Court Denies Motion of Defense to Instruct Jury to Acquit- Defendant in Charges of Criminal Libel.

morning completed the state's case in the action for criminal libel against the Portland Daily News and its editor, Dana Sleeth. In the article alleged to be Hibelous, County Judge Cleeton and Commissioner Lightner were referred to as being "plain robbers."

The court denied defendant's motion to instruct the jury to return a verdict of not guilty, and Judge Cleeton was called by the defense as its first wit-uess. Difference of opinion as to a point of law concerning the duties of the county judge and the county commis-sioners interrupted examination of the witness, and the greater part of the ession was devoted to legal argument.

The state won a point when the court, just before noon, sustained Deputy Dis-trict Attorney Maguire's objection to a question by Attorney Perry for the de-fense as to whether or not County Judge Cleeton in his official capacity during the three years of his incumbency had made a semi-annual examina-

Prosecution Wins Point. Maguire for the state objected to the mestion on the ground that the law now in effect and superceding a former law does not require an examination of the county moneys by the county court, this duty now devolving upon the county auditor. Argument which followed the objection was held after the jury had

Determination of the duties of the county judge and commissioners as defined by law is one of the points about which the case will revolve, the defense having outlined its purpose of proving that Lightner and Cleeton are guilty of malfeasance in office because of a neg-

set of their prescribed duties. State's case was completed in 20 minutes. It included merely the exsmination of J. A. Prudhomme, foreman of the mechanical department, and W. Tunks, business manager of The News, to establish the fact of the publication of the article alleged libelous. The fact of publication was allowed by

Objection Is Overruled. First interruption to the proceedings part of the article, but not the entire article in question. The objection was

Collier argued further that the term robber," used in the headlines to the article, was not libelous because to rob according to law means to take some-thing from an individual person, and that the word as used in the headline carried only a metaphorical meaning. Collier insisted that the article in question was a privileged communica-tion because it had to do with public officials, and that even though it might derogatory to the character of those fficials, still the News was not guilty criminal libei if it printed the story

Admonished by Court. Judge Davis overruled the motion on e ground that the article was not privileged; that it was a libel per se; hat the article as a whole did not explain or justify the matter alliged to libelous, and that a presumption of the law arises that the article was false and scandalous, and that it was rinted wilfully and with an intent to njure and defraud.

understand the court to rule that the defendants are guilty on a prima facie presumption?" asked Attorney Perry.
"That is the ruling of the court," re-

plied Judge Davis.

Judge Cleston had just started to outline his duties as county judge, when egal complications, halted the taking of testimony

Judge Cleeton and Attorney Perry had a verbal clash as the jury was being taken out, and were admonished by

Names of Jurors. The jury, completed last night, is as follows: B. F. Walter, teamster; C. H. Barnell, retired; J. A. Fay, butcher; Carl schlickeiser, restaurant keeper; R. C Walter, grocer; F. P. Rawson, electrical engineer; B. H. Hansen, clerk; C. H. Lane, Gresham, solicitor; M. Davenport, feed and grain; J. J. Ederton, building contractor; J. J. Fevbet, hair store pro-prietor; C. J. Wallingford, building con-tractor. The jury will be quartered at

the Imperial hotel, Defense in the case intends to show. said W. C. Benbow, in his opening argument, that the county commissioners have in reality been irregular in matters of county business entrusted to their care, and that because of these bregularities and technical violations of the law, the best interests of the taxpayers have not been properly safe-guarded. It would be shown, the attorney said, that court records had not heen kept according to law, and that contracts had been let without due processes as prescribed for the guidance of the county commissioners. The defense Lightner and Judge Cleeton have been guilty of malfeasance in office, and that they are therefore liable, as charged in the alleged libelous article, to jail sen

Deputy District Attorney Maguire said that the state in its case in chief would prove the publication of the newspaper article in question by the Portland Daily News and Dana Sleeth, its editor, and that it would devolve upon the state to meet in rebuttal what testimony may be submitted by the defense.

An electric room heater designed in England throws the warmed air directly toward the floor by utilizing a movable parabolic mirror above the

Excursion Tickets

The excursion to Metzger, postnoned ast Sunday on account of rain, will be held this coming Sunday. Round trip and lunch all for 28c, Get tickets now at 722 Yeon Bldg. Trains leave 10th and Stark sts. 9 a. m. Jefferson st. sta-tion, 5:20 a. m. Sunday. Music.

CONVICTED NEW YORK POLICE INSPECTORS NOW SERVING TERMS IN PRISON



Left to right-John J. Murtha, James Thompson, Dennis Sweeney and James Hussey, the four deposed New York police inspectors who have been convicted of conspiring to obstruct the work of the district attorney in prosecuting his graft investigations. They have been sentenced to one year in prison and a fine of \$500 each and must then stand trial for bribery. It is believed that some one of the four, in the hope of gaining immunity may yet expose the "man higher up" in police headquarters, the head of the socalled graft "system."

BY TOP BRANCH OF TREE

(Special to The Journal.)

Astoria, Or., May 22.-John Kota, a native of Finland, employed in bucking windfails, was killed at a logging camp near Parsons station yesterday morning. when he was struck in the head with the topmost branch of a tree, which fell place it where the city wagons could States secret service, after spending the en on a tour of the city

upon him. The man failed to hear the collect it and haul it to the dumping day in Portland, left last night for Sewarning shouts of his companions. The tail grass along streets attle to inspect the office there.

Woodburn Looks Better Today. (Special to The Journal,)

V. c. aburn, Or., May 22 .- Tuesday was cleanup day for Woodburn and many responded to the request of Mayor Poorman to collect all rubbish that accumulated during the past year and

have been much improved.

grounds. The tall grass along streets attle to inspect the office there. He and sidewalks has been cut, and as a re- will be bac kin Portland all day tomorsuit of the mayor's action, appearances row on his way to San Francisco, Yesabout the residence portion of the city terday afternoon, in company with S. A. Connell, local secret service agent; H. G. Durand, postoffice inspector; Anderson M. Cannon, United States commis-sioner, and C. P. Pray, special agent of

of Race, He Says; Several plan as adopted might be a success, as well as to cooperate with the people in the protection of their rights." May Act.

prefer to give his support to men whe would make good in the position of commissioner, and that he was in hopes by W. H. McMonies and Norman C. that his initiative would result in others Thorne. withdrawing in the best interest of the city, L. D. Mahone this morning filed notice of his resignation from the race dates, and at one meeting M. C. Reed. for commissioner with City Auditor Barbur. This leaves 77 candidates in the

"I hope that others will do the same as I have before it is too late to get their names off the ballot," said Mr. Mahone, "There are men in the race who have not the necessary following to assure them any chance of election, yet who are sincerely wishing for the best for Portland, and they have dis-cussed the plan to resign. I know that several have already written out the formal notice, and now that I have done so, I hope they will file them," he added. The following is a copy of the letter filed with the city auditor by Mr. Ma-

"To A. L. Barbur, City Auditor, Portland, Or .- Dear Sir-I desire to withdraw my name from further consideration by the electorate of Portland on connection with the selection of the commissioners who will govern the city for the ensuing four years. 1 do so. first, feeling that there are too many candidates in the field, and that unless pointing to the name of C. R. DeBurgh, some resign incompetent men will be selected; second, I am building up my private business in the practice of the derstood that we are not calling attenlaw and do not desire to take a political job out of harmony in the line of my work; third, to take the initiative in the matter with the hope that others day. will follow my actions with whom I have conferred.

"I have given a great deal of time during the past five years to the study of municipal questions, having visited a number of the cities of the United William J. Flynn, chief of the United the department of justice, he was tak-

tions with which the city must deal in respect to its franchises and public in-terest to the end that the people might be protected in their rights. Some of these questions as to rates, etc., are now beyond the jurisdiction of the city officials since the passage of the public

'My withdrawal from the race does Many Candidates Have No to render any assistance in suggestion of ways and means to organize the various departments to the end that the

Several others are awaiting the action of the committee of 100 before an-Declaring that he wished to work for derstood that if their names are not interests of the city and would cluded in a list of 12 or 15 which this committee is expected to pick, they will at once drop out of the race. This sentiment has already been expressed

Secret meetings have been held on several occasions by some of the candi-Dr. George B. Van Waters and L. D. Mahone were named to make a canvass of certain candidates with a view of securing their resignation. A meeting is to be held, probably this week, when definite steps will be taken.

SAMPLE BALLOT COPY CALLED MISLEADING

Deputy City Auditor C. E. Wiegand yesterday called attention to a misleading copy of the sample ballots recently distributed by the auditor's office for the benefit of voters. This ballot has been tacked on telephone poles all over town. It has printed on the margin a hand with a finger a candidate for commissioner.

"This office wants it distinctly untion to any candidate and that this sign is printed without our sanction

Half Breed Arrested.

Talley arrived last night from Pendleton, where he arrested Joe Rushman, a half breed, for taking whiskey on the

attorneys for the defense, precluding secessity of further testimony. 5000 Pounds of Banquet Hall Butter, Oregon Made, Fresh Churned Daily, at 61c the Roll attorneys for the defense, precluding secessity of further testimony. came when Attorney Perry objected to the introduction by the state of one Gold Bond Trading Stamps Given With All Purchases — 50 Free Stamps to Start a Book \$2 Shirts \$1.15 \$1 Union Suits 59c

overruled, but the defense was allowed to introduce the rest of the story, over state's objection, in the cross-examina-

In his argument on motion for a not Picnic Specials-Pure, wholesome pickles put up in tumblers which guilty instruction to the jury, Attorney can be used for drinking glasses when empty. Here at 3 for 25¢ merely establishing the fact of publica- Chow chow, sour pickles, sweet | Dill pickles, manzanella olives, tion of the article in question had failed to prove its case, and that the article as pickles, preserved cucumbers queen olives, stuffed olives, ripe whole explained away the part alleged pickled onions, be libelous, and took out the "sting" selling here for 3 FOR ZOC here at this price 3 FOR ZOC



1000 men's Golf Shirts in coat 50 dozen men's Union Suits of styles with attached or detached derby ribbed, balbriggan and soft collars to match. Made of Poros Knit, in ecru and white,

fine quality madras, in tan, gray, short or long sleeves and ankle white and striped ef- e1 1 length; in all sizes; regufeets, \$2.00 values at \$1.15 lar \$1 values, priced at 59C

100 Women's and Misses' Suits | Women's 25c'Cumfy' Vests 16c Regular \$15 Vals., Friday \$7.95

An especially advantageous purchase brought these 100 Suits to us at a most unusually low price. As usual, we pass our good fortune on to you. Misses and small sized women will especially profit by this offering, for the Suits are all in the smaller sizes, All are man-tailored in straight-front and cutaway styles. Serges, mixtures, stripes and diagonals in navy, gray, Copenhagen and maroon. Suits that are good \$15.00 \$7.95 values on sale Friday at the Holtz Store at, each

Smart Summer Coat Spec'l \$7.50

Special Friday Sale tomorrow of new, up-to-date models in Women's Smart Cutaway and Belted Summer Coats in diagonals, checks and stripes, self trimmed or with fancy collar and cuffs; garments you will be pleased with at a price \$7.50 that speaks true economy. Your choice of the lot at

Great Vals. in Afternoon and Street Dresses

Smartest of the new styles, made of best washable materials, such as bedfords, poplins, linens and ratines, in a great variety of models, including simply tailored, Balkan blouse, charming 2-piece and more elaborate effects with fancy vestees, lace collars, etc., colors are white, golden leather. Copenhagen, lavender, etc. All modestly priced from \$2.50 to \$22.50.



Women's 75c Union Suits 59c

Great sale tomorrow of 100 dozen Women's Summer-weight Undervests in the popular "cumfy" cut with low neck in V shape, no sleeves and daintily lace trimmed; 1 all regular sizes; 25c values; special Friday at only 16C 1000 Fine Cotton Union Suits, made low neck and sleeveless, with hold-fast straps, in umbrella style, very neatly trimmed; all regular sizes; 75c values; spec'l 59c

65c Union Suits 49¢—Women's fine cotton Union Suits in light weight, with high neck, long sleeves, ankle length, all sizes, regular 65c values, specially priced the suit at 49c

\$1.25 "Melba" Union Suits 98c

600 garments in the lot. Women's "Melba" Union Suits with narrow banded tops; made low neck and sleeveless, tight knee style or umbrella style; neatly lace 98c trimmed; sizes 4 to 6; regular \$1.25 values for only

\$35c Vests, 3 for \$5c-Wom- Gauze Vests, 3 for \$1-1000 | 60c Union Suits 43c-Misses en's nursing Vests of fine gauze women's fine Gauze Vests, fine lisle Union Suits, high cotton, made low neck and made perfectly plain or with neck, short sleeves, cuff knees, sleeveless, full in length; sizes fancy yoke tops, low neck and sizes 6 to 15 yrs.; reg. 50c 43¢

For utility and conven-

34 to 38, extra good 35c 85c sleeveless; all regu-\$1.00 Boys' Poros Knit Union Suits, values, 29¢ each, 3 for 85c lar sizes, 35¢ ea., 3\$1.00 sizes 6 to 16 yrs., 65c val. 49¢

Boys' \$1.25 Wash Suits 69c

500 Boys' Summer Wash Suits go on sale in the Boy's Dept. on the Balcony tomorrow. All new and fresh from the makers. Handsome styles and desirable colorings and combinations. Made in Russian blouse style with sailor or military collars. Every Suit well made and nicely finished; regular \$1.00 and \$1.25 values, spe- 69c cially priced at only Men's \$1.50 Pajamas at 95c

Men's Pajamas of fine muslin and madras cloth, in plain colors, cream, tan and grav; Also white, trimmed in colors, finished with silk 95c frogs; \$1.50 values



\$1.25 Embroideries at 49c

over Embroideries. Numerous patterns in both eyelet and solid designs on fine quality cambric. This is just the material you need at the present time for making Summer waists and dresses. Every yard a splendid value. Worth up to \$1.25 49c Special Friday at 49c

25c Insertions, 15c-1000 yards of fine Embroidery Insertions, 1 to 5 inches wide; will match up splendidly with the allovers; values to 25c a 150 yard, Friday only

Gossard Corsets at \$3.50

ience for adjusment at each wearing, the Gossard "Lace Front" Corsest have no equal and for perfect lines of style and beauty they are unsurpassed. Special showing and safe Friday and Saturday. 3rd floor. New Gossard Corsets with low bust and long skirt; made of strong coutil and finished with embroidered top; a beautiful model that you will like and extra value, priced at only, each \$3.50. New Gossard Corsets of fine imported batiste, wahlon boned throughout; have the very long skirt with medium low bust; the height of satisfactory \$5.00

