

STATE COMPLETES ITS CASE AGAINST THE DAILY NEWS

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

Testimony of two witnesses this 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 libelous, County Judge Cleston 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 Cleston was called by the defense as its first witness. Difference of opinion as to a point of law concerning the duties of the county judge and the county commissioners interrupted examination of the witness, and the greater part of the session was devoted to legal argument.

The state won a point when the court, just before noon, sustained Deputy District Attorney Maguire's objection to a question by Attorney Perry for the defense as to whether or not County Judge Cleston in his official capacity during the three years of his incumbency had made a semi-annual examination of the condition of the county funds.

Prosecution Wins Point. Maguire for the state objected to the question on the ground that the law now in effect and superseding 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 been retired.

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 Cleston are guilty of malfeasance in office because of a neglect of their prescribed duties.

State's case was completed in 20 minutes. It included merely the examination of J. A. Prudhomme, foreman of the mechanical department, and W. C. Tanks, business manager of The News, to establish the fact of the publication of the article alleged libelous. The fact of publication was allowed by attorneys for the defense, precluding necessity of further testimony.

Objection is Overruled. First interruption to the proceedings came when Attorney Perry objected to the introduction by the state of one part of the article, but not the entire article in question. The objection was overruled, but the defense was allowed to introduce the rest of the story, over state's objection, in the cross-examination of the witness.

In his argument on motion for a not guilty instruction to the jury, Attorney Collier maintained that the state in merely establishing the fact of publication of the article in question had failed to prove its case, and that because of this he explained away the part alleged to be libelous, and took out the "sting" of the alleged libel.

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 something 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 communication because it was to be by public officials, and that even though it might be derogatory to the character of those officials, still the News was not guilty of criminal libel if it printed the story in good faith.

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

"Do I 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," replied Judge Davis.

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

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

Names of Jurors. The jury, completed last night, is as follows: B. F. Walter, teamster; H. H. Barnell, retired; J. A. Fay, butcher; Carl Schickeliser, restaurant keeper; R. C. Walter, grocer; F. P. Rawson, electrical engineer; B. H. Hansen, clerk; C. H. Lake, Christian, soldier; M. Daverton, miller and grain; J. J. Ederton, building contractor; J. J. Fevbet, hair store proprietor; C. J. Wallingford, building contractor. 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 irregularities and technical violations of the law, the best interests of the taxpayers have not been properly safeguarded. It would be shown, the attorney said, that some records had not been kept according to law, and that contracts had been let without due process as prescribed for the guidance of the county commissioners. The defense contends generally that Commissioner Lightner and Judge Cleston are guilty of malfeasance in office, and that they are therefore liable, as charged in the alleged libelous article, to jail sentences.

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 lamp.

Excursion Tickets. The excursion to Metzger, postponed last Sunday on account of rain, will be held this coming Sunday. Round trip and lunch all for 25c. Get tickets now at 722 Yeon Bldg. Trains leave 10th and Stark sts. 9 a. m. Jefferson at station, 5:10 p. m. Sunday, Music.

CONVICTED NEW YORK POLICE INSPECTORS NOW SERVING TERMS IN PRISON



Left to right—John F. 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 so-called graft "system."

FINNISH LOGGER KILLED BY TOP BRANCH OF TREE

(Special to The Journal.) Astoria, Or., May 22.—John Kota, a native of Finland, employed in bucking windfalls, 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

upon him. The man failed to hear the warning shouts of his companions.

Woodburn Looks Better Today.

(Special to The Journal.) Woodburn, 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 place it where the city wagons could

collect it and haul it to the dumping grounds. The tall grass along streets and sidewalks has been cut, and as a result of the mayor's action, appearances about the residence portion of the city have been much improved.

Leave for Seattle.

William J. Flynn, chief of the United States secret service, after spending the

day in Portland, left last night for Seattle to inspect the office there. He will be back in Portland all day tomorrow on his way to San Francisco. Yesterday afternoon, in company with S. A. Connell, local secret service agent; H. G. Durand, postoffice inspector; Anderson M. Cannon, United States commissioner, and C. P. Pray, special agent of the department of justice, he was taken on a tour of the city.

5000 Pounds of Banquet Hall Butter, Oregon Made, Fresh Churned Daily, at 61c the Roll  
Gold Bond Trading Stamps Given With All Purchases — 50 Free Stamps to Start a Book

Grocery Specials---3 for 25c

Picnic Specials—Pure, wholesome pickles put up in tumblers which can be used for drinking glasses when empty. Here at 3 for 25c  
Chow chow, sour pickles, sweet pickles, preserved cucumbers, picalilli, pickled onions, here at this price 3 FOR 25c

The Holtz Store  
"GOLD BOND" TRADING STAMPS WITH EVERY PURCHASE  
HOLTZ CORNER 5th & WASH. STS.

\$2 Shirts \$1.15 \$1 Union Suits 59c

1000 men's Golf Shirts in coat styles with attached or detached soft collars to match. Made of fine quality madras, in tan, gray, white and striped \$1.15  
50 dozen men's Union Suits of derby ribbed, balbriggan and Poros Knit, in ecru and white, short or long sleeves and ankle length; in all sizes; regular \$1 values, priced at 59c

100 Women's and Misses' Suits 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 values on sale Friday at the Holtz Store at, each \$7.95



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 that speaks true economy. Your choice of the lot at \$7.50

Great Vals. in Afternoon and Street Dresses

Smartest of the new styles, made of best washable materials, such as bed-fords, poplins, linens and ratines, in a great variety of models, including simply tailored, Balkan blouse, charming 3-piece and more elaborate effects with fancy vests, lace collars, etc., colors are white, golden leather, Copenhagen, lavender, etc. All modestly priced from \$2.50 to \$22.50.

Women's 25c 'Cumfy' Vests 16c 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; 16c 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 49c—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 trimmed; sizes 4 to 6; regular \$1.25 values for only 98c

85c Vests, 3 for 85c—Women's nursing Vests of fine gauze cotton, made low neck and sleeveless, full in length; sizes 34 to 38, extra good 35c values, 29c each, 3 for 85c

Gauze Vests, 3 for \$1—1000 women's fine Gauze Vests, made perfectly plain or with fancy yoke tops, low neck and sleeveless; all regular sizes, 35c ea., 3 \$1.00



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, specially priced at only 69c



Men's \$1.50 Pajamas at 95c

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

\$1.25 Embroideries at 49c

Great Friday sale of 2000 yards of beautiful new All-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 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 yard, Friday only 15c

Gossard Corsets at \$3.50

For utility and convenience for adjustment at each wearing, the Gossard "Lace Front" Corset have no equal and for perfect lines of style and beauty they are unsurpassed. Special showing and sale 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 Corset perfection, at \$5.00

