

LETTERS SHOW A DEEP INFATUATION

MUCHEVIDENCE INTRODUCED

Coroner's Jury Hears the Testimony of Many Witnesses to Monday Night's Tragedy.

A VERDICT IS EXPECTED EARLY THIS EVENING

Roy McClallen, Who Fired the Fatal Shots That Killed Ben Mahan, Appeared Before the Jury—Says Mahan Never Uttered a Word But Kept Advancing When Ordered to Stop.

The coroner's inquest over the remains of the late B. A. Mahan was resumed at the court house at promptly 9 o'clock this morning, with District Attorney George M. Brown, conducting the examination of witnesses upon behalf of the state. The court room was crowded throughout the entire day, evidencing in a measure, the interest manifest in the affair in this community.

Following are the witnesses examined during the day and the gist of their testimony:

Testimony of Attorney Cardwell.

W. W. Cardwell said in his testimony that it was close to 11 o'clock, and after the theatre, when going down the street, he saw a man in the middle of the street coming across and step on the walk in front of three travelling men, passing these men and coming up to Roy McClallen when four shots rang out quickly and Mahan fell. On my asking who did this, Roy McClallen said: "I did, Bill, and had to do it in self defense. You will find a gun in Mahan's pocket." The sheriff came along shortly after and was told to look for a gun, which he did, and a Colts' automatic was found in the right hip pocket.

Mahan Had Gloves On.

Sheriff Quine was placed on the stand and stated he went to the hotel after McClallen, who saw him coming and came forward offering a weapon and saying: "Here is the gun." The weapon was produced, which is a vest pocket edition of an automatic. McClallen stated he was obliged to shoot Mahan to save himself, and added that if you search the body you will find a gun in Mahan's pocket, and he went back, searched the pockets and found an automatic gun deep down in the right hip pocket of the dead man. The sheriff said that Mahan had gloves on his hands and believed they were buttoned up, but could not say whether the deceased had on an overcoat or not.

Mahan Was Retreating.

George B. Goodman said "I was coming down the street with my wife when two hats were fired, and turning around saw a man leaving the curb going into the street from McClallen, probably five or six feet from McClallen, who fired at the man, who was going from McClallen. The wounded man turned toward the curb, blood spouting from his nose and mouth, coming near the curb, more blood gushed from his mouth, and he fell by the curb." On question, by the jury, Mr. Goodman said this last shot was fired while Mahan was apparently going away from McClallen. He noticed that wounded man wore gloves and a sweater.

Oakland Man Near Scene.

D. S. Peuster, a resident of Oakland, said he did not know the principals in the tragedy. Was about 75 or 100 feet away. He did not hear any words spoken until after the shooting, when McClallen remarked that he would not allow anybody like that to run over me." Heard nothing else except talking.

Disliked McClallen.

B. E. Steel on being called, said he knew Ben Mahan, seeing him at his office and in the Mahan plumbing shop. On question said Mahan had often cursed McClallen, speaking of him as a "damned coward" and using other such terms. Had seemed to think McClallen had poisoned Miss Speicher's mind against him, being the reason assigned for the terms applied to McClallen. Mahan talked so much about the trouble caused by McClallen's attentions to the girl that it became tiresome, and witness said he paid little attention to it. It was after Mahan returned from Portland that complaint was made of McClallen's attentions. Had seen the weapon in Mahan's room, but did not know if he carried it regularly. Could not say if Mahan understood firearms and could not say if he had ever practiced shooting with his gloves on.

Mrs. McCorn, Mahan's Sister.

The lady stated that she was the sister of Ben Arthur Mahan, who was born in Duluth, Minn., 26 years ago, that both parents are living, that deceased came to Roseburg two years ago from Alaska. That her brother had owned an automatic pistol, which he always carried, in Alaska and when he went out nights in this country. She knew Miss Speicher, and talked with her Tuesday. (At this point the pistol was produced and identified.)

Mahan's Coat Buttoned.

Chas. Tabor, of Glendale, testified that he did not know either McClallen or Ben Mahan. About 11 o'clock I came out of the theatre, heard the shots, and looking down the street in time to see a man fall near a pole, and as I stopped to see who the man was, blood gushed from his mouth. Mahan was dressed in a dark suit, coat buttoned, and could not state whether he wore gloves or not.

Would Be Three Funerals.

F. B. Warner, called as a witness, said, "I was acquainted with Ben Mahan, and also know both men for about two years. Had heard Mahan state in a general way on numerous times that he would get McClallen. On inquiry of the jury as to what Mahan meant by "getting McClallen," witness said you know as much about it as I do. He said that the last time he could remember of any conversation on the subject was three weeks ago, when Mahan and he were riding in an automobile. Mahan remarked that after he had made up with the girl and she had anything to do with any other man there would be three funerals. He admitted that McClallen was not mentioned in this conversation and Mahan may have referred to other parties rather than McClallen.

Near Scene of Tragedy.

A. H. Granger, of Portland, stated that he was in Roseburg Monday night, on Jackson street, about 30 feet from the scene of the shooting. He was with three other traveling men, whose names he did not remember, except one, whose business was selling meat and who is known among the traveling men as "Butch."

Leaving the theatre they walked down the street, heard two shots, turned and saw a man crouching in the street, and two other shots rang out and the man fell. The back of the victim was not toward me. Did not know from where or from whom the shots came. Witness was about 20 feet north of the place of shooting. The witness could faintly recall some sort of exclamation, which seemed to come from the victim just an instant before the shot, which sounded very much like "don't" or "stop." The most vivid recollection the witness had of the affair was the motion of hand of Mahan, after the first two shots were fired, toward his pocket as if going to draw a weapon, when other two shots came, and Mahan roared and fell. Victim seemed to be going toward the hotel when two shots were fired, then he turned around and reeled toward the curb and fell.

Mahan Warned By McClallen.

Walter Good, a barber, stated he knew both McClallen and Mahan. With his wife he left the theatre just behind McClallen, and Miss Speicher. Just before the shooting Roy McClallen said: "Stop, keep away from me," or "Do not come near me," or words to that effect. Saw the man shot at but did not recognize Mahan as the victim. Shots came in very rapid succession, and the man staggered. Did not recognize any interval between shots. Mahan was not on the walk at all. Did not see from which direction Mahan came.

McClallen Was at Outer Edge of Pavement.

McClallen was at outer edge of pavement, Mahan probably four feet from the curb in the street when the first shot was fired. Could not say the men were exactly face to face when the firing began, but Mahan was staggering before last shot was fired.

Hannitte On Stand.

W. H. Hannitte took the stand and told of how the body was taken from the street to the morgue; that Mahan wore a suit of dark clothes, sweater, buttoned up, and kid gloves that were buttoned. He stated that first wound shattered the left hand, second one passed through muscles of right arm and bruised wall of the chest, third grazed right breast and fourth entered back, passed through main artery of heart and lodged against breast bone.

Gorman Testifies.

Jack Gorman stated that he knew Mahan and McClallen. He had seen Mahan the same day of the shooting.

A BRIEF SUMMARY OF MONDAY NIGHT'S TRAGEDY.

A brief summary of the evidence given at the coroner's inquest into the death and causes leading up thereto, of Ben Mahan show that Mahan made no demonstration on the night of the tragedy toward taking the life of Roy McClallen. Testimony shows that the victim had on a sweater buttoned up, his coat over it, also buttoned up, and gloves on and clasped. He was armed, but the weapon was in his right hip pocket underneath both sweater and coat as he came across the street. It was testified by Miss Speicher that McClallen told her as they left the theatre that he was armed, and as they came to the place of the shooting Mahan was going south at the outer curb or two or three feet in the street from the curb. No one saw McClallen draw his automatic pistol, but it is presumed it was in his hand as he approached Mahan, because with the word "stop," the first shot was fired. From the appearance of the wounds as described by Dr. Houck, the shot struck Mahan in the muscular part of the upper arm, passed clear through and bruised the chest wall beneath the arm. Conditions of the other wounds show that Mahan started to swing around to the left, and a second shot grazed his breast bone. The third shot must have been the one that entered the wrist, the victim standing with his back to McClallen, the bullet ranging downward and out at the palm of the left hand. The fourth and fatal shot struck the helpless victim in the back just to the left of the spine, ranged diagonally through the body on a direct level, passing through the pulmonary artery and upper part of the left lung and lodged back of the right breast bone. Other witnesses in a general way bear out the theory that Mahan was in the street, that he turned away from his murderer as the first shot was fired. The testimony of nearly all witnesses was to the effect that Mahan wore gloves. One witness testified that just before the first shot, Mahan, evidently seeing the weapon as it flashed, said, "Don't."

Two witnesses have testified that Mahan had, in the past, made the remark that he would "get McClallen," also had made the statement that there would be "three funerals," but witness did not say who Mahan referred to. Miss Speicher testified at yesterday's hearing that she thought the murdered man reached for his pistol, but was not positive in this respect. Thus far, no evidence has been introduced to show that McClallen ever made any threats against Mahan.

He Said that a Month Ago he Had Asked Mahan Why the Girl Had Not Come to See Him, and Was Told that McClallen Had Taken the Girl, Miss Speicher, from Him, and that He, Mahan, Would Lick McClallen for It.

Philip Matthews testified he knew the principals in the tragedy, but was not present at the time of the shooting. Was on the scene shortly after shooting and had remarked that it was "probably over the girl."

Is Called To Stand.

George Quine was again called to the stand and stated that when the gun was taken from Mahan's pocket it was loaded and the safety clutch open.

Houck Testifies.

Dr. Houck was called and told of seeing the body, and the number of wounds. Said none of the wounds were fatal except the one in the back, which caused death. The doctor stated that he had made a post mortem examination of body, had extracted the ball that caused death, the missile being exhibited to the jury. The bullet had pierced the upper part of the left lung, cutting the pulmonary artery, which caused death in 5 or 6 minutes after the wounds were inflicted. The bullet was of .25 calibre. The fatal shot was fired while the victim stood with his back directly toward McClallen, and the weapon was held absolutely level, as the wound indicates such position.

Diagrams, Drawn by Dr. Houck, Showing the Relative Position of Wounds Were Exhibited.

Hoped For Wedding.

Dr. Vinell said he was present just after the shooting. Mahan had on coat, sweater and vest, all of which were buttoned, as were black gloves which he wore. Mahan had tied to witness of Miss Speicher, saying that as soon as she procured a divorce they would be married.

Mahan at Theatre.

Eugene Parrott said he had seen Mahan outside the theatre Monday night, but did not see him inside.

In Street When Shot.

Mrs. Good was called and stated that herself and husband were at the theatre Monday night. Heard three or four shots. Was near or in front of the water and light office. Mr. McClallen and Miss Speicher were just ahead on the walk. Thought she heard McClallen say "Do not come this way." The man who did the shooting was on the walk and the other man was in the street. The man who said "Do not come toward me" did the shooting, while the man in the street said nothing. Saw the latter only as he reeled and fell. Could not say whether Mahan's back, side or face was toward McClallen when shooting occurred.

Culver On Stand.

Geo. Culver was called to the witness stand, and said he saw Mahan in the theatre Monday night, but could not say just when he came in. Did not see him again until after the shooting.

Steel's Memory Revived.

B. E. Steel was called again to the stand, and stated that he had not told all he knew because he was not asked. Stated that, as he passed the barber shop in company with Mahan Monday night McClallen was seen in the barber shop, and Mahan said, "I will get him yet." At another time Mahan waited on the Deer Creek bridge for McClallen for two hours but did not see him. Did not warn anybody of Mahan's threats.

Two Communications From Mahan to Miss Speicher Introduced.

DEPLORES GIRL'S ASSOCIATIONS

"Did I Not Treat You Right?—God Knows I Was Trying Hard Enough," Wrote Mahan—Refers to His Love's Companion in Strong Language—Said He Was Being Deceived.

Just before the close of the inquest Tuesday evening two letters, written by Ben Mahan to Miss Speicher were introduced by District Attorney Brown and read to the jury. One of these was written on December 18, 1910, and is as follows:

You ever existed. I suppose it would be better for me if I could lose my memory entirely. But I am not so constructed. I think of you every hour of the day, and as the weeks slip by it grows harder each day. You say that I caused you wounds that will not heal. What cause had you to do the things you did that caused me to wound our feelings? Did I not treat you right? If I did not, God knows I was trying hard enough. I have practically broken with Grace for the part she saw fit to take in our affairs. It is a fault of her's and mother's that has caused many a heart ache, and I will see to it that they do not have another opportunity. If what I have done has caused you to suffer, I certainly am sorry. But I wish I could have died while in the hospital last spring rather than suffer as I have in the past six weeks. I could have died then thinking that you loved me as I love you. Now it is a perfect hell of dread from morning until night. All my hopes and plans of a year and a half blasted in a moment. And the real cause I am entirely ignorant of. I do not know how much longer I can endure this. I really hope for something to happen to end it all. If there is anything I can do to make amends just give me the word and I will do anything within reason. There would be little use to tell you that I did not send Taylor into the hotel, but nevertheless I did not. I also told him not to, as you would not come out. But he went away. Well, he is gone now, having finished the job of inventory and balancing my accounts. You told me to find another. Do you suppose I would have gone with you for so long a time. I am just existing as I have no hope of happiness any more. I love you as ever.

12-16-'10

Miss Lillian S. Speicher, Edenbower, Oregon.

Lillian—After what I saw this past evening, and after you stood here in this office and told me that you would not have anything to do with that S— of a B— you were with this evening, I don't see how you could expect me to doubt what I was told in reference to your actions while I was in Portland.

You certainly have been deceiving me for quite a time past. And it looks to me that all you cared about me, for the past few months, was for the money and entertainment I could furnish you.

The books show that you have been dishonest with me, as there is not a scratch of a pencil to show for all the material you took home and promised to pay for upon your return from your trip.

Now I want to tell you that I have made up my mind to stay in Roseburg, and to stay in business. And I am going to fight that bunch that have come between us to the edge of hell, and then knock them in.

Now if you want to affiliate with that bunch, why, just go to it and haul yourself. And take it from me, it won't take you very long. You know mighty well how much I know. If your old mother knew it she would not live very long. I have kept my mouth shut up till now and have been getting the worst of it.

Now if you intend to live around these parts, you cut out this foolishness and treat me right or I may make things a trifle disagreeable. It is not my wish to do anything to cause any more trouble than has already been caused. But it is up to you. You can have me for a friend or an enemy. You will have to choose, and that soon.

I have not slept yet, it is now 4:30 a. m. I tried for four hours to sleep but could not. After tonight I will try not to lose any more sleep.

I had a letter from Grace and she said that you had told her that I accused you and believed what others told me.

Now I did not accuse you, only told you what the talk was. Your conscience was not clear. For you went out with that car after I told you what he was.

You knew that you had been deceiving me. In fact old Bill got drunk and he told me that all the boys in the shop thought that you were handing me a dirty deal. I tried to talk him out of it, but he was just drunk enough to tell me what was on his mind and would not have it any other way.

I learned from a friend in Seattle that my former wife was again seeking relief in the divorce courts, and is having no end of trouble, as she married two months after the divorce was granted.

She also thought that it was alright for me to work my head off to furnish her the luxuries and bestow her love on a dirty car that was lower than a snake.

You will kindly make out a list of the material that was used out to your home otherwise I will have to make it from memory.

There will be a position open here after Monday next, as the inventory will be completed. You may have it on the following terms if you wish: That you will be to work for my interests, and mine alone, and to attend to the book work and answer the phone and leave the shop work to the men hired for that purpose. It's up to you, and you alone, whether the affair of the past few weeks shall be buried and forgotten or not.

Miss Speicher evidently answered this letter the same day, and her letter was sent by Mahan. After re-reading it on January 6, 1911, he wrote her again asking pardon for having caused her any heart aches, and expressing his own anguish over her course, but never breathing any threats against McClallen whom he believed had deeply wronged him.

The letter follows:

Roseburg, Ore., Jan. 6, '10

Dear Lillian: I have just been reading your letter of December 16, wherein you ask that I forget that

NOTICE TO MASONS.

All members of Laurel lodge, No. 13, A. F. & A. M. are requested to meet in the lodge room at 10 o'clock Thursday morning to attend the funeral of our late brother, B. A. Mahan. Funeral at 10:30 o'clock from the undertaking parlors.

J. D. ZURCHER, W. M.

Joe Murphy Recalled.

When asked if he had made any mistake in his testimony yesterday, Mr. Murphy said no. Heard McClallen tell Cardwell that Mahan had a gun in his pocket.

McClallen Aboard.

T. J. Williams, night officer for the city of Roseburg, said that 3 months ago he saw Mahan driving around the streets in his auto, and stop two or three times at the McClallen House and then a couple came out from back of the hotel, who proved to be Roy McClallen and Miss Speicher, and McClallen asked the officer to get a closed rig in order that Miss Speicher might be taken home, as both of them were afraid of Mahan, saying they believed he would kill them.

Clothes In Evidence.

Coroner Jewett was called to the stand and exhibited the clothing worn by Mahan on the night of the killing. These garments, blood stained, were turned over to the jury for consideration.

Accused on the Stand.

Roy McClallen, who fired the fatal shots that killed Ben Mahan, took the stand, and said that he was 25 years of age, and told the jury that he was at the show was over. He said he saw Mahan at 5:30 o'clock Monday, March 13, also just after the theatre. Mahan was about 25 feet distant when first seen by witness, as he passed some traveling men coming toward dinner and Miss Speicher. As Mahan got up close I told him to stand back. He was probably 6 or 10 feet away at the time. Mahan did not speak a word. He kept coming toward me, and when within probably 6 feet I fired, did so because I saw him going for his gun. Mahan kept advancing, and I stepped back two or three steps. Mahan came forward two or three steps after he was ordered to halt. Witness stated he bought the gun of S. K. Rykes and he carried it in the lower left vest pocket, muzzle down, safety catch off, loaded, and ready for action. Told Mahan to stand back before he drew his weapon. Mahan's hand was at his hip pocket when ordered to stand back. Saw that Mahan was attempting to draw his revolver when he first came in sight. Mahan was facing witness all the time, and coming toward witness, when every shot was fired. Stopped firing when Mahan stopped advancing. Witness had his back toward the building and stood near it when shooting began. Never made any statement about not allowing Mahan to put it over him." Could not say if Mahan had on gloves or not but Mahan's hand was in his hip pocket during all the time of the shooting.

Miss Speicher Had Told Witness that

(Continued on Page Four.)

LOCAL NEWS.

Colonel Taylor, of Winchester, is spending the day in Roseburg visiting with friends.

Grant Taylor, of Winchester, spent yesterday in town looking after business interests.

George Stearns, of Oakland, is spending the day in Roseburg looking after business matters.

Mrs. S. Sanford left for Medford this morning where she will spend a week or ten days visiting with her sister.

Bert Brown and wife, of Oakland, came over last evening to attend the Elks' minstrel. They returned home this afternoon.

George Slater, of Oakland, is spending the day in Roseburg looking after business matters and visiting with friends.

Miss Belle Newland left for Ten Mile this morning where she has accepted a position as teacher in the schools at that place.

A number of local Rebekahs went to Oakland this morning to attend the district convention of the Rebekah lodge in session at that city today.

Miss Althen King, formerly a clerk at the New York Store, left for Eugene this morning where she will spend a few days visiting with friends.

Miss Mabel Shiffert left for Albany this morning where she will visit with friends. From there she goes to Grand Rapids, Michigan, where she will spend about a month with relatives.

Rev. E. H. Hicks left for his home at Ashland this morning after a couple of days spent in this city visiting with friends. Mrs. Hicks and daughter will not return home for several days.

Edgar Gibson, of Edenbower, who was arrested by Sheriff George Quine late Monday evening on a charge of insanity, was examined by County Health Officer George E. Houck and County Judge Wozacott late yesterday and committed to the state insane asylum. An attendant arrived here this morning to escort him to the institution.