

INDICTMENT INSTEAD OF QUINITY GIVEN

Ex-Patrolmen Attempt to Show Promise Made for Whisky Ring Evidence.

BOB HODGE FILES REPLY

Technical Demurrer Offered to Indictment Charging Plot to Transport Liquor and Case Is Set for Monday.

SEATTLE, Wash., Jan. 30.—(Special.)—Edward J. Margett, ex-patrolman, chagrined because of his indictment by the Federal grand jury, has undertaken to establish, by testimony, that he was assured of immunity by the United States District Attorney's office in return for his evidence against the Billingsleys and others who were similarly involved.

Margett called on Prosecuting Attorney Lundin today, accompanied by his attorney, John J. Sullivan, and interrogated Mr. Lundin with a view to ascertaining whether or not it was Mr. Lundin's idea that Margett was to be saved from indictment. Mr. Lundin had no such recollection of any understanding.

"I must admit that I was surprised when the indictment against Margett was brought in, but I cannot say that I know or knew of any definite agreement between Margett and the Federal officials," he said after the interview.

Accompanied by his attorney and law partner, W. R. Bell, Robert T. Hodge, ex-Sheriff, appeared before Federal Judge Jeremiah Neterer and a demurrer filed to the grand jury indictment returned Saturday which alleges the three-time Sheriff of King County and twice candidate for Governor of Washington to be a member of the whisky conspiracy ring.

The demurrer gives exceptions to the indictment, as follows: 1. That this court is without jurisdiction of the subject matter. 2. That said indictment fails to state facts sufficient to charge a crime against this defendant.

3. That said indictment is insufficient in law to charge any offense against this defendant.

The demurrer was regularly entered and filed, whereupon Judge Neterer announced from the bench that the argument on the demurrer would be heard Monday afternoon, February 5, at 2 o'clock, and cited the other defendants named in the same indictment to appear also, either in demurrer proceedings or pleaings.

Federal Judge Neterer announced that it was hardly possible for the trial of the accused officials and the others indicted to be held before March 1, as both the calendar of his court and that of Judge Cushman were filled up to that date. His announcement would result in a more determined effort being made to have Federal Judge Rudkin brought here to try these cases at an earlier date.

FRAUD IS NOT PROVED

SALE OF ISLAND TO DOUKHOBS MUST STAND.

Supreme Court Reverses Judge Galloway and Suit Against Linn County Couple Dismissed.

SALEM, Or., Jan. 30.—(Special.)—Fraud was not proved in the sale of an island in the Willamette River by B. J. Hecker and wife, of Linn County, to the Society of Independent Doukhobors and the sale must stand, the Supreme Court today decided in an opinion by Justice Burnett. Judge Galloway is reversed in the finding.

It was alleged that the island was sold through an interpreter to the Doukhobors, a corporation of Russians coming to this country to locate, and that he made false representations as to the value of the property and as to what it produced.

"Courts cannot make contracts, neither can they break them except for some reason which the law recognizes, as fraud or the like, which must be clearly proved by the complaining party," says the opinion. "In this instance the plaintiffs have failed on this point."

The suit is dismissed. Other opinions were as follows: State of Oregon, respondents, vs. E. Bea Norris, et al., defendants and appellants, appeal from Cook County; criminal action on a statutory offense; opinion by Justice Hanson, reversing Judge Duffy.

Henry Barnhart, respondent, vs. North Pacific Lumber Company, appellant; appeal from Multnomah County; for personal injuries in which the plaintiff secured a verdict; opinion by Justice Harris, affirming Judge Gilens.

Minnie Eviata Stadlerman, et al., respondents, vs. W. H. Miner, et al., appellants; appeal from Cook County; collateral attack upon the validity of a probate order licensing the sale of real property of a decedent's estate to pay the debts of the decedent; opinion by Justice Moore, reversing Judge Cook.

E. W. McCaskey, respondent, vs. Northern Pacific Railway, et al., appellants; appeal from Wallowa County; former decree modified on petition for modification of the ruling on title to lands in Umatilla County; opinion by Justice Moore, modifying opinion of Judge Phelan.

State ex rel. M. Moteschnbacher, et al., plaintiffs, vs. A. A. McHaffey, defendant; original proceeding in mandamus to compel McHaffey as secretary to show cause why he did not sign certain bonds of the Klamath drainage district; opinion by Justice Harris, affirming judgment of the defendant McHaffey.

F. D. and J. D. McCully, respondents, vs. Elizabeth Heaverly, appellant; appeal from Wallowa County; petition for rehearing denied; opinion by Justice Harris.

Carrie Rasmussen et al., appellants, vs. Chris Winters et al., respondents; appeal from Clatsop County; suit to quiet title to land in Clatsop County; opinion by Justice Burnett, affirming Judge Calkins.

Maggie and Charles E. Short, respondents, vs. Rogue River Irrigation & Power Company et al., defendants and W. B. Sherman, appellant; appeal from Josephine County; suit to quiet adverse claims to real property and to annul and cancel a selling contract; opinion by Chief Justice McBride, modifying and affirming Judge Calkins.

pects. What do you think of this and how are you on stocks? The next was Hutton's reply to this, time 1:14 P. M., which read: "Our Washington wire gave us similar message to yours. Others have the same information. We put it out, as it was more or less generally known. Your message was marked confidential and we treated it as such. E. F. H." Some time between the receipt of the Chicago message and Hutton's reply to it the now missing message from Connelly was received, Hutton testified. This was the message on which Ellis based his message at 1:54 o'clock, which follows:

LATE PENDLETON WOMAN SURVIVOR OF INDIAN WAR.

Mrs. J. W. Enbusk.

PENDLETON, Or., Jan. 30.—(Special.)—Mrs. J. W. Enbusk, who died Sunday following an operation and pleuro-pneumonia, was born in Hammerfest, Norway, in 1862, coming to America at the age of 12 and to Oregon in 1877, settling in the Grasswood country, 11 miles northwest of Pendleton, with her parents.

The following year an Indian war broke out, in which many of the pioneers were killed. Mrs. Enbusk, with the others, escaped to Weston. She was married in 1888 to J. W. Enbusk and is survived by her husband and seven children, Henry, Willie, John, Miriam, Ester, Frank and Edna.

Connelly, Hutton said it was of a class his firm seldom saved. Connelly had not kept a copy of it, he said, but added the Washington broker would testify fully before the committee tomorrow.

Hutton also produced other communications his firm had sent its correspondents, in which reference was made to various Washington situations. One of them said Hutton understood that the President's message of last December 4, the opening day of Congress, would be favorable to railroad investments. Another written by Hutton personally said "Washington advices" were that increased freight rates probably would be granted the railroads.

Firm's Margin Loans \$28,000,000.

Replying to sharp questioning by Mr. Whipple, Hutton said he did not recall any particular advice he had in mind other than a general impression he had gained from the newspapers and the ticker. He volunteered the statement he had learned nothing in this connection from Mr. Boling or Mr. Connelly. He also asserted his firm had no sources of information in Washington outside of the Connelly company.

While describing the nervous state of the financial district shortly prior to the issuance of the President's note, owing to the top-heavy speculative accounts amassed by the "public," Hutton gave the committee a shock by casually announcing that his firm's outstanding loans against margin accounts aggregated \$28,000,000. This condition, he said, was general and not limited by bankers as a dangerous over-extension that might result in a panic. The bankers had begun to call loans, he said, with the result he had issued a notice that his firm would not do business except for cash or 50 per cent margin, according to the security.

Hutton was preceded on the stand by Bernard Baruch, a large Wall-street operator, who testified that, solely by the use of foresight, he had made \$476,128 by selling short between December 10 and December 23. Baruch again declared he had received no advance information on the President's peace note.

AUTO FELS WATCHMAN

Victim of Accident Said to Have Tried to Punish Driver.

R. H. Roberts, 124 Stanton street, was knocked down at Fifth and Washington streets last night by an automobile driven by Ed Reed, 469 East Ash street. Reed reported the accident to H. D. Coffin, chairman of the Public Safety Commission, at police headquarters, and said Mr. Roberts tried to assault the chauffeur after the collision, but was restrained by two other pedestrians.

Mr. Roberts, who is a watchman, was injured about the chest and legs. The automobile, owned by C. A. Nyquist, 512 Twenty-fourth street, North.

MURDERED BABES BURIED

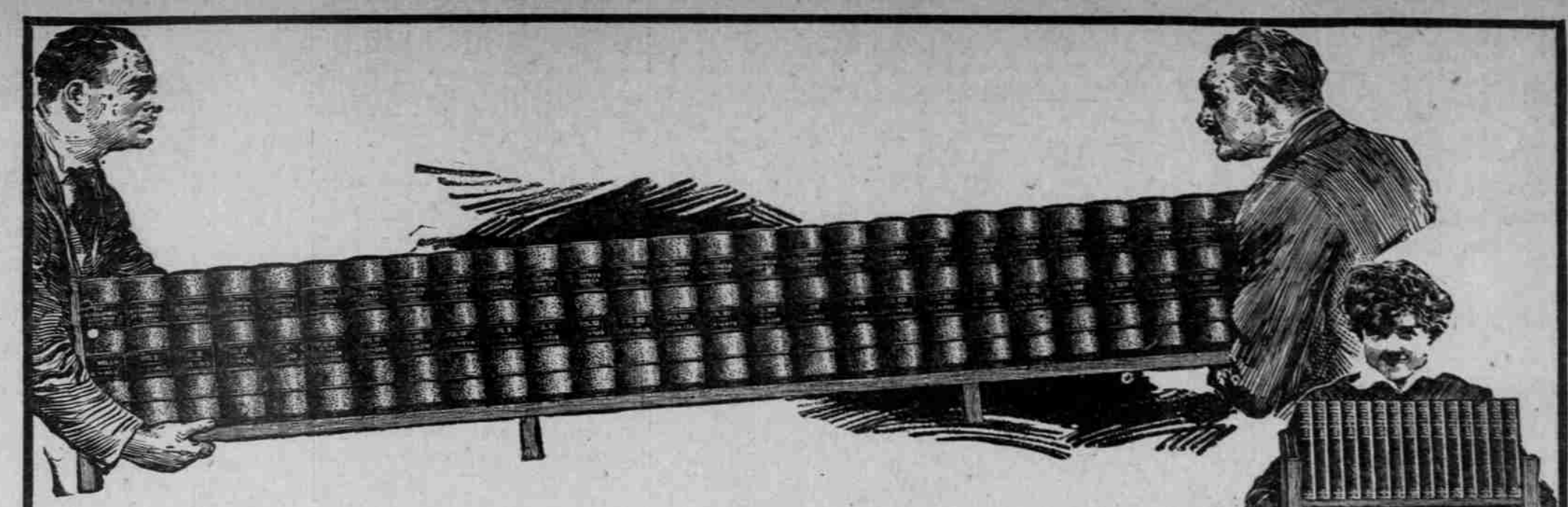
Mother Attends Funeral of Four, but Father Stays in Jail.

SEATTLE, Wash., Jan. 30.—The funeral of Mr. and Mrs. S. A. Hewitt's four little children, who were found dead with their skulls crushed and their bodies buried at their home in Auburn last Sunday, was held today in Auburn. The mother, who went to Everett to report to Patrolman Wright last night that the father, who is held in jail here in connection with the deaths, was not taken to the services, was present.

The inquest into the deaths of the children will be held next Saturday.

Chain of "Nuggets" Worth Little.

Steve Volondakis, proprietor of a cigar store at 422 Washington street, reported to Patrolman Wright last night that he had lent \$17 to a stranger and had taken as security a chain which the owner said was of Alaskan gold nuggets and worth \$250. Volondakis became suspicious when the stranger failed to redeem the property as he had promised. The police say the chain has only a small percentage of gold and is worth about \$5.



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This wonderful paper was made only abroad, before the war, from flax grown in Germany, Belgium and Ireland. When the European mills shut down, American makers began experiment after experiment with the only flax available—that from Ireland. The British embargo finally stopped the importation of this, and the one American paper maker who had at last succeeded in making this super-paper, found

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IDAHO SPLIT BILLS DUE

MEASURE WOULD PROVIDE FOR CUTTING STATE IN TWO.

Proposal Also Is Made to Divide All Counties Into Districts to Give Better Representation.

BOISE, Idaho, Jan. 30.—(Special.)—The Legislature will face two resolutions calling for the separation of Northern Idaho from the south tomorrow, if the plans made here today go through. Senator Jackson, of Bonner County, in the north, and Senator Driggs, of Madison County, in the south, will file the measure in the Senate; Majority Leader Moody and one other, probably Kiger, of Kootenai County, will champion the House measure.

The measures at least will have the effect of determining to what extent the advocates of the educational institution removal plan and the secessionists expect to go. The secession resolutions also will have the effect of determining just how strong the sentiment is to cut the state in two.

One of the most important measures before the House was passed by that body today in the Kiger-McGowan bill, which provides for the election of County Commissioners by districts instead of at large. Under the present law the Commissioners are nominated from districts, but at the general election run at large.

The objection to this system is that the centers of population in the counties are able to control the naming of the three commissioners. Under the Kiger-McGowan bill each district will have representation on the county

OREGON REQUEST DENIED

Kansas Governor Refuses Extradition for H. Bennett.

Governor Arthur Capper, of Kansas, refuses to honor the requisition of Governor Withcombe for the return to Portland of Howard Bennett, wanted in this city on indictments for larceny by bailee and embezzlement of a mortgage, according to word received by District Attorney Evans yesterday.

The Kansas Governor asserts in a letter of refusal to Governor Withcombe that it appears to be an attempt to force the payment of a private debt and that he does not care to assist in it. Gay N. Bybee, a complaining witness, has given Mr. Evans a sworn affidavit that it is solely in the interests of justice that the return of Bennett is desired.

Bennett is accused by the grand jury of obtaining a first mortgage to some valuable property, purposely failing to record it, and passing off a second mortgage later for a first one.

Governor Capper based his decision partly on a telegram he said was received from Walter S. Babson, of Chicago, president of the Peerless Pacific Company, a concern interested in the case, which asserted that prosecution was not desired if Bennett would pay \$751 due. The Governor asserts that Bennett has promised to make good any monetary losses through his operations.

Death Penalty Retained. SALT LAKE CITY, Jan. 30.—Capital punishment will remain on the statute books of Utah.

The bill to abolish the death penalty was defeated in the lower house today by a vote of 20 to 13.

WILLIAM FUDGE IS DEAD

OREGON PIONEER OF EARLY FORTIES DIES AT WALLA WALLA.

Settler of Eastern Washington of 1850 Prominent in Early History of Pacific Northwest.

WALLA WALLA, Wash., Jan. 30.—(Special.)—William Fudge, prominent valley pioneer of 1853 and an Oregon pioneer of the early '40s, died here today in his 80th year. He was born near Chicago in 1835.

His father and the family started across the plains by ox team with an immigrant train of 300 teams. The trip proved a horrible one, as some of the party became separated from the main train and were set upon by Indians and massacred.

The family settled near Dallas, in Polk County. During the gold excitement in California his father went there and died. When Mr. Fudge was 17, or in 1852, he came to Southeastern Washington with Whitaker and McGhee, pioneers, and settled near the Tucannon River. The winter of 1851 took all his money but left him valuable experience, and he later became a successful farmer. He was married in 1853 to Miss Elizabeth Billups, who survives him. There are no children.

WATER CLAIMS SOUGHT

Effort to Buy Laurelhurst Assessments Before Refund Admitted. Information has been received at the City Hall of an attempt on the part of R. O. Downey, of the Laurelhurst

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Form with fields for Name and Address, and a small box for a stamp.

rested last night by Patrolmen Breunling and Forkan, and charged with disorderly conduct. The police say Bush was shouting while on duty.

LINCOLN, Neb., Jan. 30.—Two banks, the Farmers State Bank and the Bank of Glenville, Neb., were entered by burglars last night, who were evidently not after big game.

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