

UNWRITTEN LAW IS MADE DEFENSE

A. M. Richardson Placed on Trial for Killing Jesse C. Hale.

DEFENDANT BREAKS DOWN

Prisoner Weeps When Counsel Relates Story of How Hale Broke Up Home - Circuit Judge May Be Called to Stand.

MOSAIC LAW IN MURDER CASE OBJECTIONABLE TO REV. MR. DYOYT.

In declining to serve as a juror in the Hale murder case in the State Circuit Court yesterday afternoon, Rev. Luther P. Dyott, pastor of the First Congregational Church made the following explanation: "To my mind, it harks back to the old idea of an eye for an eye and a tooth for a tooth. I believe criminal law should be founded on the idea of reform rather than punishment. I think there should be established where men who have lost the right to freedom may be imprisoned, but given a chance to make what they can. I believe society has a right to cut off a man's existence."

While insanity is being made the nominal defense of Anselmus M. Richardson, who went to trial yesterday morning in the Circuit Court for murder in the first degree, the unwritten law breaks out here and there as the real defense of the accused man. He is charged with deliberately shooting Jesse C. Hale, a fireman employed on the freight boat George H. Williams, August 15. Under testimony between Hale and Mrs. Richardson is given as the cause of the murder.

When taken into Department No. 3 at the Courthouse, Judge Galens is presiding over the trial, Richardson broke down yesterday morning and wept. As the examination of the juror proceeded he recovered his composure. But when John F. Logan, his attorney, told the jurors of how Hale broke up his home, he again broke into tears. Otis Arnold, the first juror examined, said he does not believe in capital punishment. Dr. Luther E. Dyott, pastor of the First Congregational Church, was called in his capacity and when he was about to be examined said he thought he could save time for all concerned by saying that he could not qualify as a juror. He was excused because he is a clergyman. Asked afterward what his scruples were, he said he does not believe in hanging.

Appeals to Hale Unheeded.

While being examined Dr. Dyott said he officiated at Hale's funeral, and that while riding to the cemetery some of the firemen discussed the case. Dr. Dyott said he had an impression as to the guilt or innocence of Richardson, but not such a one as the evidence might not change.

E. C. Comstock, an ornamental iron manufacturer living on Halsey street, said during his examination that if Mrs. Richardson were the woman, and that Hale took advantage of her, and then Richardson shot Hale, and the court should instruct him to bring in a verdict which would mean hanging for Richardson he could not do it. In telling the jurors about the case, Attorney Logan said Hale became acquainted with Mrs. Richardson in 1898 while driving a wagon. He said Richardson tried to persuade him to cease his attentions to the woman, but without avail. Later, said Mr. Logan, Hale beat Richardson in Richardson's own home, and compelled him to leave, and afterward beat Mrs. Richardson. She visited Hale at the fireboat between 10 and 12 every other night, he said. Richardson's patrons, who went to be shaved by him, for he is a barber, became afraid he would do them harm when he began to talk about his family affairs, and ceased to visit him. In this connection the defense expects to search and place him on the stand this afternoon if the case is far enough along.

Woman Hears Fatal Shot.

She went to a telephone and called up Hale. While she talked with him Richardson called Hale out. He put the receiver down saying he would be right back and Mrs. Richardson heard the shot over the telephone. She asked who had said to have fainted and to have afterward wept over his body at the morgue.

Bad Check Artists GUILTY

Penitentiary Gets New Recruits From Portland Court.

Three forged check artists, who had previously pleaded guilty to the crime, were sentenced by Presiding Judge Cleland yesterday, and one more will be sentenced Thursday. The latter is George Duffy, who has admitted passing a worthless check for \$40 on John F. Toft August 2. Nick Leibold was sentenced to two years in the Oregon Penitentiary for passing a bad check for \$3 on E. Bergstrand August 15. Ike Ford was sentenced to two years and six months for having passed a forged check for \$12.50 on John Wilkins August 5, and Willis Gray, alias James Gordon, was given three years in the penitentiary for passing a forged check for \$18.00 on W. Margulies August 6.

THREE TRAINS DAILY.

New Great Northern train service, Portland to Puget Sound and Vancouver, B. C. Leave Hoyt-street station, Eleventh and Hoyt streets, 10:00 A. M., 5:00 P. M. and 11:30 P. M. Tickets, sleeping and parlor-car reservations City Ticket Office, 123 Third street, and at depot.

STOPPED SHORT

Taking Tonics, and Built Up on Right Food.

The mistake is frequently made of trying to build up worn-out nervous system on so-called tonics—drugs. New material from which to rebuild wasted nerve cells is what should be supplied, and this can be obtained only from proper food.

OFFICIAL FIGURES GIVEN

Public Dock Bond Issue Carries by 10,466 Votes.

The official figures on the various amendments to the city charter voted on November 5 were yesterday made public by City Auditor Barbur. They are as follows:

Public dock bond issue—Yes 18,771, no 8205.

Water mains amendment—Yes 14,952, no 11,268.

Amendment allowing City Council to fix salary of City Engineer—Yes 12,493, no 12,157.

Amendment allowing City Council to fix salary of City Attorney—Yes 11,954, no 12,485.

The returns were signed by Mayor Simon, City Auditor Barbur, County Clerk Fields and Fred L. Olson, Justice of the Peace.

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\$25,000 ASKED FOR LOST EYE

Laborer Sues Twohy Bros., Alleging Helper Caused Injury.

Having lost the sight of his left eye, he complains, through the alleged carelessness of a workman, who was helping him. William Duhava filed suit in the Circuit Court yesterday against the Twohy Brothers Company, and John and Pat Twohy, of Twohy & Twohy, demanding \$25,000 damages. He says he was working with a gang near Barnhart assisting in the construction of a roadbed for the new railroad between Pendleton and Tokum when injured.

Duhava avers that he complained to James Helne, superintendent, four days before the accident, that his helper could not understand English and used his sledge carelessly. Another helper was promised, he complains, but was not furnished. September 2 Duhava and his helper were trying to raise a piece of steel to be used as a frog, when a piece of it flew into Duhava's eye.

The litigant says he was earning \$90 a month, and was reasonably well paid the use of the eye for 23 years longer except for the accident.

JESSE WEBB ALLEGES ERROR

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PROFITS IN GOLD and SILVER MINING

If a man were to work one year of 213 days at \$2.50 per day, he would be paid \$528.75; at \$3 per day, \$639.75; at \$3.50 per day, \$745.25; at \$4 per day, \$850.75; at \$4.50 per day, \$956.25; at \$5 per day, \$1061.75; at \$5.50 per day, \$1168.25; at \$6 per day, \$1275.75; at \$6.50 per day, \$1390.25; at \$7 per day, \$1507.75; at \$7.50 per day, \$1626.25; at \$8 per day, \$1753.75; at \$8.50 per day, \$1890.25; at \$9 per day, \$2037.75; at \$9.50 per day, \$2184.25; at \$10 per day, \$2340.75; at \$10.50 per day, \$2498.25; at \$11 per day, \$2661.75; at \$11.50 per day, \$2830.25; at \$12 per day, \$2997.75; at \$12.50 per day, \$3168.25; at \$13 per day, \$3315.75; at \$13.50 per day, \$3474.25; at \$14 per day, \$3637.75; at \$14.50 per day, \$3806.25; at \$15 per day, \$3987.75; at \$15.50 per day, \$4168.25; at \$16 per day, \$4339.75; at \$16.50 per day, \$4512.25; at \$17 per day, \$4687.75; at \$17.50 per day, \$4862.25; at \$18 per day, \$5037.75; at \$18.50 per day, \$5208.25; at \$19 per day, \$5379.75; at \$19.50 per day, \$5542.25; at \$20 per day, \$5707.75; at \$20.50 per day, \$5882.25; at \$21 per day, \$6057.75; at \$21.50 per day, \$6242.25; at \$22 per day, \$6417.75; at \$22.50 per day, \$6592.25; at \$23 per day, \$6777.75; at \$23.50 per day, \$6962.25; at \$24 per day, \$7157.75; at \$24.50 per day, \$7352.25; at \$25 per day, \$7547.75; at \$25.50 per day, \$7752.25; at \$26 per day, \$7957.75; at \$26.50 per day, \$8172.25; at \$27 per day, \$8397.75; at \$27.50 per day, \$8622.25; at \$28 per day, \$8857.75; at \$28.50 per day, \$9092.25; at \$29 per day, \$9327.75; at \$29.50 per day, \$9572.25; at \$30 per day, \$9817.75; at \$30.50 per day, \$10082.25; at \$31 per day, \$10357.75; at \$31.50 per day, \$10642.25; at \$32 per day, \$10917.75; at \$32.50 per day, \$11202.25; at \$33 per day, \$11477.75; at \$33.50 per day, \$11752.25; at \$34 per day, \$12027.75; at \$34.50 per day, \$12352.25; at \$35 per day, \$12677.75; at \$35.50 per day, \$13002.25; at \$36 per day, \$13327.75; at \$36.50 per day, \$13652.25; at \$37 per day, \$13977.75; at \$37.50 per day, \$14302.25; at \$38 per day, \$14627.75; at \$38.50 per day, \$14952.25; at \$39 per day, \$15277.75; at \$39.50 per day, \$15602.25; at \$40 per day, \$15957.75; at \$40.50 per day, \$16252.25; at \$41 per day, \$16577.75; at \$41.50 per day, \$16902.25; at \$42 per day, \$17227.75; at \$42.50 per day, \$17552.25; at \$43 per day, \$17877.75; at \$43.50 per day, \$18202.25; at \$44 per day, \$18527.75; at \$44.50 per day, \$18852.25; at \$45 per day, \$19177.75; at \$45.50 per day, \$19502.25; at \$46 per day, \$19857.75; at \$46.50 per day, \$20152.25; at \$47 per day, \$20507.75; at \$47.50 per day, \$20852.25; at \$48 per day, \$21207.75; at \$48.50 per day, \$21552.25; at \$49 per day, \$21907.75; at \$49.50 per day, \$22302.25; at \$50 per day, \$22657.75; at \$50.50 per day, \$22952.25; at \$51 per day, \$23307.75; at \$51.50 per day, \$23652.25; at \$52 per day, \$24007.75; at \$52.50 per day, \$24402.25; at \$53 per day, \$24807.75; at \$53.50 per day, \$25202.25; at \$54 per day, \$25607.75; at \$54.50 per day, \$26002.25; at \$55 per day, \$26407.75; at \$55.50 per day, \$26402.25; at \$56 per day, \$26807.7