

BIGGS TESTIFIES FOR DEFENSE

(Continued From First Page.)

Counsel for the defense then had the witness relate the conversation that he had with the various entrymen who had filed upon claims after receiving loans from Dr. Gesner. He said that they appeared before him, gave him the number of the claims they were to file upon, and the names of their witnesses. He stated that he first read the affidavits to them, and while he was making a duplicate he insisted upon each and every entryman reading it also. Biggs testified that he remembered that B. F. Jones had told him that he had not signed a note, but that he expected to when he got his final proofs. He explained the reason why Jones first refused to sign a note and mortgage was because he did not want to sign them until he had something to show for the note and mortgage. Biggs also admitted having talked with Miss Maggie Glaze about a timber claim and said that he had told her that he thought she could get the money from Dr. Gesner. He denied that he had told her she could get \$75 for taking up the claim, but said that he had explained to her that the least she could get for a good claim was \$500.

Judge Bennett to the Rescue.

It was while the Government prosecutor was pressing the witness in regard to his own claim, that Judge Bennett came to his rescue with an objection. He had drawn from the witness that he had filed on his claim at the same time that the rest did. He stated that he had some money of his own, something over \$300, and that he had talked with Dr. Gesner about taking up the claim, and had explained that, just at that time, he needed what money he had on hand for another matter. Dr. Gesner, he said, promised him a loan. Biggs said he had used his own money in making his filings, and had used the \$300, which he borrowed from Dr. Gesner in settling the other business matter. Biggs was in the midst of this explanation when the objection was made. Judge Bennett held that the witness could not suborn himself, and Mr. Heney contended that it might throw a great deal of light on why he suborned other people. Judge De Haven sustained the objection, and the District Attorney took the witness up to the point of his statement when he said that he did not know what was Biggs' mission. Mr. Heney asked the witness if he meant this, and he qualified the statement by saying that he did not know what Biggs' main object was.

Before the cross-examination of Biggs began, Mr. Heney recalled Dr. Gesner. Mr. Heney explained to counsel that he had made a mistake in the name of the man alleged to have held the conversation with Dr. Gesner, July 19, 1935, at the Imperial Hotel. Instead of it being J. O. Booth, of Grant's Pass, it was J. S. Cooper, of Independence. Mr. Heney said that the conversation took place at 830 A. M., and asked the witness if he remembered having talked with Cooper. Dr. Gesner stated that he had talked with Cooper, and said that he perhaps had told him that he hoped to come out all right, but he stated that he did not remember having said that the witnesses who were apparently testifying reluctantly, "knew which side their bread was buttered on."

MARION R. BIGGS RECALLED

Defendant's Direct Examination Resumed by Mr. Wilson.

Marion R. Biggs was recalled to the stand when counsel was convened yesterday morning, and his direct examination was resumed by Mr. Wilson. The witness stated that he did not remember whether he got a return check when the Feuerhelm claim was held up by the Land Office, but he received such a check he had given it either to Gesner or had deposited it in Gesner's account. He stated that he had told the witness to take a mortgage and note for all money lent on the claims and to attend to the business for him. He had not taken mortgages or notes until after the receipts were received, and in many instances had not taken notes for the reason that the claims were held up by the Land Office and the first money paid had been returned.

Mr. Biggs did not remember of having ever told any one that Gesner was in the timber, and that they could find him there on a certain day, but he might have told some one who inquired that he had gone up there and might be found there. Neither the witness nor the defendant had told him that he had come at Gesner's suggestion to file on land, or to look over the business.

In regard to the filing made by Hudson, the claimant had read the statements over and had told him to come to the office and make his final proof.

"Did you remember," asked Mr. Wilson, "of telling Hudson that he was to be 'cloned,' all of the others would be 'cloned'?"

"Yes, the witness stated, 'I told him that if they cloned him, I didn't see how they could help anything as all.'"

Mr. Biggs stated that Susie Duncan, Mary Board and the rest of the women filing had all understood the same course of action and had followed the same course granted no concessions in any way, all being compelled to follow the law.

Referring to the testimony of Jefferson Evans, the witness stated that Evans had come to him one day and had asked if the witness knew where he could get money to use in filing upon the claims. Evans had told him that Gesner would lend money for such purposes. As to the change in the application by Evans and placed in evidence by the Government, the witness did not remember having made the change, but he did remember seeing such changes in the course of his business, and did not remember having done so in this case upon the affidavits that were placed on exhibition in the courtroom.

He was certain, however, that he would never have made the change unless he had been asked to do so by the claimant.

The witness testified that he had never told Evans it would be better for him to file upon timber for Williamson and Gesner than for any one else. In every instance where a note was made, it was for a year from the date of execution.

"Did Evans at the time he signed that note know the contents?" asked Mr. Wilson.

"Yes, he did," the witness replied. "You didn't have to make a talk to him to induce him to sign it."

In regard to the return of the Evans claim, the witness stated that the claimant had met him on the street and had given him the check that he had returned to him from the Land Office at the Dalles. The witness had taken the check and told Evans to come to the office and get his note, which he had failed to do.

B. F. Jones, so the witness testified, had never told him that he was taking land for any one else. Jones had not signed a note or mortgage, and the witness had spoken to him about it when Jones had said that he had not agreed to give a mortgage or a note. He had stated, however, that if he got his receipt or a patent he would give a mortgage, though there had been no agreement indicating that he should give Gesner a mortgage.

At the time Jones had made his final proof nothing had been said to lead the witness to believe that there was anything wrong or that Jones was swearing to anything except the truth.

"Now you have heard the testimony of Maggie Glaze," asked Mr. Wilson, "what do you remember about the time you met her and had your conversation with her about the taking of timber claims?"

"I don't remember," the witness replied. "I don't remember seeing her after that time."

"Did you make an affidavit before Gesner?" asked Mr. Wilson.

"Yes, I did," the witness replied. "I don't remember making an affidavit, but I don't remember seeing her after that time."

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DENTAL SUPPLIES—SURGICAL INSTRUMENTS—FOURTH AND WASHINGTON

was filed by Deputy District Attorney Henry.

Vigorous prosecutions under the law that makes the age of majority of women 21 years are to be the rule in the future. Hereafter prosecutions have been instituted only in cases where the girl had not attained to more than 18 years of age.

IN THE MUNICIPAL COURT

When Policeman Patton was asked to repeat language applied to Patrolman Roberts by Dominic Parker, colored, he declined to do so.

"I do not care to repeat such vile language as the woman used," said Patton. "It was too vile for any human being to conceive of."

Testimony of Policemen Roberts and Patton showed that the woman, who was arrested in Sallie White's resort, 34 Flanagan street, fought like a demon when placed under arrest, and continued to resist until she was locked up in the City Jail. During the fray she clawed Roberts' face and scratched his arm, and knocked his helmet into the street.

Judge Cameron permitted the woman to make a statement. She denied everything the officers said, and declared she was abused in a shameful fashion by Roberts.

"I think this is a case where a fine ought not to be imposed," remarked Judge Cameron. "The woman is a poor and too ignorant to be punishable by a fine. I am going to send this woman to jail for 15 days, in order to make the lesson strong. Such conduct as she is clearly guilty of cannot be tolerated for a moment."

With both shores off, Tom Clark, colored, was found sitting on the steps of the residence of C. D. Cameron, 25 North Park street, at 5:30 o'clock yesterday morning. He was discovered by the householders, who telephoned Captain Bailey at police headquarters. Policemen Roberts and Lillis were dispatched in a patrol wagon, and brought in the prisoner.

Clark tried to explain his presence in the house by the statement that he had been sent there with a note by a woman, but he was unable to tell the name of the woman.

When arraigned before Judge Cameron on a charge of trespass, Clark pleaded not guilty, but he was taken in the very act. He was asked if he had any acquaintances in Portland, and replied that he knew one Graham. The latter is a notorious negro, wanted in Kansas City for murder in the first degree, and who was tried in the Municipal Court last Friday on a charge of attempted murder of Charles.

Clark's case will be called again next Tuesday, and meantime his record will be investigated.

The absence of Captain of Police Bailey caused Judge Cameron and Deputy City Attorney Fitzgerald to comment when the case of Alice Ward came up for hearing. She was arrested by Bailey on a charge of vagrancy, and her case had already been continued once.

"Officers ought to be present when their cases are called," said Judge Cameron. "It impedes the progress of the court if they are absent. I will continue this case until next Tuesday, at which time I want Captain Bailey here to see about this case."

Willie George, who was recently taken into custody because he is a runaway from the Whittier Reform School of California, is again in trouble. This time he is charged with larceny, the complaining witness being G. W. Stuart. It is alleged that he had stolen some of the property of the Whittier school, and was released here, and it is probable that if he wishes to return to the institution the case will be dropped.

Thomas McGillicuddy and Edward Johnson, proprietors of the Tuxedo saloon at 30 Alder street, were charged yesterday with permitting a minor to be in their establishment. They will be prosecuted in the Municipal Court. The information

weights and overweights by which they secured considerable money. Among the traders who co-operated with the weighmasters, it is alleged in the indictment, were Cyrus Van, J. J. Miller, Henry Nichols, Thomas M. Casey, the manager of the failed Salmon & Salmon Bank, at Clinton, Mo., who was recently charged with forging the bank's paper, is a son of George M. Casey, and was in an attempt to save his father's fortune that he involved the Clinton Bank.

William A. Towers was the partner of George M. Casey, owner of the greatest herd of Hereford cattle in this country, and who died a year ago, following his failure for several hundred thousand dollars. Towers, the manager of the failed Salmon & Salmon Bank, at Clinton, Mo., who was recently charged with forging the bank's paper, is a son of George M. Casey, and was in an attempt to save his father's fortune that he involved the Clinton Bank.

Yale Professor Condemns Honors Paid Rich Students.

NEW HAVEN, Conn., July 15.—Dean Wright, of the Yale academic department, in a report to President Hadley, says that one of the worst evils in Yale is the segregation of rich students in expensive dormitories. He said:

"Perhaps the most serious evil connected