

## STATE RESTS IN NEWLIN LIQUOR CASE AND DEFENSE IS OVER-ruLED IN A MOTION FOR NON-SUIT

### FLASH LIGHT PICTURE OF DRUG STORE INTRODUCED BY THE DEFENSE AS EVIDENCE

#### MORGAN GRAY AND WORSTELL ONLY WITNESSES TO BE CALLED TO THE STAND THIS MORNING-- WITNESSES CALLED ACCOMPLICES

Introduction of a flashlight photograph, taken last evening by Photographer Ritter, was the first evidence introduced by the defense in the Newlin liquor case late this afternoon, following the rest by the state and over-ruling of a motion for a non-suit. The court's ukase regarding the non-suit came at 2 o'clock and the defense proceeded with its evidence. The photograph was primarily to show the court and jury what view could be gained of the interior of the drug store from the positions in the streets, where Porter, Worstell and Gray said they saw the purchase of liquor.

It is apparent that the case will go to the jury until tomorrow morning.

A crowd was on hand this morning with the calling of circuit court, to continue the trial of Adolph Newlin, charged with illicit sale of liquor. The case was picked up at that point where it was broken off by adjournment of the evening session last night and Detective Ben Morgan was again on the stand.

"Attorney Cochran opened the day's proceedings with the question, 'Who arranged the meeting in the Corpe building?'

"Worstell and I. I don't know how it was arranged for Porter and Gray.

"I don't consider we entered any agreement to try and get the defendant to break the law. We arranged how I was to enter the drug store, and how they were to watch me. I recall several things in the store, including the counters, glass case, sponge rack, about as high as the average man's head. I dealt over a counter about as high as my shoulders, which is about four and a half feet, approximately. I was standing by the counter in front when I purchased the liquor, a little to the left, about ten feet off, straight in front of the door. I was five or six feet to the right of the cash register, as I recall it. I didn't transact any business at the time I bought the liquor near the cash register. On the counter where I reached over to buy the liquor, I don't recall whether or not there was any merchandise piled up. It was passed over a counter with goods on it or some framework. I remember curtains in the store behind the counter. There are two curtains for one entrance. I think I got the liquor by the cash register on the purchase, and the same circumstances that pertained to the first sale. This took place near the register.

"My idea of going in immediately and buying the second bottle was to show the witnesses what a wholesale business was going on in the liquor business there. I thought that it would be enough times to show the witnesses that though perhaps not selling to everyone, there were a good many people who got it. The fact that I could go in and buy without any hesitancy was evidence that he was selling to many people. From one to three minutes elapsed between the first and second bottles. Mr.

Virpulat was in the store the first time I was in the evening. I saw a man, and I judge his wife. I don't recall any others during the first transaction, and I don't recall any one being there during the second transaction.

"I could not tell where Gray and Worstell were after I went in the store. I saw them next near the side door. Mr. Newlin, as I recall, didn't say anything when I called for the second bottle. He went behind the curtain and brought out a bottle from behind there as though it were all ready wrapped up. I didn't see Virpulat in the store when I bought the second bottle. I got that particular bottle over the counter, this is my story approximately."

In re-direct examination by District Attorney Ivanhoe, Morgan said: "The counter came about to the middle of Newlin's chest and his body above that was exposed when I purchased the bottle.

"The grip was always locked and I had the key while the grip was in the banks.

"I had conversation with the sheriff before I gave him the list in relation to it. It was my suggestion and the sanction of the sheriff.

"Did you offer any inducement to the sheriff and with regards to this list?" (A long argument by the attorneys followed.)

"When I first approached the sheriff I understood that other parties had before given a list to the sheriff. I asked him if he would object to consider the list of names of jurors that had to be called. I knew it was a hard matter to rustle jurors. He asked me if I had a list there. I said, 'No.' He said he did not want to make this public. I assured him I didn't have the intention. He told me 'all right' or words to that effect. When I presented the list he said, 'This is the list of names?' I have a slight personal acquaintance with one man on the list, F. H. Green.

"Gray and Worstell were present when the list was made. I asked Gray and Worstell to select names that would make good jurors. Gray selected some and Worstell more. They took a telephone directory to assist them in making the list. I wrote the names as they were suggested and some we know to belong to the law and order league and similar lodges; they were later scratched off the list.

"I worked for parties in Wallowa ten years ago and didn't get my money until two and a half years ago. I had trouble collecting wages.

"About the time of the indictments I was talking to W. W. Berry in front of his store."

Recess was taken and on re-direct examination, Morgan testified: "I didn't know who was president of the law and order league at the time I was engaged as detective."

"I had trouble collecting wages from Wallowa people in the spring of 1901. I didn't get all my wages for three years.

"I saw the defendant at Berry's store and talked with him. Berry went out of the store, and the defendant wanted to know if I was the fellow that was pushing this case. I don't remember how the conversation was opened. He said he didn't know how he passed out this liquor after the trial he just got out of. He spoke of costs and stated that he had been taught to take his medicine when he got into trouble. I told him, as a man, he ought to quit it, and if I had any assurance he would quit the business before the indictments were served, I would not have served them. I said I would do all I could for him, or words to that effect. Berry asked me to meet Newlin at that place."

Rev. Gray was recalled. "Here is my mark 'X' on the bottle of whiskey. I put it on in my office June 1. In marking a series of bottles Mr. Morgan marked it. I saw him mark out the 4 and put 5 on it. I didn't see any other marks put on the cork. I know others marked it, but don't know what it was. I have made an X like that before. It was my particular mark at that time. I think it is on other bottles. Others could make an X like that, but by the way I put it on, I could identify it. I am willing to swear that the cork was in the bottle at that time, or one like it. I didn't see the bottle after I left. I don't think the contents of the bottle have been changed. I don't think it could be changed."

W. A. Worstell Recalled. "In the study I marked the cork and Morgan marked it too. This is my 'W' put on numerals. I think other marks were put on. The W is made with my pen. It is a print. Others could make it the same. I had seen the bottle until yesterday," said Mr. Worstell when recalled.

State Rest Case. At this point the state rested its case. The defense immediately moved for a non-suit on grounds of insufficient evidence and that the state's witnesses were accomplices of the defendant. Arguments were broken by the noon recess.

LAST NIGHT'S EVIDENCE Worstell and Morgan Chief Witnesses at Last Night's Session

At the time the Observer went to press yesterday afternoon Rev. Gray of the Baptist church, had just given evidence substantially corroborating that given by Night Policeman Porter and stated that he, Worstell, and Morgan had prepared a list of suitable men for jurors and Morgan, accompanied by Rev. Gray, had presented this list to Sheriff Childers.

When asked whether a fair list of jurors would not have been selected, stated:

"I have heard things to that effect." He also stated: "I didn't know how they stood but guessed they were prohibitionists. When asked who had the list, he answered, 'Morgan.'"

The bottle of whiskey was then shown to Rev. Gray and asked whether he would know the bottle without the label, and was asked if he had not seen thousands of whiskey bottles like that, answered:

"No, I might have seen a half dozen."

He was asked if he was willing to swear that it was the same bottle.

"I think it is the same. The cork is the same, but Morgan had the bottle in his possession since June 1. I saw Morgan write on the wrapper that was pasted on the cork."

When asked if the contents could have been changed, he said:

"It could be, but it was the same cork."

The list presented to the sheriff was asked for by the counsel.

"Is this the list you wished selected to try the defendant?"

"Yes."

"You proposed some?"

"Yes, Worstell knew most of them."

"You wanted them put on the jury."

"Yes."

The list was then marked for identification. On re-direct examination District Attorney Ivanhoe asked:

"Did I, or Judge Crawford, who is assisting me, know anything about this list, which was given to the sheriff and introduced as evidence here?"

"No."

W. A. Worstell then took the stand, and stated that at a meeting held in the Corpe block, Morgan was examined and found to have no liquor on his person and was watched on his way to and from the drug store. His testimony differed from the two previous witnesses in the position they occupied while watching the alleged purchase of liquor from Newlin's drug store. The rest of the testimony in regard to sampling and labeling the bottles was corroborated.

"What object was there in taking a list in advance for selection of names for jurors?"

"I have heard insinuations that officers have not done their duty in selecting jurors. I suggested the names on this list as good jurymen. I gave Morgan a list of the names; I know all but one. They are not all prohibitionists. All of them want to see the law enforced."

"Didn't these men give insinuations that the law was not being enforced?"

"One or two of them may have said so. That is the reason I suggested that it was my desire that they be jurors."

Then Ben Morgan, the detective, was sworn. "I am twenty-six years of age; my home is in The Dalles; I was in the city on June 1; I saw Porter, Worstell and Gray in the Corpe building. They all searched me and found that I had no liquor on me. We went to the street, Porter ahead on the opposite side of the street. Gray and Worstell behind me. I went to the rear door of Newlin's drug store. I was in the drug store two times."

When asked what happened the second time, stated:

"I bought a one-pint bottle of whiskey from Adolph Newlin, paying him a fifty-cent coin. The bottle was wrapped in plain paper and I put it in my left coat pocket, went out the side door, and went directly to the study at the Baptist church. I had not changed the contents of the bottle. The cork was then taken out, the liquor was tasted by Worstell Porter and myself. I called it an average grade of whiskey. When purchasing it I said: 'Give me a duplicate of that one I purchased before.' In the study the cork was pushed in and the bottle sealed with the mus-

lin part of an envelope and we marked it. It has been in my possession since. The contents have not been changed. I saw that bottle on June 1, at 9:30 p. m., and got it from Adolph Newlin for fifty cents, and it has been in my possession and the seal is the same as put on that night. I identify it by the numerals on the cork and seal."

The bottle was then marked for exhibit by the court stenographer, the cork was removed by Morgan and the bottle given to the jury as evidence. Morgan added:

"I have worked in Wallowa and had trouble there. Then I went to The Dalles, then to Chicago. I have known Newlin since last March; I met Rev. Ellis in June; I was in the city April 12, then went to The Dalles. I came back on June 1, on my way to Wallowa and went there June 2 or 3. I think I had a chat with Newlin on April 12, near the curtain in the drug store. I was behind the curtain some time in March. On June 1, I met Newlin four or five times."

When asked if anyone outside were watching, he answered:

"Yes, I met Worstell June 1 at 5

p. m. M. Vurpliat directed me to him. I was talking to Vurpliat in behalf of law and order and he directed me to Worstell. I came here in the interests of law and order and my work is of my own accord. I am not looking for a job and not trying to find someone to adopt my schemes and plans. I will not get many dollars for the services in law and order league; only expenses.

The court was then adjourned until 7:30 last night and convened at 7:40 with Morgan again on the stand. Attorney Cochran commenced:

"I want to know how much you get for your services."

"Actual expenses, including board, carfare, cost of 'hoose,' and expenses of parties assisting me. No arrangements are made for anything above expenses. I never opened negotiations for law and order with Worstell. I don't know E. B. Morelock."

While waiting for Morelock to enter the room, he continued. "I attended Northwestern Medical College five months, and was in Rush one year. My education is not finished. I have a two-year course yet."

Morelock was brought in at this time, and Morgan said he did not think he had ever met him in Henry Badger's saloon in Elgin on the last of March.

"Did you not talk with Morelock in Badger's saloon confidentially, but with others in the room, outside of hearing distance, and did not ask him: 'Do you not live in Portland,' and talked of the weather, and stated, 'I am a detective?' and was asked by Morelock, 'What are you on?' and replied, 'I am after some guys and expect to make a stake on it?'"

Morgan replied: "I did not have such a conversation, and if I did meet him it was only as a parting glance, as you might say."

"Are you acquainted with W. W. Berry of this city?"

"I think not." He afterwards remembered Berry.

"Did you have a conversation with Berry about indictments?"

"Yes."

"Did this conversation take place on June 10, 1910?"

"Yes."

"Did you converse with Berry about this Newlin and thirty-nine other indictments?"

"Yes."

"When asked by Berry, 'How much will you get out of this,' you stated: 'I will get enough to go through school.' Witness denied such a conversation.

"I have talked with Worstell and Gray several times, and at several places."

When shown the list handed to the sheriff, he said: "It is my handwriting. I gave it to the sheriff to call his attention to names of persons we considered fair. I understood the preemptory list was nearly gone. I suggested the names of people at hand that the sheriff might consider—not that this list might be used exclusively, but that the sheriff might see fit to get them. These are men of the same standard for the jury. I

## PASSENGER IS CRIPPEN SAYS CAPTAIN

IN WIRELESS TO UNITED PRESS CAPTAIN OF MONTROSE IS POSITIVE

### MAN SEEMS MUCH WORRIED

With "Boy" in His Custody Crippen is Nervous While Crossing the Atlantic—Does not Know He is Suspected—Girl-boy Seems Nervous and Gay Alternately—No Question as to Identity.

On board the Montrose enroute to Montreal, July 28.—"Robinson is assuredly Dr. Crippen, and his son is Miss Ethel Leneve. Crippen attempted to disguise himself by shaving his mustache. His companion tried to hide her identity in the garb of a boy." (Signed) Captain Kendall.

In a special to the United Press the captain continues by saying he first suspected the couple when the steamer sailed. He says he was fully acquainted with the case and now is certain there is no doubt as to the identity. He says the couple do not know they are suspected and are allowed every liberty, but are closely watched. He says Crippen reads almost constantly, seems nervous and sleeps but little. The girl is sometimes gay and sometimes worried. They don't suspect the police are waiting for them at Montreal, when they land at midnight tonight.

said: "If this list is of any aid, use it; we would be glad of it." It was given to the sheriff in the lobby with only the two of us present."

"Have you not previously sought the privilege of the sheriff to hand the names to him, and did not Frayley and Lindgren see you give it to the sheriff?"

"I do not know."

"Were you not working in the interests of the Law and Order League to urge people to sell liquor, then try and pick a jury, and then testify before them on the stand?"

"I do not consider it as such."

"I took the bottle and it has been in my possession in a vault equivalent to a bank in La Grande, The Dalles, and Enterprise, or in a grip with a seal on it, since June 1. It has been in two banks in this city. I do not know who took the bottle in the La Grande national bank. It was not a young man with prematurely gray hair. It seems to me it was the last window near the vault. It was not Mr. Meyers; he is the only one I know by name in the bank. I did not rent a vault in the bank; I do not know the name of the party who

it back to me; I do not know the names of anyone in the other bank. I gave it to him near the vault and I didn't rent a vault in that bank either. It has been in the United States National more than a week. I had it in a sealed grip along with about ten other samples of whiskey in bottles."

"Why is that seal safe?"

"It is for the jury to decide. The numerals on the labels and cork and the size of the bottle was used to distinguish them from other like bottles of whiskey. I can't tell the bottles apart without the corks."

When asked why the numeral "5", on the bottle had been changed from the numeral "4", he stated:

"When Porter, Worstell, Gray and I, took the bottles out of my pocket, in the study at the Baptist church, and laid them on the tables, the one on its wrapper and the other without, I first marked number four on the last bottle purchased, and it should have been number 5, as we decided that the wrapped bottle was number five."

Court then adjourned until 9 o'clock this morning.