

JUDGE WEBSTER PUT THE CAUSE OF JOHN H. HALL'S CAUSE TO TRIAL

In Argument for Defense Contends No Fence Cases Ever Came Up in State Until Jesse D. Carr Litigation Came Up.

Judge L. R. Webster put the cause of John H. Hall before the jury in the United States court today in a masterful manner, holding out that the defendant was not guilty under the law of the evidence of having entered into a conspiracy to fence land. He contended that never until Hall had begun the prosecution of Jesse D. Carr for the maintenance of an illegal fence had there been a fence case in the state and that never had there been one since Hall went out of office.

The point before the jury, Webster contended was the one question whether Hall had entered into an agreement or conspiracy with Steiwer and others to maintain throughout the case in order to get at the truth of the charge it was necessary to look at the facts as they had existed at the time when the conspiracy was formed. He contended that the maintenance of an illegal fence had been a question of great importance. The speaker then referred to the law and its interpretation, saying that the law was not a question of the enforcement of the law, or of the entanglements of politics, but of the conspiracy of Hall with Steiwer and his associates.

In beginning his argument Judge Webster thanked the jury in behalf of the defense for the close attention it had given throughout the case and the responsibility of the jury and said that in a manner it would be when the case was finally given into the hands of the representatives of the whole American people and the justice of the nation crystallized to some sentence on a question of great importance. The speaker then referred to the law and its interpretation, saying that the law was not a question of the enforcement of the law, or of the entanglements of politics, but of the conspiracy of Hall with Steiwer and his associates.

Now what is this case before us? Judge Webster asked as he veered to the discussion of the case at bar. "In Mr. Hall is charged with conspiracy. It must be tried on this charge alone. That is the law of the case and that is the common justice. It is a conspiracy. It is an agreement made between two or more people to do an unlawful thing. To form a conspiracy there must be a conspiracy of the minds of the conspirators must meet.

The question here is did Hall enter into this conspiracy? It is not what other laws have been broken; not what laws he did not enforce; not the proposition that laws should be enforced; not that district attorneys should be removed; not that the opinion is abroad among the people that the laws are for the rich and not for the poor; it is the simple question did John H. Hall enter into a conspiracy with these other defendants to keep up the Steiwer fence?"

Country Not "Rotting." "I am not one of those who are willing to believe that this country is a decaying republic. I am one who believes that this country is made up of honest men. Since time began there has been honest men and there always will be as long as human nature remains what it is. I believe that the country is not a decaying republic. But I will tell you what will make it necessary for the jury to find the country allow themselves to be led from the case by popular waves of the interpretation of the law and fall to case their verdict on the facts of the cases before them, then justice will fall and the country will become one of decaying power and corrupt practices."

Judge Webster discussed the theory of the law of verdicts and commented on the meaning of a reasonable doubt. He argued that a man on trial was to be tried for the charge set out in the indictment and upon evidence relating to that charge, not upon happenings and constructions put upon other happenings in no way related to the charge upon which he was standing for trial. He reiterated that the charge against Hall was having conspired to prevent free transit across government lands and to prevent settlement on the lands and said that he desired to make plain what the charge was because the verdict in the case would be limited to the charge in the indictment.

Judge Webster discussed the land fencing statute and contended that it was provided in the law that the district attorney should begin suit when an affidavit of complaint was filed with him and argued that this provision had been put in the law because the congress which enacted it did not consider the fencing of public lands to be a heinous crime and the department of the interior the practice unless it obstructed the development of the country or created a hardship on surrounding settlers. He then contended that Hall had been the intention of Hall to prosecute all fencing suits where there had been no dispute of his authority with civil actions because these were more effective since the fence must come down soon as the decree was returned by the court. The fencing of public lands was largely a matter between the people who lived in the vicinity of the fence and upon the return of a petition of whether it would be taken down. There was no question that the fence was illegal and ought to have come down.

"The fact is," continued Judge Webster, "that the government land of the country has been subject to trespass since the beginning of the government. It has been the policy of the government not to be too rigid in the matter of fencing these lands. It has been known to the landowners that the government permits men to gain advantages over others and that is not right."

"It is made the duty of the United States attorney to bring suit when an affidavit is filed telling him of the illegal fencing, showing that the congress which passed the law did not care if the fences were kept up, and that they were a detriment to the community in which they were."

The speaker then instanced the president's message of last year in which the fencing question was discussed, showing that the attitude of the government had been to enforce the law only because it was not on the books, and not because it was a just law.

"This," continued the speaker, "is the law which was brought here to show that the law must be enforced, or the whole government is rotten to the core and damnation is our only goal. A law which the president has declared to be an outrage and concerning the advisability of which the departments have had serious discussions."

Judge Webster contended that the jury should get the light on the case from the time during which the acts were done eight years ago. It was impossible to judge things of the past by the light of the present. The records of that time would show, the speaker said, that there never had been a land fencing case brought in Oregon until Hall prosecuted the Carr case and there never had been another since he left the office. His next step was to take the evidence of the case and begin to pick out Hall's motive from the correspondence he had had with the various complainants.

"We know what Hall did. What we want to find out is what Hall meant to do, what he had in mind, what his intentions were when he wrote all these letters. We want to find out the intent, which is the great dominant note in the case," Judge Webster argued.

It had been Hall's opinion at the time, the speaker contended, that he could not bring a suit until an affidavit had been sent him setting out the violation of the law. The speaker then took up the evidence piece by piece and pointed out that Hall's motives were pure in his attempt to bring the Steiwer company to book for their violation of the law. He had been true to his office and to the government with all of its efforts had not shown that he had in any way entered into an agreement by which Steiwer was to be allowed to escape prosecution for maintaining the fence.

Mr. Heney finished his opening argument after 5 o'clock yesterday afternoon. During the course of his statement he went over the evidence of the government in detail, taking up one bit of testimony after another and deducting from all that Hall's motives were guilty of the conspiracy. The line of his argument was that Hall clearly demonstrated his guilt by the manner in which he had conducted his office and to support this Heney argued that the defendant had prosecuted small violators of the law on the statements of the government and had taken the step by their guilt from complainants, while at the same time he delayed and neglected to bring action against Steiwer until he had taken the step by the report of Special Agent E. W. Dixon. Even then, Heney argued, Hall began criminal action against three men mentioned in the same complaint, while Steiwer fence was only molested by a civil suit and that delayed.

Greene also was laid by Mr. Heney in the letter written by F. P. Mays to Steiwer, in which the writer told of his argument with Hall over the criminal prosecution and of his assurance that none of the officials of the Butte Creek company would be prosecuted criminally. Heney contended that Steiwer put the political pull on Hall to make him bring civil suit instead of criminal.

Hall did not do his duty towards the Steiwer fence, the prosecutor argued, because he did not intend to do it and made no move until the department had sent Special Agent Stratford out to make an investigation.

During the closing sentences of his address Mr. Heney became oratorical and raised his voice and raised his voice to a high pitch and his voice was quickly quelled, however, by the direction of Judge Hunt for the bailiffs to bring any disturber of quiet up to the bench for a fine for contempt of court.

It was in the discussion of the non-observance of law that Mr. Heney began to wax eloquent. "You have seen striking streetcar men in your city breaking through the windows of the cars," he said, "you have seen other similar scenes of violence, and why do you see it? It is because these men are anarchy and anarchy is the result of the men of wealth and position and political power are above and beyond the law. It is because these men trample on the rights of the humble men without fear, and the humble men grown weary of oppression have become contemptuous and have taken the law into their own hands. It is the spirit that furnished the patriots of the revolution when men fought for their liberties and political rights that made brave men on both sides of the awful conflict of the rebellion. It is the spirit which makes men fight for their country and their flag. But if you want these men to honor, observe and obey the law, give them a chance to enjoy its protection and aid. Let the officers of the law show to these men that the man of wealth and power and position is not above and beyond the law, prove to them that the law knows no color or creed or influence, that all men are equal, and justice will be done. The contractors and builders are often put in a position where they cannot proceed with work until they have permission to do so from this office, although the delay occasioned may cost a great deal. Just because these permits have been allowed in order to expedite work and save the contractors money, many builders have come to believe that they can do just about as they please. When they get through paying fines in the municipal court they will see things differently."

Then Mr. Spencer turned to his deputies and gave them orders to arrest every man found violating the city ordinance in any particular. As a result of the order it is expected that several arrests will be made today, and others in following days, until the contractors are so scared that the city means business.

The World's Greatest Range—The Incomparable "ECLIPSE" BISCUITS, CAKES AND COFFEE SERVED

The EXHIBIT of the PEERLESS "Eclipse" The two events that now claim the attention of Portland's shrewd and learned store patrons. A great sale offering these two days—FRIDAY and SATURDAY

Portland's Finest Stock of SIDEBOARDS THROWN ON THE MARKET FOR WHAT THEY'LL BRING

We come now to a place in our long merchandising career—when for the first time—we must fairly shove furniture out at what it will bring. First, we take the sideboards—the largest and best selected stocks ever shown on one store floor. We must clear two-thirds of the floor space—occupied by these elegant dining pieces, during the two days—FRIDAY AND SATURDAY. The prices given here as regular are those quoted during the January Clearance Sales—and are in reality, far under the actual worth. The values are much greater than possibly can appear on paper.

QUALITY—In every instance, the very best— PRICES—That should bring to this store a large assemblage of enthusiastic patrons.

These Are the Prices—the Great Moving Power of this Sale

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|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|----------------------------|----------------------------|
| No. 103—\$40.00 SIDEBOARD | No. 623—\$27.00 SIDEBOARD | No. 641—\$30.00 SIDEBOARD | No. 651—\$50.00 SIDEBOARD | No. 659—\$60.00 SIDEBOARD | No. 998—\$60.00 SIDEBOARD | No. 1493—\$85.00 SIDEBOARD | No. 141—\$150.00 SIDEBOARD |
| \$24.75 | \$15.50 | \$18.00 | \$29.50 | \$39.50 | \$39.50 | \$56.50 | \$85.00 |

A Sale of the Higher Priced DINING TABLES and CHAIRS at Prices of the Very Common Sort

Chairs are in the solid quarter and weathered oak and golden oak finishes, plain and leather upholstered seats. Friday and Saturday these great special prices:

| | |
|---|--------|
| No. 209-2—\$1.25 Dining Chair | 75¢ |
| No. 359—\$1.75 Dining Chair, cane seat | \$1.05 |
| No. 888-2—\$2.50 Dining Chair | \$1.50 |
| No. 480-1—\$4.00 Dining Chair | \$2.60 |
| No. 300—\$6.00 Dining Chair, leather seat | \$3.85 |
| No. 19—\$7.00 Dining Chair, leather seat | \$4.45 |

Tables in the solid quartered and golden oak, all of finest grain, hand-rubbed polish, 6 and 8 ft. extension, round pedestal, hand-carved legs, claw feet, etc. These ruling prices for two days:

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|--------------------------------|---------|
| No. 616-6—\$32.50 Dining Table | \$19.75 |
| No. 402½-8—\$35 Dining Table | \$21.75 |
| No. 617-8—\$42.50 Dining Table | \$25.75 |
| No. 534-8—\$45.00 Dining Table | \$27.75 |
| No. 380-8—\$75.00 Dining Table | \$48.75 |

FRIDAY AND SATURDAY ONLY—AND UNTIL 10 O'CLOCK SATURDAY NIGHT

THE EXHIBIT OF THE PEERLESS "ECLIPSE" OREGON'S LARGEST AND BEST FURNITURE HOUSE I. GEVURTZ & SONS ON YAMHILL

BUILDERS MUST GET THEIR PERMITS FIRST

City Inspector Gives Orders to Deputies to Arrest Violators of the Law.

All contractors and builders who operate in the future without first securing permits from the city building inspector's office will be arrested, according to instructions issued by Building Inspector Spencer this morning to his deputies.

"There have been so many flagrant violations of the city ordinances because of a few favors allowed on request," said Mr. Spencer this morning, "that I believe a few convictions would result in good. The contractors and builders are often put in a position where they cannot proceed with work until they have permission to do so from this office, although the delay occasioned may cost a great deal. Just because these permits have been allowed in order to expedite work and save the contractors money, many builders have come to believe that they can do just about as they please. When they get through paying fines in the municipal court they will see things differently."

Then Mr. Spencer turned to his deputies and gave them orders to arrest every man found violating the city ordinance in any particular. As a result of the order it is expected that several arrests will be made today, and others in following days, until the contractors are so scared that the city means business.

WITTENBERG MUST PAY

Demand was made upon him for the return of these collateral, and after several weeks he returned the bank's \$85,000 of bonds. The interest coupons on these bonds, amounting to \$750 for the semi-annual interest period, had been clipped off. This interest money has not yet been returned to the bank by the United Railways trustee, nor has he restored to the custody of Receiver Devlin the \$85,000 of bonds that were to

GOVERNMENT MAY GIVE AID

Engineer Murphy Approves of Efforts to Enlarge Tule Lake Outlet.

(Special Dispatch to The Journal.) Klamath Falls, Or., Feb. 6.—Project Engineer D. W. Murphy of the reclamation service has just returned from Merrill, where he went to investigate the work of J. Frank Adams and W. C. Dalton, in their endeavor to enlarge the opening recently found to Tule lake.

Mr. Murphy is in perfect accord with the work that is now being carried on and states that if it should prove successful he would recommend that a full and complete investigation be made by the government.

Satisfactory progress has already been made; one opening has been made at a depth of 10 feet below the surface of the water, and a stream of water equivalent to about 200 inches is flowing continually and disappearing into the ground. Messrs. Adams and Dalton will continue their present work until they find a permanent opening or that the outlet is blocked.

Mr. Adams states that the ground in the vicinity of the lava beds is of a honeycomb formation and that water will disappear through any hole 100 yards or the lower end of the lake.

MOTHER CUTS BABES' THROAT WITH RAZOR

(United Press Leased Wire.) Haverhill, Mass., Feb. 6.—Crazed by the death of two of her children and her sister, all of whom were buried last week, Mrs. George B. Stevens, 40 years old, seized a razor this morning, after her husband had left home for work, and cut the throats of her other two children. They both died within a few minutes. Mrs. Stevens was formerly an inmate of an insane asylum.

SEEK DECISION UPON BRIBERY

San Francisco Graft Prosecution to Take Cases Into Supreme Court.

San Francisco, Feb. 6.—The supreme court will be asked to define the extent to which extortion may go before it becomes a crime. Before the law in the French restaurant cases is settled in California the highest tribunal in the commonwealth will pass on the facts involved. Not content with abiding by the decision of the appellate court, the famous ruling which was so profitable to comment, the graft prosecution has decided to try to take the propositions before the court of last resort for review. This program has been kept secret by the district attorney's office. Not a word of the proposed move was allowed to escape from the inner confines until yesterday, when preliminary action in the attempt to obtain a hearing on appeal was taken.

Neither Rufus nor Schmitts has had the slightest inkling that the district attorney's office would not regard the issue as settled by the decision of the appellate court. During the day District Attorney Langdon forwarded to Attorney-General U. S. Webb the draft of a proposed petition to the supreme court for a review of the appellate decision. The petition and the briefs which accompany it have been prepared by Francis J. Heney and Charles W. Cobb.

PILES Quickly Cured

Pyramid Pile Cure Positively a Marvel of Quick Curing Power. Send for a Free Trial Package Today.

We want every man and woman suffering from the excruciating torture of piles to just send their name and address to us and get by return mail a free trial package of the most effective and positive cure ever known for this disease. Pyramid Pile Cure.

As an example, Emma Bodenhamer of Bedford, Indiana, was in constant piles for 15 years. Three 50-cent boxes of Pyramid Pile Cure cured her in only one 50-cent box.

The way to prove what this great remedy will do in your own case is to send your name and address to us and you will get by return mail a free trial package of Pyramid Pile Cure.

After you have proven to your satisfaction that it can do you good, send us your name and address to the druggist and get a 50-cent box.

Don't undergo an operation. Operations are rarely a success and often lead to terrible consequences. Pyramid Pile Cure reduces all inflammation, makes congestion, irritation, itching, soreness and itching disappear—and the piles simply quit.

Send your name and address today for this free trial treatment to Pyramid Drug Co., 127 Pyramid Bldg., Marshall, Mich.

On sale at all drug stores at 50 cents a box.

CLOSE SCHOOLS TO PREVENT DIPHTHERIA

(Special Dispatch to The Journal.) Chehalis, Wash., Feb. 6.—The city council held a special session yesterday and decided that a short closing of the city schools was advisable as a precaution against any possible spread of diphtheria to which some children had been exposed. There are no cases in town.

GRIGSBY NOMINATED ALASKA PROSECUTOR

(United Press Leased Wire.) Washington, Feb. 6.—The president today nominated Attorney E. Grigsby to be federal district attorney of Alaska. Henry Hoyt resigned.

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