larger each day, so that it is necessary for the balliffs to order to back from time to time as it encroaches upon the space set apart for attorneys and witnesses.

Bloody Trunk Exhibited.

The bloody trunk, the gory shirt and shirt-sleeve, the billy or blackjack with which Johnson was slugged, and \$1500 in greenbacks taken from the stocking of Mrs. Carrie Kersh, the co-defendant, after her arrest, were admitted in evidence yesterday afternoon, having been marked by the stenographer for identification at the beginning of the trial.

trial.

J. J. Dunning, Deputy Curoner, said he J. J. Dunning, Deputy Coroner, mid he found no money of any kind upon Johnson's body when he searched it. Polick Sergeant Goltz gave the details of the grewsome find at the Union Depot, and of the manner in which the murderers were run down. Detective Graves also gave the details of the capture.

Webb's confession, made before Deputy Directed Attention 19

Webb's confession, made before Deputy District Attorney Fitzgerald, and taken down in shorthand by Mrs. Julia K. Sayre, was admitted in evidence yesterday afternoon, and read by her to the jury. Webb said he was born at Atlas, Iewa, and was 45 years old. He had a wife and two children in Scattle, he said. Her maiden name was Caroline Samuelson. He married her at Axtell, Neb. He met Mrs. Kersh six years ago, at Ballard, Wash. "Her husband is an electrician, and lives in Scattle," he said. Webb lived with Mrs. Kersh in Nelson, Wash., and in Spokane.

Statements at Variance.

his statement Webb first said he foreman of the Spokesman-Review Spokane. Then he said he was a positor in the adroom, and later ald he was "subbing." He said Mrs. Kersh told him she in-

tended to run away to San Francisco with Johnson. He had not became acwith Johnson. He had not became ac-quainted with Johnson until he met him on the Irain, he said.

"Why did you register at the New Grand Central Hotel as A. C. Powers?" asked Deputy Fitzgerald when Webb's

confession was taken.

confession was taken.

"Oh, more as a jolly than anything else," was the response. In making his confession Webb denied having asked the bellboy for a room as near as possible to 118, that occupied by Johnson. He said Johnson gave Mrs. Kerah his money, asking her to take care of it. The three went to the park in the afternoon, he said, and Johnson became jealous. They had a Johnson became jealous. They had a occupied by Johnson. He said Johnson gave Mrs. Kersh his money, asking her to take care of it. The three went to the park in the afternoon, he said, and Johnson became jealous. They had a number of drinks of beer and whisky. Webb declared Johnson started the webb declared Johnson started the quarrel, which Webb says was the cause of Johnson's death. Johnson hit him twice with his fist, and Webb re-tailated, he said: Then, he declares, Johnson drew the blackjack from his

Johnson drew the blackjace from his pocket, and Webb wrenched it from him and beat him over the head with it. He denied using a sharp instrument to punch heles in the head, or strangling his victim after beating him. It is the contention of the defense that the shirt was tied about Johnson's neck before the body was put in the trunk, to keep the blood from flowing from the trunk. He put Johnson's clothing contention of the defense that ope, intending to throw it

Mrs. Trumbull's Story Denied.

Webb denied also having told Mrs. Trumbull at the Cliff Inn or at Lake-view that he had just made a "\$1900 haul for the little woman who was with him."

with him."

That Webb was fully informed that his confession would be used at his trial was the information conveyed in the testimony of Detective Price, to whom the prisoner consented to make a

"Did you kill Johnson?" Price testi-fied he asked him.
"Supposing Johnson jumped on me first." Webb suggested, according to

"Go ahead; tell all about it," he said

he prompted.

It was then that he agreed to tell the story and that the prosecutor and the stenographer were called.

Price denied that he told Webb "it will be better for you."

"You and Carpenter are pariners in 'sweating' prisoners, aren't you." Attorney Fouts asked on cross-examination.

"We generally work together, but no one ever is made to tell anything unless

denied that the prisoner was re-ted breakfast and said that if he did t eat it was only because he volun-dly refused.

Confession Is Questioned.

Attorney McCue spoke on the man-ner in which the alleged confession was obtained and argued that if it was not made "voluntarily." It should not be admitted as evidence. "I ask the court." he concluded, "not to admit this statement if it was not given in a free and voluntary man-

In presenting the argument for the state in support of the admission of the stenographic record. Prosecutor variety at Harris Trunk Co., 133 Sixth.

defense on this point rested largely upon the question of the man's state of mind at the time he made the al-leged confession, and whether or not

he was suffering from fear.

"I can't see where or when he feared anything," said Mr. Fitzgerald. "His very manner on the stand shows that Didn't you see the braggadocio he diswhile giving his testimony?

Statements Are Ridiculed.

In ridiculing the defendant's statement that he did not know why he was arrested until he was told by the officers, Mr. Fitzgerald said: "That statement is just as faise as a whole lot of others he has made."

Assistant Prosecutor Collier cited several cases of confessions obtained by strategy, and one by making the prisoner drulk, that had been admitted by other courts. He argued that the

by other courts. He argued that the case in point was only a question of whether or not the statement of Webb

whether of hose is true.

Attorney Fouts reviewed the police history of medieval England and explained how confessions obtained from prisoners in those times had caused similar statements of the present day in the riewed with suspicion.

similar statements of the present day to be viewed with suspicion.

"It is merely a question of whether his statement was voluntary." Mr. Fouts said, and then quoted from the Standard dictionary to define the term "voluntary." According to his contentions, Webb's testiment to the stenographer, after he had been taken to the scene of the crime, after he had viewed the corpse of his victim and after he had been repeatedly questioned by the officers was not voluntary. She was discharged from the hotel, she

Hotel Employe, Wins Suit.

WEDDED LIFE LASTS MONTH

Husband Says Emily Baker Married Him Believing Him Wealthy. Robert Traxler Alleges Wife Has Found Affinity.

by the officers was not voluntary. She was discharged from the hotel, she

HOLY REDEEMER CHURCH BAZAAR HAS CAMPAIGN FOR MOST POPULAR YOUNG WOMAN.



Miss Mollie Keating and Miss Nannie Clark are leading in the contest to decide who is the most popular young woman in Piedmont. Each has a booth at the Holy Redeemer Church Bazaar.

B. Pape Sells East Side and West Side Properties for \$44,000.

Sixty thousand dollars of San Fran-cisco money was invested in Portland real estate yesterday afternoon. Through James J. Flynn, the Callaghan

C. W. Callaghan is the moving spirit of the Callaghan Company. His holdings in San Francisco real estate are heavy, but lately he has been investing outside and Portland appeals especially to him. Mr. Flynn, through whom he made his purchase yeaterday, says he has in mind still other investments here.

has in mind still other investments here.

This is the third purchase in this part of the city made by the Callaghan Company within the past five months. For \$25,000 the southeast corner of Seventh and Madison was obtained first. Then the corner of West Park and Harrison streets was bought for \$25,000. Altogether Mr. Callaghan has invested \$130,000 in this vicinity.

He hought the Kelty piece more as

invested \$130,000 in this vicinity.

He bought the Kelty piece more as an investment, says Mr. Flynn, although he is considering putting up a family hotel there. At West Park and Harrison streets an apartment house may be built, but no plans have been drawn. Three old frame houses stand on the corner of Seventh and Madison, bought yesterday, but the rental is instentificant.

bought yesterday, but the rental is insignificant.

Deeds to four principal pieces of property on the estate of R. Pape were passed yesterday to the purchasers by H. H. Newhall, the total amount of the transfers being \$44,000. Mr. Newhall had purchased all the property of the estate for \$43,950, and he disposed of it all except a house and lot in Dunn's Addition.

The East Side property consists of a half block on the east side of East Eleventh between East Burnside and East Ankeny streets. The quarter at the northeast corner of East Ankeny and East Ankeny streets was sold to Henry Pape, son of R Pape, for \$11,000. It is occupied by a residence.

The quarter block at the southeast corner of East Burnside and East Eleventh streets was sold to William Mc-Hardy, from Polk County, for \$12,000. Mr. McHardy announces that he will erect an apartment house on the quarter block. C. Gritsmacher secured the lot and house on Eleventh streets, for \$20,000. Mr. Newhall retains the property in Dunn's Addition.

Labories to Have New Church.

Lakeview to Have New Church.

LAKEVIEW. Or., Oct. 14.—(Special.)

—Rev. M. O'Malley, S. J., of the Catholic Church at this place, has just received the plans and specifications for the new Catholic Church to be erected here next Spring. The sum of \$1000 has already heen collected and \$500 additional has been promised. The building will probably cost about \$7000, and will seat 125 persons.

He declared that such methods as those practiced by the local detectives were a step backward toward the dark ages of Russia, and the kind that breed revolution."

In announcing his opinion the court stated that the decisions of the Supreme Court of Oregon alone could be considered and that according to this line of procedure it was his duty to admit the statements and the jury's duty to determine whether they were made under direas. He instructed the jury accordingly.

SALES TOTAL \$104,000

SALES TOTAL \$104,000

CALIFORNIAN BUYS SEVENTH

AND MADISON AT \$60,000.

of Mrs. Erma Beulal Traxier, according to the charges of Robert Traxier, in a divorce suit, filed in the Circuit Court yesterday. He says Howe even went to the extent of having a telephone in-stalled in the Traxier home, and of pur-chasing wearing apparel for Mrs. Trax-ier, charging it to Traxier. The unhappy ler, charging it to Traxier. The unhappy husband says his wife is frequently out late at night with Howe, and was once arrested with him for being out after hours. On one occasion Howe brought her home in a taxicab, says Traxler. He has been obliged to cook his own meals, to which he objects. The Traxlers married at Detroit, Mich., December 5, 1904.

and they have one child.

Mrs. M. A. Simmons has filed a divorce suit against G. A. Simmons, alleging descrition. They were married August 23, 1905.

Stella E. Lane has also filed suit. She

alleges that Joe T. Lane, her husband, goes on sprees lasting from four to six weeks. The intervals between the sprees are about two months long, she says. She married him in Missouri, February 5, 1899. They have two

AUTO TAKEN, ALLEGES WIFE

Mrs. W. J. Scott Complains That Husband Stole Valuables.

Alleging that her husband. Walter J. Scott, gave her an automobile when they were in Missoula, Mont., and then moved it to the State of Washington so that she does not know where it is, Louise E. Scott, who is suing for a divorce, made affidavit yesterday that she is in need of meney. She asks the court to give her 150 a month pending the disposition of the divorce suit, and \$250 attorney's fees and suit money.

Before her husband deserted her, she says, he sold the most valuable part of her clothing and the furnishings at 747 East Eleventh street, for \$1000, took with him \$1000 in cash, and \$1500 worth of diamonds, besides her diamond set worth \$150 She was left with only \$20, she complains, and is so weak from abuse her Alleging that her husband, Walter J.

plains, and is so weak from abuse her husband heaped upon her that she is un-able to support herself.

BRAKEMAN ASKS \$7500 BALM

Car Jumping Track, Guardian of Young Employe Sues O. R. & N.

An accident in the progress of con-struction work on the new O. R. & N. cutoff at Bairsdale is the basis of a damage suit for \$7500, filed in the Circuit Court yesterday against the Pacific Coast Construction Company, M. F. Durham, guardian for G. D. Durham, being the

G. D. Durham is 15 years old. He was employed as a brakeman on the com-pany's work train. He was standing on the car next the engine at 2:15 A. M. August II. It is alleged, when the car left the track, burying him under debris at the bottom of a 20-foot embankment. His legs, feet and ankles were injured, it is

FIRM FIGHTS GAS COMPANY

Sellwood Would Bar Concern From

Laying Pipes. An effort is being made in the Circuit Court to have the Portland Gas & Coke Company restrained from laying its mains in Sellwood. The Sellwood Real Estate Company filed the injunction suit yester-

MANIGURE IS FREED

It is alleged that when the real estate firm dedicated the streets through its Sellwood tract, bounded by Nehalem, Ochoco, Williamette and Eleventh streets, it reserved the right to lay its own water pipes, gas mains, sewer pipes, telephone wires and streetcar tracks, and to operate its own streetcars. The tract comprises \$11 acres, it is alleged.

Sil acres, it is alleged.

The franchise under which the Portland Gas & Coke Company is operating was transferred to it by the East Portland Gas Light Company, and is alleged

LUMBER FALLS, \$10,000 ASKED

Eastern & Western Company Sued for Damages Due to Accident.

Suit against the Elastern & Western Lumber Company was filed in the Cir-cuit Court yesterday by Carl W. Mertin, who demands \$10,000 damages for injuries he says he sustained when buried under a falling lumber pile. The accident hap-

pened February 2.

Mert'n says four men were loading a truck, and the crew was reduced by the foreman to three. The lumber fell, he complains, when they attempted to move a truckload away from a pile which had ome jammed together

WOMAN'S WILL CUTS OFF SON

Instrument Declares Adelbert Yergen Was Already Provided For.

"It is my will that my son, Adelbert Yergen, take nothing under this will, as I have heretofore conveyed to him sufficient property as his rightful sharp of my estate," reads the will of Elizabeth Yergen, filed for probase in the County Court yesterday.

The other heirs are George W. Yergen, Francis E. Yergen, Fred Yergen, Henry

Francis E. Yergen, Fred Yergen, Henry F. Yergen and Mary E. Swan, four sons and a daughter. Mrs. Swan was ap-pointed by County Judge Cleston yesterday executrix.

Court Notes.

E. A. Howard has filed suit in the Circuit Court against the Charles H. Lilly Company for \$300, alleged to be owing on a five-year lease to property on Spear street. San Francisco, between Mission and Howard streets. A. C. Emery & Co. filed suit yesterday

A. C. Emery & Co. filed suit yesterday against J. El Bronaugh to recover \$559.85 because, it is alleged, he discounted several bills while collecting them, which the Emery firm says should have been paid in full.

George K. Rogers has brought suit against W. G. Royce for \$5519.75, alleged to be owing on a set of suspension hub wheels furnished Royce.

MORE EXITS DEMANDED

BARN CONSTRUCTION WILL BE REGULATED.

With Recent Fires in Which "orses Have Perished by Score, Enhtect Has New Interest.

Owners of many barns in Portland will be required to after the exits of their buildings, says Building Inspector Plummer, and at the next meeting of the City Council he will recommend that such changes be ordered. Accompanying his recommendation will be a detailed statistical statement setting forth the number of stables in which 10 or more animals are housed and the percentage of those that fall to come up to the ordinances governing exits.

A. S. Latspiech, a special inspector employed during the Summer, has just submitted his report to the building inspector's office. It covers 305 buildings in which 10 or more horses are kept and sets forth the name of the owner and the location of all that are constructed contrary to the present law. will be required to alter the exits of

law.

"At least 15 per cent of these barns," said Mr. Plummer yesterday, "do not come up to the requirements of the ordinance, which specifies that they shall have eight feet of exit for every 2500 square feet of floor space. We shall try to have these defects reme-

Since more than 100 horses were burned to death in the fire at the old Exposition building last July, there has been much agitation among city officials and the public generally for more adequate protection fof the animals. Those interested in humane work have taken a prominent part in the agitation. Other fires in recent years have dealt death to horses and cattle until the aggregate loss is appalling, says the Building Inspector.

Councilman Watkins recently introduced a measure providing for more Exposition building last July, there has

Councilman Watkins recently introduced a measure providing for more
protection for horses kept in stables,
but the provisions requiring all barns
of frame construction, containing 10 or
more horses to be torn down before
January 1, 1912, prevented its passage.
A revision of the ordinance, with this
feature eliminated has been suggested.
The Building Inspector's office has
sent notices to all the owners of frame
barns that do not come up to the requirements to provide the additional
exits. He has received no protests. He
expects that considerable objection will
spring from the owners of brick and
concrete barns, however. He will start
mailing out notices to them during the

mailing out notices to them during the next few weeks.

A provision that will gradually eliminate all the large frame barns in the city is also under consideration by the building department.

SCANDINAVIANS TO MEET

Assembly Advocating "Oregon Dry in 1910" to Gather Sunday.

A Scandinavian mass meeting in the interest of "Oregon Dry" in 1939" will be held in the First Presbyterian Church, Twelfth and Alder streets, tomorrow

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plunging down the street thrill the best of us. The man with a story of stirring adventure gets the floor. A good adventure story is always worth reading. But where can you find such a story? You have to read through a lot of mush to get the real stirring thing you want. Why not get a magazine that has adventure stories and nothing else-especially when you can get a magazine that is edited just as carefully as a magazine like Everybody's-that is, in fact, published by the publishers of Everybody's? For instance:



JUST SUPPOSE you woke from a drugger sleep in the hold of a South American sailing vessel bound for you knew not

sailing vessel bound for you knew not where—
SUPPOSE you found you were alone on the Pacific with a crew of Chinamen and a lady-skipper, whose only name was "Beesde"—
SUPPOSE you had been robbed of an inventory-list of priceless treasure consigned by Pisarro, from Peru, in the galleon Espiritu Santo, to the King of Spain—
BUT SUPPOSE you remembered the Intitude and longitude of the spot where the Espiritu Santo went down—
AND SUPPOSE you found "Bessie" a game sport and her crew of Chinamen a bunch of heroes—
JUST SUPPOSE—
WHAT would you do?
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afternoon at 3:30 o'clock. All the Scandinavian churches and temperance sociemusic, selected; "Can Prohibition Be Rev. D. Larsen; music by orchestra, se

ties of the city will participate. Rev. Enforced?" Rev. John Ovall; duet, Mrs. lected; "Saloon and the Church," Rev. C. J. Larsen will preside.

R. H. Torry and F. P. Holm; "Personal H. E. Sanstedt; solo, "The Dramshop." C. J. Larsen will preside.

R. H. Torry and F. P. Holm; "Personal H. E. Sanstedt; solo, "The Dramshop," Liberty and Prohibition," Rev. H. P. Miss Christine Olson; "The Saloon and Song by union chorus, scripture reading Nelsen; solo, "Molly and the Baby," J. the Home," Rev. B. J. Thoren.

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