

# HERRIN CASE IS CONCLUDED

## Defense Waives Right to Address Jury—Judge to Prepare Instructions

MARION, Ill., Jan. 17.—(By The Associated Press)—All argument at the trial of five men charged with the murder of Howard Hoffman, one of the victims of the Herrin riots, was ended today when Angus W. Kerr, chief counsel, announced that the defense waived its right to address the jury.

**Announcement Unexpected**  
The unexpected announcement was made before a crowded courtroom at the opening of the afternoon session and Judge D. T. Howard immediately ordered an adjournment until 10 o'clock tomorrow morning to permit him to prepare his instructions to the jury.

Under the Illinois law attorneys for the defense and prosecution alternate in making final arguments to the jury. The prosecution is entitled to make both the opening and closing address. Yesterday, when the state rested, the defense offered to submit the case to the jury at once without further argument or instructions. The offer was refused by the prosecution and Otis Glenn, assistant attorney general, told the court this morning that the state rested six hours for argument. Edward J. Brundage, attorney general, arrived from Chicago on the morning train with the intention of making a brief statement during the argument on the necessity for law enforcement.

### Mine "Rat Hole"

Mr. Kerr refused to make any agreement regarding the length of argument.

The entire morning session was taken up with the argument of Dale Duty, state's attorney of Williamson county, who discussed the evidence, explained the application of the statute on murder by conspiracy to the present case, declared that the state had proved all of the defendants guilty beyond a shadow of a reasonable doubt. He described the mine as a "rat hole" and said that its handful of defenders had withstood a hail of bullets for half a day and a night. He declared that after they had thrown down their arms, surrendered and been assured of their safety, they were let out of the pit and twenty of them brutally slain. He declared that under the law defining murder by conspiracy it was not necessary to show that any of the defendants had actually taken part in Hoffman's murder.

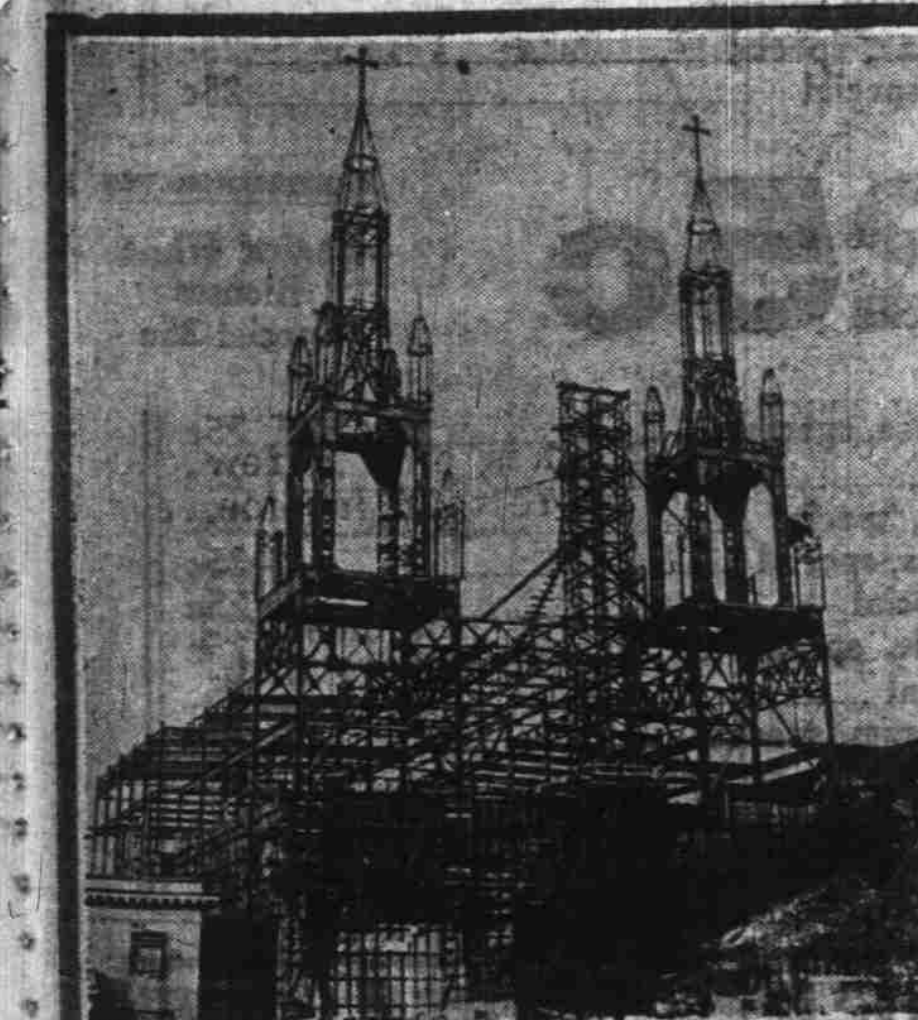
### Defendants Restless

"If they had led Hoffman and the other men out of the mine, they are guilty of murder by conspiracy just as much as though they had participated directly in the killing," he declared. "But we have proved also that

### RECOVERS FROM LA GRIPPE COUGH

Was very bad with LaGrippe and had a severe cough. Tried Foley's Honey and Tar and it stopped my cough and I got better," writes Mrs. Mary Kibby, Spokane, Washington. Coughs resulting from LaGrippe, Influenza, Bronchitis, Whooping Cough, Asthma and Spasmodic Croup are quickly relieved with Foley's Honey and Tar. Contains no opiates—ingredients printed on the wrapper. Largest selling cough medicine in the World. Refuse substitutes. Insist on Foley's Honey and Tar. Sold everywhere.—Adv.

## A NEW MANNER OF BUILDING CHURCHES.



San Francisco is building its churches along more modern ideas and plans. The present churches are of steel and concrete, the steel framework being erected first before the concrete work is begun. The steel framework is said to make the churches safe from possible damage in case of earthquake.

they did take part in the actual killing. "We have shown these defendants either actually engaged in acts of barbarity that almost pass belief, or were present at the time with guns in their hands."

As the state's attorney spoke, Peter Hiller, one of the defendants, leaned forward with his head in his hands and others moved restlessly in their chairs facing the jury. Behind them several hundred spectators, farmers and miners, in their working clothes and many women, listened in intense silence.

### More Cases Later

"The first act in the conspiracy that led to these killings did not take place at the mine," he declared. "First, hardware stores were raided and guns seized and just a few hours before the shooting commenced at the mine a truckload of men on its way to the pit was fired on by hidden assassins and three of its occupants were wounded. All of this goes to show the conspiracy that existed."

Before departing for Chicago tonight, Attorney General Brundage declared that the case had been most difficult but it had been handled as well as was humanly possible. "Despite the intimidation of witnesses and the environment, the state presented every particle of its testimony and did it wonderfully well," he added.

More cases growing out of the riots will be brought to trial as early as possible, he said.

# ANTI-ALIEN BILL BEING HELD UP

## Portland Opponents Desire to be Heard; Open Committee Meeting Soon

To permit opponents of the anti-alien land bill, introduced by Representative Huston of Portland and Bailey of Lane county, and officially known as house bill 34, to appear and register protests, the house judiciary committee will hold an open hearing next Tuesday night on this bill.

Consideration was put over at the request of Sanderson Reed of Portland, who telephoned to D. C. Lewis, chairman of the committee, that members of the chamber of commerce and other Portland organizations wished to be heard on the bill.

The measure, which has the endorsement of the American Legion as well as certain fraternal organizations, is modeled closely after the California anti-alien land bill, with the added features imposed by recent court decisions, and bars all persons not eligible for citizenship from holding property in the state.

The committee reported favorably on Representative Graham's bill permitting school districts to exceed their bonded indebtedness limitation long enough to refund outstanding bond issues, and on Representative Hammond's measure providing for the filing of federal liens in the offices of county clerks and recorders throughout the state.

Graham's bill arose from the fact that practically all school bonds are held in eastern bond markets, and the district would in many instances exceed the five per cent limitation if it was bonded to the limit and then issued refunding bonds to take up earlier issues. The bill permits such an excess only during the time the bonds are in transit between the district and the holders.

# SCHOOL BILLS LOSE IN HOUSE

## Suffrage and Dental Clinic Bills Go Down Before Heavy Majority

By overwhelming majorities the house yesterday morning swept down to defeat Representative Woodward's bills providing for the creation of dental clinics in district schools and the extension of suffrage at school elections to all residents of the district.

The dental clinic bill was defeated by 44 negative votes and the suffrage bill went down before 50 negative votes.

**How to Organization**  
It was upon the suffrage bill that Representative Woodward, who is a director of the Portland school board, ran for the legislature, and his defeat is considered a particularly crushing blow.

There are plenty of members of the house who see in the avalanche of negative votes cast today the breaking up of all semblance of organization in the Kuhl camp, and some see the death knell of the organization in today's vote.

**Farmers Against Wall**  
The keynote of the opposition was probably sounded by Representative Bennett in a speech in which he pictured the taxpayers of the state, their backs against the wall, fighting for the existence of their farms and homes, from the encroachment of taxes already almost more severe than they can bear.

Representative Ford of Grant, an ex-school teacher, argued that the dental bill was a step toward paternalism and that it opened the way for medical inspection, optical inspection and the inspection of the feet and corns.

**Promises Recalled**  
"When you were elected," said Ford, "you pledged yourselves to not increase taxes, and I call upon you to turn back to that pledge and read it again. I made only one pledge, and so help me God, I am going to keep it if I can."

In support of his dental bill Woodward argued that it was in no sense mandatory, that it did not make any additional appropriation and that experience with a similar law in Multnomah county had proved the value of such inspection and treatment.

Representative Lovejoy also spoke in support of the dental bill and said that his only objection was that it was not mandatory.

**Limitations Refused**  
Woodward emphatically refused to limit the operation of the bill to Multnomah county by the addition of a clause limiting it to counties of 100,000 population, suggested by Representative Carkin.

Following the defeat of the dental bill, Woodward realizing what had happened to the organization of the house, moved to have the suffrage bill made a special order of business for next Tuesday, which was countered by a proposal to indefinitely postpone the bill. It was finally agreed that the bill should come up for final vote.

In support of his bill Woodward argued that many mothers of children have no opportunity to vote on matters of finances in connection with school districts, despite the fact that their interest is probably the greatest of any. He also argued that wealthy property owners, without interest in the school children could nullify the action of those who would improve school buildings and provide additional facilities.

**Lewis Against Bill**  
Representative Lovejoy in supporting Woodward, argued that to be consistent if nothing else, the same voting privilege should be extended on school financial affairs as is granted on other bond issues.

School teachers, probably the most vitally interested, Representative Keeney argued, hold little property and probably only about 25 per cent are property owners, which would be a dangerous feature, he said.

In voting for the suffrage bill Representative Huston of Multnomah explained that he had agreed to vote for this measure during the campaign and for that reason voted yes, and Representative Lewis explained that he would have voted in favor of the bill if it was amended to include only citizens who could read and write English.

**Key Talks**  
Before casting his vote against the suffrage bill, Representative Kay of Marion stated that two years ago Woodward had aided in a move which extended suffrage in these elections to the head of a house, whether property owner or not, which was answered by Woodward with the statement that this revision of the law applied only to districts of the third class, and that first and second class districts were not involved.

The vote on the dental bill follows:  
For: Adams, Beals, Brownell, Fletcher, Huriburt, Kuehn, Lackey, Lewis, Lovejoy, Meindl, Mott, Simmons, Woodward—13.

Against: Bailey, Bennett, Blowers, Bolton, Buchanan, Burdick, Carsner, Cary, Cowgill, Cramer, Ezell, Ford, Goin, Graham, Hammond, Hesse, Hunter of Union, Hunter of Wallowa, Hurd, Huston, Jackson, Kay, Keeney, Kirkwood, Lee, Mann, Miles, Miller, McMahan of Linn, McMahan of Marion, McPhillips, Overturf, Randall, Reynolds, Schurmerich, Shelton, Smith, Throne, Watson, Wheeler, Wilson, Kuhl—44.  
Absent: Campbell, Gordon and Jones—3.

**New Absent**  
The vote on the suffrage bill follows:  
For: Kirkwood, Lovejoy, Simmons, Woodward—4.  
Against: Adams, Bailey, Beals, Bennett, Bolton, Brownell, Buchanan, Burdick, Carkin, Carsner, Cary, Cowgill, Cramer, Fletcher, Ford, Goin, Graham, Hammond, Hesse, Hunter of Union, Hunter of Wallowa, Hurd, Jackson, Jones, Kay, Keeney, Kuehn, Lackey, Lee, Lewis, Mann, Meindl, Miles, McPhillips, Overturf, Pelree, Randall, Reynolds, Schurmerich, Shelton, Smith, Throne, Watson, Wheeler, Wilson, Kuhl—50.  
Absent: Blowers, Campbell, Ezell, Gordon, Huriburt, McMahan of Marion—6.

The Maharajah of Cooh Behar is dead at the age of 36, but there is no George Laungan to write of his death as he did of the famous Ahkond of Swat. Wonder if there is and hooch in Cooh?

# FEDERATION TO MEET AT CHAMBER

## Annual Election of Officers to Be Held—Prominent Men Are Scheduled

A very urgent appeal was made Wednesday noon at the Rotary club luncheon, for the business men of Salem to attend the Marion County Federation meeting at the Chamber of Commerce tonight. The annual election of officers will be one of the first items of business, but the really big thing will be the important guests who are to attend. One of these will be "Bill" Hanley, of Bend, president of the state chamber of commerce, who will tell about Central Oregon and what the state wants in the way of better railroad facilities, as well as of the work of the state chamber and of the Oregon Development League.

Walter E. Meacham, president of the Old Oregon Trail association and a poet and word wizard extraordinary, is expected to be there to tell about the old trail over which most of the original Oregonians came to the state. It is a beautiful, thrilling story, and as Mr. Meacham tells it it becomes another Odyssey, only with

far greater distance, more and better travelers, and an infinitely greater goal to be achieved.

There are 23 communities in Marion county affiliated with the county federation, and all are expected to be represented tonight. A light luncheon will be served, along with the literary and musical features.

## Heavy Rain Sends Amazon Slough Out of Banks Again

EUGENE, Ore., Jan. 17.—A heavy wind storm early today caused damage to power, telephone and telegraph lines in this part of Oregon. Nearly two inches of rain fell during the 24 hours ending tonight at 6 o'clock and as a result the rivers again are rising, but it is not thought there will be a repetition of the freshet of a few days ago. The Amazon slough in the southern part of Eugene was out of its banks today and many yards were under water.

An eminent Scottish preacher was trying to explain to an old lady the meaning of the Scriptural expression, "Take up thy bed and walk." He informed her that the bed was simply a mat or rug easily taken up and carried away. "Na, na," was her reply: "I canna believe that. The bed was a regular four-poster. There would be no miracle in walking away wi' a bit o' mat or rug on your back."—Presbyterian Witness.

# MARKET ROAD BILL PASSES

## Measure by Strayer One of Important Highway Proposals of Session

The senate yesterday passed Senator Strayer's measure providing that the constitution of market roads shall be exclusively under the control and supervision of the county courts of the respective counties.

This is considered one of the important highway bills of the session and is expected greatly to enhance Market road development. As amended to exclude the Columbia River highway and Old Oregon trail, the Pacific highway and West Side Pacific highway and Mount Hood loop. The bill had the unanimous approval of the senate roads and highways committee.

The Strayer amendment strikes out from the old law the provision that it shall be the duty of any county court to request the state highway commission to furnish plans and specifications for the construction of any proposed market roads, and to supervise the survey and establish

grades, and that in that event the commission shall furnish the plans and specifications to the county and supervise the survey and establish the grades, the expense to be paid from the market road fund.

Senator Strayer said that the gist of the bill is that it divorces market road construction from the state highway department. It changes the present system in that it will allow county courts to apply market road money to market roads that have been designated as state highways.

All members voted for the bill except Corbett, Dennis, Robertson and Smith.

## Benton to Represent Oregon in Argument

The public service commission and the interests of Oregon will be represented in the Southern Pacific-Central Pacific argument before the interstate commerce commission Friday of this week by John E. Benton of Washington, D. C., who represents a number of public utility commissions in the national capital.

Benton is urged to read the Oregon commission's brief carefully, and a telegram sent to him late last night urges that joint use of the Central Pacific into the Willamette valley is essential to Oregon's development. Mr. Benton replied in a telegram today that he would present Oregon's case.

"IF I WERE AN ADVERTISER  
I would buy Circulation—Large  
Circulation—wherever I could. But  
I wouldn't buy circulation alone.

"I'D BUY READERS—but I would  
not buy Readers alone. I'd buy  
Interested readers."

**The  
Oregon Statesman**

*Is the Paper of Interested  
Readers*