

JOURNAL WANTS

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The weather—Occasional rain or snow tonight and Thursday.

Oregon Daily Journal

JOURNAL CIRCULATION YESTERDAY WAS 29,525

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PORTLAND, OREGON, WEDNESDAY EVENING, JANUARY 29, 1908.—SIXTEEN PAGES.

PRICE TWO CENTS.

ON TRAINS AND NEWS STANDS, FIVE CENTS

JOHN H. HALL CALLED TO STAND

ATTEMPTS TO SHOW HE DID NOT NEGLECT DUTY

Defense Will Try to Prove Indictments Against Accused Were Allowed to Lie for Years Despite the Employment of Heney as Special Prosecutor.

John H. Hall is on the stand in the United States court today telling his version of the circumstances surrounding the fencing of public lands in Wheeler county by W. W. Steiwer, H. H. Hendricks and others, for which violation of the law he is now on trial as a fellow-conspirator.

Mr. Heney's success will stand or fall upon his establishment of Hall's official inaction and procrastination. All of his evidence goes to the question of whether Hall delayed the trial of the Steiwer case in order to gain benefit from Steiwer in his candidacy for office.

Hall contended, however, as shown by the opening of his testimony, that he had no understanding with Steiwer or any of his associates and that his conduct of the case was in accordance with the established customs of the office.

Further than this the defense will attempt to show by the records of the federal court that indictments secured through the efforts of Mr. Heney himself have been pending for two or three years and are yet untried in spite of the fact that a special prosecutor was sent by the government to assume sole charge of the prosecutions and see them through to the finish.

In the opinion of those who have followed the trial much will hang upon the testimony of Mr. Hall and upon his efforts to establish the fact that he was proceeding in good faith in the investigation and conduct of the Steiwer fencing case.

PORTLAND TERMINUS C., M. & ST. P.

President Earling Who Arrived in City This Morning Says Importance of City as Objective Point Cannot Be Overlooked.

Intimates Portland Will Be Invaded by Eastern Line as Soon as Extension to Butte Is Completed Next Year.

"A man would be blind to overlook the importance of Portland in any plan of railroad building for the Pacific northwest," said A. J. Earling, president of the Chicago, Milwaukee & St. Paul railway, who came to this city today in his private car, over the Union Pacific system, and left this afternoon for Tacoma and Seattle.

It is generally conceded that as soon as construction now under way is completed the head of the Milwaukee will turn his attention to the task of building the Columbia river terminal of the Milwaukee's Pacific coast extension.

"There is nothing that can be said on the subject at this time. We are concentrating our efforts upon the work of completing the projects already under construction, and cannot discuss further plans," President Earling said today.

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BREAKS NECK YET HAS CHANCE FOR LIFE



SKETCH OF ERNEST HEMPEL, ACROBAT, MADE AT HOSPITAL THIS MORNING.

PORTLAND LEADS WORLD IN HEALTH

Statistics Compiled for 1907 Show Death Rate Only 3.28 Per 1,000.

Portland's death rate for 1907 was 3.28 for every 1,000 inhabitants based upon a population of 225,000, according to a compilation of the death records for the year just completed by City Health Officer Dr. Esther C. Pohl.

Dr. Pohl believes that Portland's death rate is the lowest for any city in the world of the size of Portland. Her letter to Mr. Richardson follows:

"Dear Sir:—Our death rate for the year 1907 was 3.28 per 1,000 population. This is probably the lowest death rate for a city the size of Portland in the world. Our mild, moist climate seems to moderate in some way the virulence of infectious diseases.

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FULTON DOESN'T WANT TO TALK

Evades Answer to Heney's Charge That He Handled Sack for Mitchell.

(Washington Bureau of The Journal.) Washington, Jan. 29.—When Senator Fulton was informed this morning of the charges made last night at Portland by Francis J. Heney in a public address in which he charged among other things that "Fulton handled Mitchell's sack in 1897," he said:

"I don't know what Heney can mean by saying such things, but I do know that it is damnable in him to allege that I ever handled any money corruptly for Mitchell or anyone else, or that I handled any money for Mitchell. Farther than this I must refuse to say anything until I am advised more fully as to the specific nature of Heney's allegations."

SMALLPOX EPIDEMIC RAGES AT WENATCHEE

(United Press Leased Wire.) Wenatchee, Wash., Jan. 29.—All schools were closed today on account of the smallpox which is raging here. Sixty cases have been reported.

ACROBAT MEETS WITH ACCIDENT

Surgeons Perform Remarkable and Successful Operation on Ernest Hempel.

With a broken neck and good chances of living. While practicing a somersault turn at Fritz's theatre Monday, Ernest Hempel, an acrobat, fell on his head and his neck was broken. Yesterday an operation was performed and there is every indication that the young man will recover.

Cases where the cervical vertebrae of the neck have been broken and the victim lives are exceedingly rare and there are only a few persons who have undergone such an experience living in the world today. Owing to this fact, Hempel's case has already attracted much attention among the surgeons of Portland, and should he get well, and it is believed that he will, the case will be recognized by the medical profession throughout the world.

EXPRESS ROBBERS ARE CAUGHT BY OFFICERS

(United Press Leased Wire.) Mansfield, Ohio, Jan. 29.—Carrying \$3,000 in gold in a grip, John McHugh and Joseph Stephens were taken from a Big Four train at New London, charged with stealing the money from the Adams Express company's office here at midnight. Earl McGinty, a clerk in the office has been arrested as a confederate. The thieves pushed aside a package containing \$40,000 to get the gold.

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JUDGES REFUSE TO MAKE REPLY

Dunne and Lawlor Will Not Discuss Alleged Contract With Ruef.

(United Press Leased Wire.) San Francisco, Jan. 29.—Both Judge Dunne and Judge Lawlor this morning refused to discuss the statement made public last evening by Rabbi Nieto charging them with entering into an agreement with Abraham Ruef to grant him complete immunity and later repudiating their alleged promise.

Judge Dunne declared that it would be beneath his judicial dignity to reply to charges, but he asserted that some time in the near future he would be in a position to deny the allegations. District Attorney Langdon and Ruef were equally reticent.

Judge Dunne spent the entire morning in his office preparing for his coming trial and declared that tomorrow, when his case is called, before Judge Sawyer, he expected to be in a position to name his counsel.

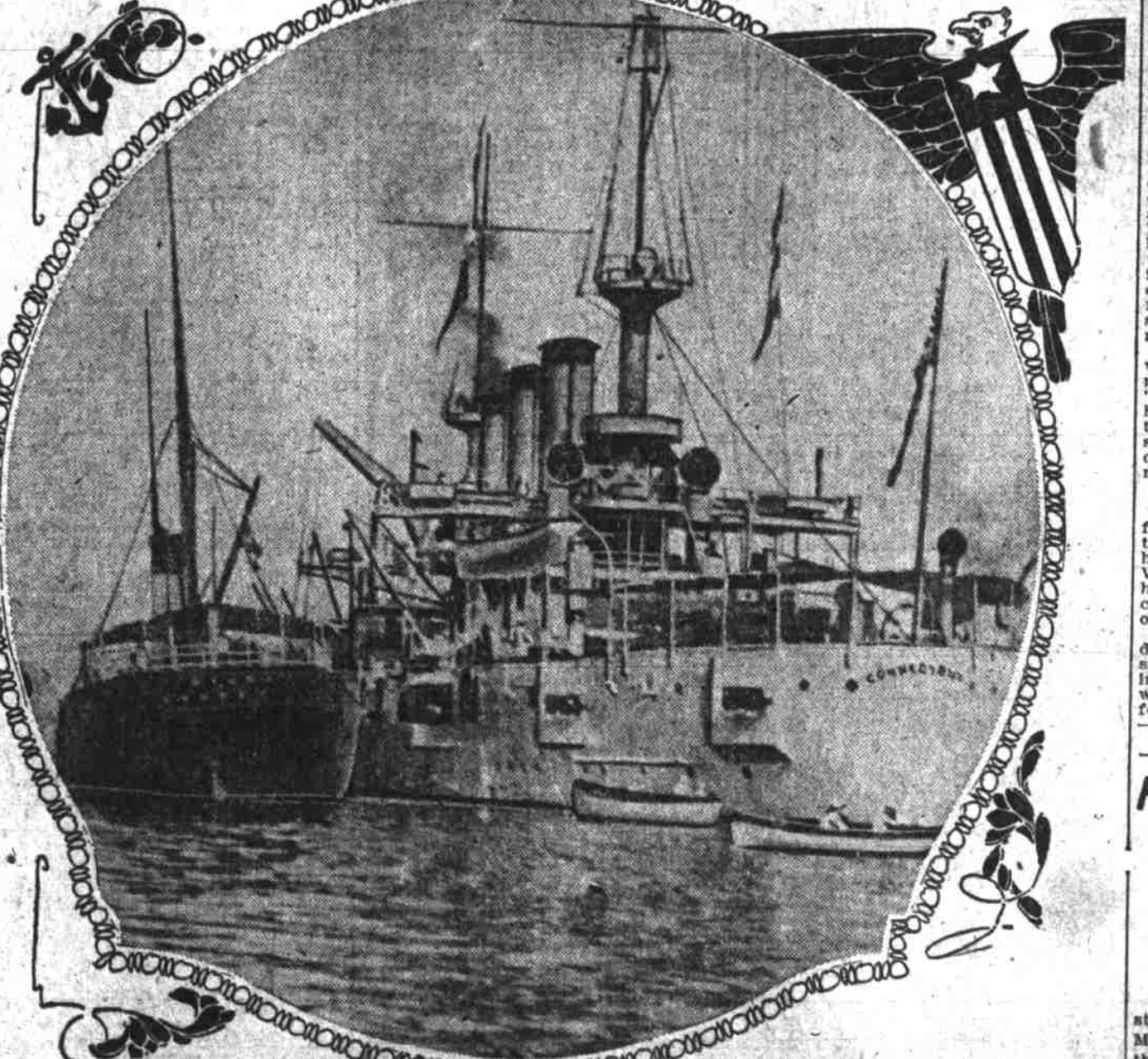
GARMAN ROLLED RETIRED LEMONS

Los Angeles Women Pelt Motorman With Fruit No Longer in Service.

(United Press Leased Wire.) Los Angeles, Jan. 29.—"Soak the motorman," shouted a party of women on East First street last night, when they charged upon the motorman of a car of the East First street line and pelted him with mud and decayed lemons.

The car ran down a heavily laden fruit and vegetable wagon driven by a vegetable peddler. The peddler, with a friend, was tossed in the air and landed safe in a mud puddle. The wagon was turned over and wrecked. Fruit was strewn on the ground for a hundred feet.

The maddly peddlers arose and began to shriek their grief, while a crowd gathered. When they saw the motorman take the heavy brass controller and start threateningly toward the excited peddlers, many women went to the rescue. Led by a pretty brunette, they showered the muddied fruit at the carmen, who hastily escaped.



HEARST-JOURNAL NEWS SERVICE PHOTO OF ADMIRAL EVANS' BATTLESHIP, CONNECTICUT COALING AT RIO JANEIRO FROM COLLIER.

FARMERS WILL RAID OLD MAIDS HOME TO FIND HELLO GIRLS

(United Press Leased Wire.) Wenatchee, Wash., Jan. 29.—Old maids or any of all girls who have given up the idea of getting married are in demand here. The telephone company is having a hard time to secure operators who will not leave them to get married. Last year a bonus was offered to the girls who would not leave them to get married. Of all that tried only one

PRISONER ESCAPES FROM TRAIN; DRAGS 16-POUND LEG SHOT

(Special Dispatch to The Journal.) Albany, Jan. 29.—With a 16-pound steel ball dangling from his leg, Henry Martin, a federal prisoner, escaped from the north bound train here this morning and ran four miles into the country before being captured by the local officers. Half of this distance he dragged the ball, breaking the chain

(Continued on Page Three.)

NO DUTY ON GOODS FOR JAPANESE FAIR

(United Press Leased Wire.) Tokyo, Jan. 29.—The diet passed a bill today which provides that all foreign exhibits to the Japanese exposition in 1912 will be exempt from customs.

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