LA GRANDE, UNION COUNTY, OREGON.

THURSDAY, DECEMBER 8, 1910.

PIVOTABLE POINTIN MURDER TRIALH BEEN REACHED

as shot by his son-in-law, Joss Parevening of the fifth day Jant Angust

OL. XIV.

This is

te of the accused may hinge. This ernoon when Constable Tilden S. th was called to the witness stand defense endeavored to keep out evidence, but was overruled. Atat his testimony was irrevalent. The ourt overruled and an exception was ken.

What Booth testified to, may be ater on the wheel of the defense. eing asked relative to the conversaon held with Parker on the road La Grande from Elgin when the fficer and prisoner and three other ther men were in an automobile, both said that Jess Parker told him the killing and said that Porter. Parker's father-in-law, had a gun. nd a gun of good size at that. A little ater Booth again asked Parker about

Did Porter have a gun when he the gun and Booth claims that Parker said that Porter held his hand on his hip pocket. The prisoner was sleepy according to the officer, and after the last remark little more was atd mailt Tot Ga the prisoner turned over to the sher-

127. Editor Lee B. Tuttle of the Elgin Recorder was called to the ctand after a short adjournment. His evirney Crawford insisted before the dence was to this effect: That in narnal raling that the man was an rating the killing of Porter to him Jess ficer in charge of Jess Parker after Parker had said that he shot "where tragedy and stoutly maintained it would do the most good." Also that Parker claimed Porter was "coming at" Parker and as he uld so he dropped his right hand to his side.

> The story of the incidents transpiring immediately after the shooting the words alleged to have been spoken by the defendant immediately after he had fired the shot and various other details were brought out by the first witness called this morning when W. T. Busser, a resident of the Eigin country was put on the stand for more than an hour.

Defendants Words Repeated. After much objection, pro and con,

the jury. In the words of the witness, Mr. Parker had been playing with his little son in the yard at the Porfor home in the afternoon and evening. The little how said to ble 4. that he wanted to go to Elgin and see a picture show. Mr. Parker replied to his son's request, that he had better ask his mother about it. At that time, Mrs. Parker came out of the house and toward the father and son. The questions about the trip to Elgin was asked the mother, but she is said to have replied: "No not now, but may be some other time." Eventually the two adults came to words and Mrs. Parker attempted to forceably take the child from her husband's arm. At this time, according to the story which Busser said Parker had told him later, Mr. Porter came out of the shop on the north side of the road and approaching the couple with his fists doubled and before this point Busser's story goes on, Parker reached in his pocket and pulled out a gun and shot.

the story was finally placed before

Comes to Busser's House. Immediately afterwards Parker went to the home of Mr. Busser and

there said he had had trouble with Mr. Porter and had shot him. up," asker Busser. The answer

ker was standing on the porch, but failed. Finally Mr. Parker was called into the room and what happened after that, was relterated by Mrs. Bus ser,

Statement Repeated Frequently. Mrs. Bussor said Parker sat in a thair all the time he was in the room and not until the time for his departure in the automobile, did he show signs of nervousness. He repeated over and over while sitting there: "It would never have happened had Mr. Porter kept his distance. When he came to me with his fists in the air and having been at the barn, how did I know what he had in his hand; a gun or a knife, and what I might do had to be done quickly, so I fired."" Much of this piece of testimony was repeated. Mrs. Busser, like her husand, was a cool and collected witness and their stories til tail wherein both were present in the room. Her cross examination was light, except htat she admitted she was

very nervous through it all. M. E. Willis Called.

K. E. Willis, formarly of Iowa, but employed by Mr. Porter for three days prior to his death, was the third witness on the stand this morning, and his testimony was a direct denial of what the defense will attempt to prove later on, for he emphatically said that Porter did not have a gun in his hand when he was shot, or that he had one on his person when a few minutes after the shooting he was undressed by Mr. Wills and others. Mr. Wills with four others were standing near a water tank a few feet away his face, saying: "Gerty I will help from the scene of the shooting but aside from a few words, he did not hear any of the conversation between Mrs. Parker and her husband or between Porter and Parker. He heard, he says, Mrs. Parker tell her father "to stand back as they did not want | any trouble," and one or two other words reached his ear, but he did not hear Porter say to his daughter, "I

"Are you going to give yourself will help you fix him." Wills claims he was about fifteen feet away from ie trio, and swore ne

PROCLAMATION ISSUED BY THE COUNTY COURT TODAY that Porter was never known to car-

ry weapons or to own one. This the court decided was foreign and re- to the local option question which mote and had no bearing on the fact whether or not he had a gun on his person at the time he was shot down. Witnesses Barred.

None of the witnesses are allowed to remain in the court room, and when they are wanted, are brought in from the corridors.

Newspapers Taboed.

The Observer and morning paper were placed under the han as far as jurors were concerned for Judge Knowles explicitly forbade any of the jurors to read any of these papers during the progress of the trial.

Joe Fuller Testifies. The first witness after noon adjournment was Joe Fuller, who resides a few miles from Elgin. He was a careful witness and the essence of his evidence was that Jess Parker had Imperial bank of Berlin to pay Abdul slept in a tent with him a short time before the killing and in a conversation had said, that Mr. Porter, (fath- ruler several years ago. It is beer-in-law of Jess Parker) was the lleved the Young Turks worked pocause of Jess and his wife separating litical wires to procure the order and had also been the cause of Oscar from the court so that when the mon-Swagger and his wife separating. It ey is returned to Abdul they can

Union county in wet. This statement has nothing to do with the disposition of the Rain Gods, but refers came to a final promulgation this afernoon when the county court revoked the local option law passed two years ago. According to an opinion handed down by the district attorney, the county is wet as soon as the new law is promulgated, which occurred this afternoon. The city ordinance regarding the licenses and other matters of regulation does not become effective until the tenth of this month. In the interim it is presumed the places now known as near beer saloons will continue along the same policy as before and will not make formal turn over as a saloon until the tenth, Saturday.

NUMBER 36

Must Pay Hamid Money. Berlin, December 8 .- The Imperial supreme coust yesterday ordered the Hamid, the deposed Sultan of Turkey. five million dollars, deposited by the

INFUNIANI ULPIJIN 111 WATER SYSTEM

mission from the Council.

water for municipal purposes expired. system or taking any further action This was stated to be fifteen years, under the old franchise without per-1909. Subsequent to that date and eph. prior to April first, 1910, the water certain extensions of its system. On about \$25,000 and when it attempted af the last date the company started to to use water from Wallowa lake the extend the system over the entire Joseph Milling company which is town and particularly into the new, owned by the same persons who concity council forbade the company from against the city to restrain it from doing any more work and the company refused to recognize the right lake, claiming that it had a prior right of the city to control it in any man- to all of the water which flowed from ner.

The city immediately brought in- year, Judge Knowles granted the injunction proceedings to restrain the junction against the city restraining company from making any further it as prayed for by the company. This extensions but the real purpose of the second sult has not been tried on suit was to secure a judicial determi- the issues and it remains to be deteruation of the proposition as to the mined by Judge Knowles, whether real terms of the company's franchise

The defense of the water company action of the supreme court is a first was that the city wished to prohibit victory for the city in that it decides further improvements in the plant that the old company which now forms for the reason that the city itself in- the sole supply of wate for the use a perpetual franchise by reason of chise.

Joseph, Dec. 8 (Special)-In an op- the franchise mentioned above. The Inion written by Justice Eakin, the city demurred to those two defenses judgment of the lower court of Wal- and Judge Knowles decided that the lowa County, giving the Joseph Wat- | city had a perfect right to construct a water system of its own but that erworks company, respondents, the the water company also had a right right to extend its water mains in the to perpetually farnish water to the city of Joseph, contrary to the auth- citizens of the city under its franority provided by the City Council of chise. The city refused to plead any Joseph, was reversed and a perpet- further and its suit against the comual injunction entered in the case pany was therefore thrown out of restraining the defendant water com-pany from digging up Joseph's streets preme court held that the action of the discussed between Mr. Parker, Mr.

The Joseph Water Works Company the water company, which set up its room where the telephone was and had a franchise which did not in ex- franchise as a defense was error and Mr. Parker was invited into the room. press terms state when it expired, the higher court entered an order in Mr. Busser said on the witness stand but did state when the contract to that court perpetually enjoining the that it was 8.30 when Parker camo furnish the city of Joseph with water company from extending its into the house. and this perior expired January first, mission from the city council of Jos-

taking any water whatever from the

the lake during certain months of the the city has a right to use any water

for its own purposes or not. But the Mrs. Busser was the next witness called.

While Mrs. Busser's testimony was tends to construct a water system of the city, has no right whatever to minutest detail, it did bring out an- long argument over the attempt of is the good roads law which is to be and thus render the private system convey any water through its streets other phase. The state skirmished the state to show that Porter did backed up by the threshermen and will bring in delegations and by earof little value and also that it had or to sell any water under its fran- about to make evidence of a telephone not have on his person any sort of which will be introduced in the com- ly morning La Grande will be aprink-

to the effect that he would, and the two men immediately commenced to two sentences recited. lay some plan to get word to Elgin, after it was found that there was no horse conveniently near. The telephone was used in lieu of a horse, for Mr. Sam Parker at Elgin was notified with some difficulty and instructed to bring out an automobile. This was finally done.

Accident Just at Dusk.

The exact line of distinction between daylight and dark has not been drawn so far in the evidence for Mr. Busser said it was just "between them," but that it was so light, that he could see that Mr. Parker was dressed slightly different than usual. While the auto was coming from Elor extending its mains without per- lower court in not sustaining the de- Busser and a brother-in-law of Mr. murrer of the city to the answer of Busser. A light was brought in the

Parker Not Excited.

It was the opinion of the witness that Mr. Parker was the coolest and statement. most collected person in the room at During the past summer the city of that time though this evidence was

works company with the permission Joseph constructed a complete water not given to the jury. He did say howof the city council of Joseph made works system of its own at a cost of ever that Mr. Parker was not excit-

His Aim Was Good.

During the course of events, Mr. Parker is alleged to have said to Mr. additions and outlying districts. The trol the water company, filed a suit Busser that his aim was not so bad in view of the fact that he had come so near to the heart.

Cross examination was light. Mr. Busser was asked if he had not with Mr. Busser, Mr. Sam Parker and C. E. Cochran gathered at the Busser gate, said that Jess Parker had never said to him that he had anything against Mr. Porter. On redirect examination again Mr. Busser made some technical points clear and was excused.

His Wife Called to Stand.

Cross Examination Long. The cross examination conducted

by Counsel Cochran & Cochran and Crawford, was a long and minute one. In it Wills sketched a topography map of the relative positions of the shop, house, barn, position of principais in the road, and the position of the Oscar Swagger matter had nothing himself and the others who saw the shooting. Wills was concise and talk-

ed but little necessitating tantalizing extractions and only at one time did the defense have him ruffled, but he did not lots ground nor did the defense break down his evidence. The defense had him in a close corner when noon adjournment was taken but he had still maintained his own. The strategical situation arose when Wills said he was fifteen feet away but had not heard any of the conversation whatever. As a matter of interpulation he added, "Not until the last." That was early in his guiazing and when a half hour later he admitted having heard one sentence, the defense caught him up quickly but Wills was equal to the occasion and reminded the counsel of his modified

The witnesses for the state so far have been splendid talkers, and at no time thus far has there been any "scenes." Attorneys watch for every opening but arguments are not made in the heat of anger, nor is there any disposition on the part of any of the five lawyers in charge to dodge the arguments.

The longest argument up to noon tohear what is being said by a man for the good of the order, as well. standing directly within the door, and Tomorrow morning at 10 o'clock. and the screen door. The court ruled fan church will open the annual conthat words spoken under such conditions were not to be taken as evi- big men will get down to business dence.

Important Issues Settled.

intended primarily to corroborate that as viewed from the prosecution's point meeting, according to Philip S.| Bates, but the bulletin board has not yet of her husband, which it did in the of view was the ruling following a the man with a congressional polse, been posted for the other events. conversation during which Mr. Par- | weapon during the time that Wills ing session of the legislature. This led with threshormen.

ems that Oscar Swagger/married sleze it. Previously the bank refused another daughter of Mr. Porter, Ful- to pay Abdul on the ground that the ler stated that Jees in the same con- Young Turks compelled him to deversation said "someone would at- mand it, tend to Mr. Porter."

This evidence caused objections from attorneys for the defense which the court overruled and exceptions were taken. The defense claimed that to do with the case on trial.

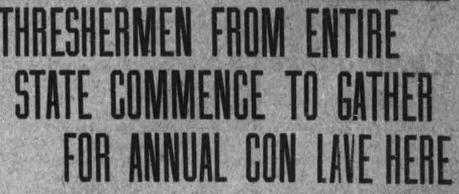
A short recess followed the testimony of Constable Booth.

Large Crowd Present. Interest in the trial seems to inincrease as the evening draws near. The bailiff has exhausted his supply of chairs gathered from the different offices in the building nearly all of the trial.

Water for Idaho Monastery.

Cottonwood, Idaho, Dec. 5 .- The pipe for the two-mile water system being installed by the Catholic monastary on Cottonwood butte has arrived. and the contractor, Charles Norlin of Lewiston will start laying the pipes tomorrow. The springs from which the water supply will be secured are 800 feet higher than the monastery buildings.

Sell Dray at Cottonwood. Cottonwood, Idaho, Dec. 8 .-- Dearwhich are used by the ladies while dorff Brothers, who have operated a the men form a solid line around the dray and transfer line here for a numrear of the court room, each individ- ber of years, yesterday disposed of ual paying the closest attention to the business to W. W. Blockhiem and his son.



They are to be seen on the streets | in itself is worth a three days sesissue or prolong the trial by endless of La Grande, those horny handed, sion, according to those who know good natured threshermen who vie and there will be nothing left unwith the ministry in their taste for done to take the kinks out of the bill day arose over the legal point in- fried chicken. The entire state of Ore- at this convention. The idea is to volved in whether or not, a man gon will be represented at this meet- have a perfect bill before it enters standing on the porch, outside a ing and there will be plenty of fun the house of representatives so that screen door can in the eyes of the law, to go round, along with some work committee will not be able to pick it to pleces.

separated only by about three feet Dr. Seemann of the First Presbyter- the Merchants Association reports vention with prayer after which the and discuss matters of importance to the and run the separator that will the threshermen's craft.

The entertainment committee from

progress and in ull probability Chairman Casey will have something in store for the men who blow the whiasurplue them. Of course, there is to

Another issue of great importance | One of the greatest features of the be a feed, that goes without saying

The trains arriving this evening