

CHARGES FALL FLAT

Ardenwald Nurseryman Freed by Oregon City Court.

DETAILS OF CRIME TOLD

Many in Courtroom Congratulate Defendant When Verdict Is Read.

Case May Be Renewed by Action of Grand Jury.

(Continued From First Page.)

obstructed my view from the door. The dogs barked five or ten minutes, and I concluded they were barking at something in a northerly direction. It is north on the road from the Hill home to Ardenwald Station. Harvey's house is the next house south of the house in which we lived. June 9 was a bright night.

Prowler Not Seen.

Cross-examined by Mr. Brownell the witness said he did not see a man about 5 feet 11 inches tall go by his house two or three times on the night of the murder. He repeated that he saw no one at the Hill home when he got up. He said it was 12:45 o'clock when he went back to bed.

Mrs. De Parque, sister of the slain woman, who sobbed at intervals while she was testifying, said that she and Mrs. Thomas Cowing had gone to the Hill home Saturday—two days after the discovery of the crime—to get the same belonging to her sister. She said that the house was in disorder and that they found a clock on the floor in the front room near the couch of the Hill's.

Clock Purchase Recalled.

Cross-examined by Mr. Brownell Mrs. De Parque said she and Mrs. Cowing went to the house at 10 o'clock Saturday morning. The lawyer asked where they had seen a clock among persons in the house after the crime was committed until the arrival of the witness and her sister-in-law. Answering in the affirmative Mrs. De Parque said the clock was to some extent obscured from view. She said her sister had told her it was being bought by a clock, and that her father had found the bill for the timepiece in the house after the discovery of the crime.

Mrs. De Parque and myself went to the Hill home on the morning of June 19 to get some clothes," said Mrs. Thomas Cowing. "We found the clock lying across the room from the table where Mrs. Hill had placed it. It was in a position so it could not be readily seen."

The witness corroborated the testimony of Mrs. De Parque as to the clock having stopped at 12:42, and that it would run when righted and stop when placed on its back.

Harvey Seen on Platform.

Ralph Willis, who lives near Ardenwald Station, said that he left Portland on the 12:08 o'clock car, having gone to that city to see the festival parade. "I did not see Mr. Harvey on the car," declared the witness. "But when I got off the car I saw the defendant standing on the platform. I also saw Howard Russell there. I don't know whether the car was on time, but I judge it got to the station at 12:35 or 12:40 o'clock."

The witness said Harvey told him as he stepped off the car to be careful and not step on a board that was there near the door. He said that he saw Harvey on the car at the station. Mr. Goodale testified there were two ways to get to the Hill home, but in either case the Delk house, where the ax with which the crime was committed was obtained, would have to be passed. One way was about as long as the other, declared Mr. Goodale.

Reporter Tells of Fee.

"I saw a man on the platform and a boy in the station when we got off the car," testified John A. Marek, of Ardenwald station. The witness said he had been to Portland to see the parade, having been accompanied by his wife and three children and his sister and her husband.

Ferry Farnsley, a newspaper reporter, said that Harvey had admitted the second day after his arrest that he had signed a contract with Bowerman & Able, Portland lawyers, to pay them \$25,000 to defend him in case of his arrest in connection with the case. The witness declared Harvey told him in the presence of Sheriff Mass that Mr. Able and a detective named Mitchell had come to his home some time after the crime, had informed him the "woods were full of detectives or sheriffs," and that he had better go to Portland with them. Farnsley did not remember that anything was said at the Harvey home about Harvey employing the lawyers to defend him.

Attorneys Deny Charge.

After the publication of the interview of the reporter with Harvey Messers, Bowerman and Able, in statements in The Oregonian, denied emphatically that either of them with a detective had gone to Harvey's home and taken him to their office. They said that Harvey had come to them at their office of his own volition, and had retained them.

Mr. Idleman, who was first to sum up, said the evidence was not sufficient upon which to hold the accused. He placed great stress upon the statement made by the witness Willis that Harvey had cautioned him as he stepped from the car to be careful not to trip on the board.

"I hardly think a man contemplating a crime of such an atrocious character would have presence of mind enough to warn a man he did not even know against a board, telling him not to trip over it."

The Deputy District Attorney in summing up said the evidence was sufficient upon which to hold the accused. He asserted that the testimony showed that Harvey had "hung back" at the station while the others who came on the car went directly to their homes.

"He would have been home at 12:40 o'clock," said the prosecutor. "He was not seen by anybody as he went home."

The Matthews dogs barked at 12:45 o'clock; the clock in the Hill home stopped at eight minutes to one, and Harvey was the man who had been left behind.

The prosecutor said no man but one with a guilty knowledge would employ a lawyer before he even had been accused.

"If this man is to be held on this evidence then no man in this courtroom is safe, and I should advise every man, woman and child in this county to carry a gun in every pocket," shouted Mr. Brownell in the course of his argument. This brought applause from parts of the room, and it was some time before Justice of the Peace Samson could restore order. Mr. Brownell told the court that it was his duty to set the prisoner free and not allow the stigma to rest upon him and his family upon such evidence.

Evidence Declared Lacking.

"Either do that," said the lawyer, "or compel the prosecution to produce some evidence upon which the court can conscientiously hold this man. There is absolutely nothing against him. If one of the Main-street banks were robbed and a man had been seen getting off a car late at night anywhere on Main street, that act would be just as conclusive of his having robbed the bank as the evidence given here is that my client committed this outrageous crime."

Mr. Brownell referred to the prisoner once as "brother Harvey," and said his reputation had been spotted up to the time of his arrest in this case.

After the applause had subsided Justice of the Peace Samson said: "I have known this defendant 25 years. I never heard anything against his character before. The fact that he was seen at the station on the night the crime was committed is not sufficient evidence upon which to hold him. Human nature is flexible. He was frightened into going to Portland and signing that contract. I do not believe he hardly knew what he was doing. It was not ethical in the lawyers to take advantage of his condition and taking his name as a 'brother Harvey,' and if it is shown they did what they are accused of doing they should be discouraged. The complaint is dismissed."

"I have been working on this case ever since the discovery of the crime," said Sheriff Mass, "and only a few days ago the grand jury sent me a message that they had progress I had made. I gave the jury an outline of the evidence, without mentioning any name, and the jurors said the case should be tried at once. A few days later I was called before the jury again and gave the evidence in greater detail. Then the jurors insisted upon indicting the man accused, and I instructed me to communicate with District Attorney Tongue. This I did and the District Attorney advised me to have a preliminary hearing. The same grand jury will meet again January 19."

SHOOTING HASTENS ARREST

Shots Fired in Dispute Between Harvey and Mrs. Hill's Brother.

OREGON CITY, Or., Dec. 25.—(Special)—Sheriff Mass announced here tonight that he had hastened the arrest of Nathan B. Harvey and accused him in connection with the murder of the Hill family because of the circumstances surrounding a dispute between T. P. Cowing, Jr., and Harvey, in which a revolver in the hands of Mr. Cowing was twice discharged. Sheriff Mass said that the shooting had been reported to him December 2 by Harvey and that the dispute occurred in Harvey's office in Ardenwald.

The Sheriff said that Harvey had accused Mr. Cowing of trying to force him to go to the Hill home, near by, and tell him the position of the bodies of Mr. and Mrs. Hill and the two children as they were found on the morning of June 9 following the murder. Harvey, as the Sheriff said, refused to consent to the demand of Mr. Cowing, and later, while they were in the Harvey office, he says that Mr. Cowing drew out a revolver and began shooting at his wife and an employee of the nursery were near by at the time the shots were fired, but Mr. Cowing declares the shooting was accidental and contradicts Harvey's story in several particulars.

Great Clearance Sale Sundry Section

\$6.00 Casseroles \$3.60
8.00 Baking Dishes 4.98
5.00 Chafing Dishes 2.98
6.00 Chafing Dishes 3.48

Great Clearance Sale

\$12.50 BATH CABINETS, \$9.98.
Robinson's Vapor Bath Cabinet; wood or steel frame; face steamer and stove included. Clearance sale price only \$9.98
\$9.50 MEDICINE CABINETS, \$5.98
White-enamel Bathroom Medicine Cabinet; plate glass shelves and mirror. Clearance sale price, \$5.98

COWING TELLS OF SHOOTING

Harvey Declared to Have Refused to Visit Hill Home.

Thomas F. Cowing, Jr., admitted last night that a revolver he carried at the time he went to interview Harvey was discharged in a scuffle which took place in Harvey's office at Ardenwald, but he said he did not know whether he discharged it or whether Harvey did. He declared he was standing by Harvey and succeeded in escaping from the office only after drawing his revolver.

"I went over to Harvey's place," he said, "and he was working in the shrubbery. I said, 'I would like to speak to you a minute privately.' He said, 'All right, you step up here, Mr. Cowing,' and took me to his office. 'I hesitated about going in. I thought I knew what kind of a man he was. But I finally stepped in. He sat down in a chair. I then asked him if he would go with me to the Hill home and describe to me the position in which the bodies were found the morning after the murder.'"

"No, sir, I will not," Harvey replied, flying into a rage and making a vicious lunge at me. We grappled and I forced him into his chair. Breaking loose, he started for me again. As a measure of self-protection I managed to draw a revolver from my pocket beneath my overcoat, was hit once during the struggle it was discharged. "His wife and hired men heard the scuffling and came up. He requested that I say nothing about what had happened, and said he would not. He also asked his wife and the hired men to say nothing. Then he shook hands with me, and said he was glad nobody was hurt."

"The weapon was discharged twice, but I don't know who fired it. We were struggling. He was holding my wrist and I don't know whether he pulled the trigger or whether I did. "The little office is only about 8 by 10 feet. I had my revolver in my back pocket until I threw it out. I had pushed him back in the chair three times. I don't know that any words passed until I threw my revolver out. He said, 'No.' I said, 'I am not either, and I am awful glad of it.' I had felt he wanted to get me. My object was to get out the door without getting hurt."

"He followed me out to the machine and shook hands with me. He telephoned the next day to Sheriff Mass. I think he told him I was down there trying to shoot him up."

Army Orders Issued.

WASHINGTON, Dec. 25.—The leave of absence granted First Lieutenant Dewitt C. Frisbie, Sixth Infantry, Philippine division, is extended one month. Major Clyde R. Ford, Medical Corps, having completed the duty to which he was assigned November 4, will return to Columbus, O., and resume his status of sick leave absence.

CARD OF THANKS.

We wish to thank our many friends for their kind sympathy and fraternal letters in behalf of the loss of our beloved husband and father.
MRS. E. A. LYNNE AND FAMILY.

Great Clearance Sale Of Holiday Merchandise

Nothing Has Escaped the Pruning Knife. Prices That Will Add to Our Reputation as a Great Cut Price Store.

FREE CITY AND SUBURBAN DELIVERIES

TELEPHONE ORDERS FILLED PROMPTLY

Out of Town Orders Shipped Same Day Order Is Received.

Great Clearance Sale Picture Section

\$3.00 PICTURES, \$1.49.
Harrison Fisher heads, in one-inch mahogany frames; size 16x20; regular price \$3. Clearance price, \$1.49

\$2.00 PICTURES, 75c.
Harrison Fisher heads, in one-inch antique gold frames and soft brown mat; regular price \$2.00. Clearance sale price 75c

\$12.00 PICTURES, \$4.85.
20x30 Pastel Landscapes; handsome gold-ornamented frames, gold mats; regular price \$12. Clearance, \$4.85

\$9.00 PICTURES, \$4.50.
14x28 Pastel Fruit Subjects in 2 1/2-inch brown oak frames, burnished corners; regular price \$9.00. Clearance sale price \$4.50

\$2.00 PICTURES, 98c.
16x20 facsimile water colors in 1 1/2-inch gold frames; regular price \$2. Clearance sale price 98c

\$1.50 PICTURES, 75c.
Beautiful etchings in 2-inch brown oak frames; regular price \$1.50. Clearance sale price 75c

All Oil Paintings in the house; values from \$5.00 to \$500. Clearance sale reduced one-half or more.

Episcopalians Attention

Just arrived. Shipment of the Church Kalender, "The Christian Year," 1912. Price 75c

Great Clearance Sale Sundry Section

\$6.00 Casseroles \$3.60
8.00 Baking Dishes 4.98
5.00 Chafing Dishes 2.98
6.00 Chafing Dishes 3.48

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\$12.50 BATH CABINETS, \$9.98.
Robinson's Vapor Bath Cabinet; wood or steel frame; face steamer and stove included. Clearance sale price only \$9.98
\$9.50 MEDICINE CABINETS, \$5.98
White-enamel Bathroom Medicine Cabinet; plate glass shelves and mirror. Clearance sale price, \$5.98

Great Clearance Sale Leather Goods Section

All leather Traveling Bags, Suitcases and Trunks. Clearance sale at one-fourth off.

All Leathers and Umbrellas one-fourth off.

Traveling Cases, fitted complete with manicure and toilet articles; calf, seal and walrus cases; ebony, rosewood and cocobola fittings; regular price \$5.00 to \$15.00; while they last, clearance sale price, one-half off.

\$5.00 TRAVELING CASES, \$2.50.

Traveling Cases, fitted complete with manicure and toilet articles; calf, seal and walrus cases; ebony, rosewood and cocobola fittings; regular price \$5.00 to \$15.00; while they last, clearance sale price, one-half off.

Great Clearance Sale

\$5.00 WRITING SETS, \$2.50.
Lots of odds and ends of imported articles, such as Bottle Sets, Writing Cases, Coat, Skirt and Trouser Hanger Sets; hundreds of similar useful articles; regular prices 25c to \$5.00. While they last, clearance sale price, one-half off.

\$1.25 JEWEL BAGS, 9c.
Lot of odds and ends of Belts, Jewel Bags and Drinking Cups; values to \$1.25. Clearance sale price while they last 9c

\$28.50 MESH BAGS, \$14.25.
Assortment of beautiful Mesh Bags in gold, silver and gunmetal; regular price \$2.00 to \$28.50. While they last, clearance sale price, one-half off.

\$15.00 SHOPPING BAGS, \$7.50.
New and up-to-date Shopping Bags in fancy and tailored effects; all colors; regular price \$1.00 to \$15. While they last, clearance sale price, one-half off.

\$8.00 SHOPPING BAGS, \$3.98.
New Seal Shopping Bags; long leather and cordelier handles; inside purse; regular price \$8.00. While they last, clearance sale price \$3.98

Great Clearance Sale Toilet Sets

\$16.00 SETS, \$9.98.
Handsome Sterling Silver Toilet Sets; regular prices \$45, \$23 and \$16. Clearance sale, \$30, \$16, \$9.98

\$5.00 SETS, \$3.39.
German Silver Toilet Sets—comb, brush and mirror; regular \$5 sets. Clearance sale \$3.39

\$5.00 SETS, \$1.29.
German Silver, Ivory-Finish Toilet Sets—comb, brush and mirror; regular \$5 sets. Clearance sale \$1.29

\$9.00 SETS, \$4.95.
Derby Silver Toilet Sets—comb, brush and mirror; regular \$8 and \$9 sets. Clearance sale \$4.95

\$30.00 SETS, \$14.98.
Genuine Ebony Combination Toilet Sets for ladies and gentlemen; regular \$30 sets. Clearance sale, \$14.98

All Parisian Ivory Clearance Sale 1/4 Off

Derby Silver Hatpin Holders; regular \$2.00. Clearance sale \$1.29
35c Hatpins, with rhinestone setting 19c
75c Hatpins, with rhinestone setting 49c
Beautiful necklaces; prices \$1.00 to \$25.00. Clearance sale, one-fourth off.
Newest styles in Drop Earrings; prices \$1.00 to \$12.00. Clearance sale, one-fourth off.

Great Clearance Sale Jewelry Section

Derby Silver Hatpin Holders; regular \$2.00. Clearance sale \$1.29
35c Hatpins, with rhinestone setting 19c
75c Hatpins, with rhinestone setting 49c
Beautiful necklaces; prices \$1.00 to \$25.00. Clearance sale, one-fourth off.
Newest styles in Drop Earrings; prices \$1.00 to \$12.00. Clearance sale, one-fourth off.

Great Clearance Sale Stationery Section

All Calendars, Holiday Stationery, Address Books, Line-a-Day Books, Automobile Records, Visiting Lists, Shopping Lists, Calling Lists and Desk Sets in brass and copper. Clearance sale, one-fourth off.

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Great Clearance Sale Toilet Section

Cut Glass Perfume Bottles; regular \$2.00. Clearance sale \$1.69

CUT GLASS PERFUME ATOMIZERS
Regular \$5.00, \$3.00 and \$2.00. Clearance sale \$3.75, \$2.25, \$1.50
Silver Deposit Ware Bottles; regular price \$1.50 and \$2.00. Clearance sale one-half off.
Derby Silver Soap Boxes; regular \$2.75. Clearance sale \$1.69

Great Clearance Sale

All Brasses, Fern Sets, Umbrella Stands, Art China and Cut Glass. Clearance sale, one-fourth to one-half off.

Great Clearance Sale Just a Few Left

Beautiful holiday packages of the celebrated Lagrange Perfumes, in white satin embroidery boxes; regular prices \$6.00 to \$30.00. Clearance sale, one-half off.

Great Clearance Sale

\$ 1.50 Hand Mirrors \$.98
5.00 Triplicate Mirrors 3.48
10.75 Triplicate Mirrors 7.98

Great Clearance Sale Stationery Section

All Calendars, Holiday Stationery, Address Books, Line-a-Day Books, Automobile Records, Visiting Lists, Shopping Lists, Calling Lists and Desk Sets in brass and copper. Clearance sale, one-fourth off.

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Woodard, Clarke & Co.

CANOE RIDE IS FATAL

BEN H. WILLIAMS, CORVALLIS STUDENT, DROWNS.

Frail Craft Caught in Swift Current and Carried Over Dam—Companion Leaps to Safety.

OREGON AGRICULTURAL COLLEGE, Corvallis, Or., Dec. 25.—(Special.)—Ben H. Williams, of Pasadena, Cal., who has been attending the Oregon Agricultural College, was drowned late this afternoon while canoeing on Marys River. The canoe, containing Williams and one companion, was overturned just above the dam and it is thought the student was carried over the dam. Williams' body has not been found.

Bert Cole, who was with Williams, had a narrow escape. He says that in attempting to pass from the river into the millrace, they were caught in the current and carried towards the dam. The boys became excited upon seeing their peril and in their efforts to get the canoe to shore they upset it.

They were carried to the edge of the dam, where Cole saved himself by holding to a timber and later working his way to shore. Williams apparently became panic-stricken and, losing his hold, went over the dam into the swift current below. Cole and "Chester" Bent, who was in another canoe, immediately took up the search for the missing boy, but were forced to give up and come to the city for aid.

A large crowd of students and citizens were now on the scene searching for the body. The darkness and the high water make their task exceedingly difficult.

FRIES IS PURGED OF SIN

Olson Forgives Realty Man After Yuletide Greetings.

Yuletide peace reigns between Justice Fred L. Olson and H. W. Fries, the real estate man whom the justice handed a Christmas package containing a warrant for contempt of court last Saturday, after Mr. Fries had fled from the court, pursued by a constable, to escape serving on a jury.

Greetings of the day were exchanged between the disputants Monday, and at that time Mr. Fries sought to place himself right with the court, but was informed that the matter must be taken up in open tribunal.

The regiclitant juror appeared yesterday and tendered an apology. He said he appreciated the desire of the court to get good jurors, and would not have stood out had it not been that his engagements were pressing and the method of his summoning a little irregular.

This statement was accepted by the court in full satisfaction, and Mr. Fries went forth purged of contempt.

Holy Roller Adjudged Insane.

ASTORIA, Or., Dec. 25.—(Special.)—Jacob Louma, a native of Finland, 28 years of age, was examined by the

Gun Woman Out of Jail.

MARSHFIELD, Or., Dec. 25.—(Special.)—Goldie Bestcott, who shot Charles Murray on the street, has been released from the City Jail pending a preliminary hearing, and is at a hotel.

Murray's condition is serious and he refuses to give any statement which will have little chance of recovery. He still in any way incriminate the woman.

There is Only One "Bromo Quinine"

That is Laxative Bromo Quinine

Use the Words Over to Cure a Cold in One Day. Always remember the full name. Look for this signature on every box.

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Dollars Do Double Duty During Annual Clearance

—in choosing from Farrell's high-grade stock of Women's and Misses' Apparel at the price of cheapness!

ABSOLUTELY NOTHING IS RESERVED FROM THE entire stock, except a few corsets. The choice things will go first. And they will go quickly because

EVERYTHING WILL BE UNMERCIFULLY SACRIFICED to enforce our ironclad rule, not to carry over anything!

THE R. E. FARRELL COMPANY

7th and Alder Streets Portland, Oregon

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