

La Grande Evening Observer

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PRISONER IS STAR WITNESS FOR THE STATE

ROY LUND MAY HAVE MUCH BEARING ON OUTCOME

SPAIN-McGRATH-MORSE CASE UNDER TRIAL

Defense Will Assert That Spain Bought Horses Alleged to Have Been Stolen From Roy Lund, a Penitentiary Convict Who Is Now in the City as a Witness—Case Is a Spirit's One.

Flat denial that John Spain, Charles Simmons, Frank Hogg, Harvey Huffman, Henry McGrath, Zibe Morse and others ate supper with him on the night of June 5 at Union, denying this in the face of all these men, asserting John Spain did not pay him \$150 as the defense claims, on that night, and asserting other starting claims that jarred the defense, Roy Lund, a convict of the Oregon penitentiary today threw excitement into the first day of the trial of the three union men for horse stealing. This afternoon he swore that Spain told him that if he, Lund, would take a small string of horses which Spain had and pasture them in a secluded range, Spain would give him a horse as compensation. Lund was riding the Townely stock on a range thus secluded and the state maintains that Spain attempted to have Lund pasture the horses which included those said to have been stolen by Spain, McGrath and Morse from the Dalton ranch.

The flat denials and assertions were made by Lund in face of the fact that seven or eight men will be called to counteract Lund's testimony on each and every principal assertion herein mentioned.

Will the evidence of Roy Lund, convicted cattle rustler who is now serving a term of from one to ten years in state's prison at Salem, have a strong bearing on the case against John Spain, McGrath and Morris?

This is the all important question today in the case of state against the parties named. Lund was brought here from the prison day before yesterday to appear against the defense on the charge of horse stealing. Today he was put on the witness stand and his answer to every question was keen and clear cut. He knows the game up one side and down the other. The wiles of the skilled attorneys lost out before the noon hour for up to the time of adjournment Roy Lund had been a star witness and was there with the goods on all questions relating to the case.

Outlining its case and placing Jas. Dalton of North Powder on the stand as the initial witness is what promises from every indication to be of the utmost importance both to the state and defendants, the state of Oregon today commenced trial against John Spain, champion buckaroo of the northwest because of his signal victories at the Pendleton roundup, Henry (not Harry) McGrath and Zibe Morse on a charge of stealing two horses from James Dalton.

Aligned on one side is District Attorney Ivanhoe and on the other sit Attorney Cochran & Cochran, of La Grande, W. H. Strayer of Baker and R. J. Ketchin of Union. A clash came right "off the bat" as baseball parlance has it, when the defense secured a ruling from the court that the brand used by Mr. Dalton on his stock should not be made known by word of mouth because the brand was not in court as record. Dalton was merely asked to tell of where he ranged his stock, and explain the description of the horses alleged to have been stolen. He was

cross-examined closely but not with any great results to either side. The defense scored the first point by obstructing the bringing of the Dalton brand into the records. The brand is not recorded and cannot, therefore, be offered as evidence. He did identify one of the horses at issue, having seen it at Union, this year, using a peculiar swelling as an identification.

Following James Dalton, who was a witness, stating the horses alleged to have been stolen belonged to him, J. T. York was called. He thought the horses in question were worth from \$125 to \$150 apiece. He was taken through a series of questions to establish the fact that green, unbroken horses were not worth anything like that amount and when his evidence was in it was questionable whether Mr. York really understood the values of live stock as he had first asserted.

A young man by the name of Cunningham swore that he had gone to Walla Walla and located one of the horses said to have been stolen and brought her back to this valley. His evidence did not seem to be especially important for the attorneys did not clash very heavily over him.

Lund the Next Witness.
When Roy Lund was placed on the stand and was asked where he resided he fought shy of the point and with considerable hesitation admitted that he was now incarcerated in the state prison at Salem. Prosecutor Ivanhoe took the witness over the first stretch getting him to admit that he was in prison, that he testified before the grand jury which returned the indictment against John Spain and his two alleged accomplices.

This last admission brought forth the fireworks. Cochran & Cochran and W. L. Strayer of Baker, attorneys for the defense, set themselves on this point and there was nothing to do but stop the boat and fight it out. Charles Cochran led off, citing the court to statutes which require the names of accusers before a grand jury to appear upon the indictment. He struck several eloquent blows at the old hoary headed prosecutor for not attaching the name of Roy Lund to the indictment. Ivanhoe answered in a few words, but the court, with an expression of inquiry, seemed to be turning the point over very rapidly in his mind. Finally he called attention to precedent requiring such objection to occur before pleading, then he ruled against the defendant, an exception was taken, the exception allowed, and

AUSTRIA EDICT HALTS ITALY

WARFARE TO BE AIMED AT TRIPOLI ALONE.

Dead and Wounded Turks Found by Italians in Tripoli Forts.

London, Oct. 6.—The strained relations between Austria and Italy were bettered today when Italy ordered her navy to cease all operations along the Adriatic sea coast as demanded by Austria. This means Italy will confine her war to the occupation of Tripoli unless the Turks get aggressive elsewhere.

Italians Occupy Tripoli.

Berlin, Oct. 6.—The Tripoli forts are now occupied by two battalions of Italian marines. The invaders found a number of corpses but the garrison had fled. Dispatches say the Italian reverses in Switzerland have renounced their allegiance to the United Kingdom and refuse to return to the colors.

Deathlist Not Large.

Rome, Oct. 6.—Fifteen Turks were killed and 20 fatally wounded in the Tripoli bombardment. It was officially announced today.

Rome, Oct. 6.—More than 60,000 Many Troops on the Move.

Troops are marching to the southern ports where they are to be transported to Tripoli. Italy is preparing for an arduous campaign.

DAM BREAKS AND BADGER CITIES SUFFER

NUMBER OF DEAD IS THOUGHT NOT TO BE LARGE

HATFIELD, WISCONSIN AND OTHER TOWNS UNDER WATER

From Black River Falls to North La Crosse Black River Towns Are Inundated.—High Waters Are Expected in Mississippi—Company Dam Breaks and Water Rushes Over Towns.

Minneapolis, Oct. 6.—The big dam of the La Crosse Water Power company at Hatfield, Wisconsin, broke today. The damage was immense. Rain preceded it. The town of Hatfield is flooded and points below are warned. The wires are down and it is unknown how many fatalities occurred.

Many Towns Suffer.
La Crosse, Wis., Oct. 6.—Damage to the extent of several millions was done to this section today on account of the rampaging Black river, swollen by heavy rains. The Mississippi is rising rapidly and a big flood is expected.

A relief train has been rushed to Hatfield which was the hardest hit by the flood to remove its citizens. The town was almost submerged when the levee above the town burst. The La Crosse company states its dam broke, but that there were no casualties.

The company declares they never cut a channel around the west end of the dam. The following towns below Hatfield are flooded: Halcyon, Black River Falls, Irving, Melrose, North Bend, Stevenson, North La Crosse and several others.

the wheels of the trial again began to revolve.

Lund continuing to testify, said that Spain, McGrath and Morris led him in the Red, White and Blue saloon in Union, and in the back end of that institution an agreement was made whereby he, Lund, should pasture five head of horses, including the two which now are alleged to have been stolen, for two months, and in return for such work Lund was to have a horse. He would not admit that he was to have one of the five horses, but a horse was to be his.

Efforts were made to break into this evidence and compromise the young man's statement, but there was no chance. He was as firm as a rock.

He said Spain told him they got the brown gelding, which is in question, from a man in the North Powder-Baker country, that the horse when obtained was very poor and the owner thought he had been "winter killed" and he was freely given to Spain and his friends who took the animal to Union and cared for it.

Lund Has Hopes.

A point of interest developed when Cochran got the young chap to admit that he hoped for a shortening of his term in prison if he would testify in the case against Spain et al, but he admissions had been made to him and also stated emphatically that no inno officer had mentioned such a thing.

STATE'S CASE EXPLAINED.

Story Leading up to Arrest Is Told in Graphic Manner.

The story leading up to the arrest of John Spain, Henry McGrath and Zibe Morse on a charge of stealing two horses from James Dalton who lives

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SEVEN LEAVE SHOPS JOINING STRIKE RANKS

STRIKERS SAY MANY ENGINES ARE NOW IN BAD ORDER

OFFICIALS REPORT LITTLE CHANGE OVER YESTERDAY

Seventy Bad Order Cars on Rip Track Is Report of the Strikers—News From 'Frisco Shows No Rioting There—Officials of Unions May Have Stand Trial for Some of the Strikers' Actions.

One hundred and thirty men are now on the strike role in La Grande whereas only 121 went out on the strike at the Saturday walkout. This is the report issued from strike headquarters by the press committee of the local strikers today noon. The daily meeting this morning was marked by reports of pickets and others who have kept watch as to the progress of affairs on the La Grande division. At the same time, local officials of the company say there is little change one way or the other and that traffic is being handled with about the same degree of success that it has been since the strike went out.

Strikers Report Dead Engines.

In their statements to the public today, the strikers say there are 70 bad order cars in the yards and on the rip track in La Grande. The report continues:

"Train No. 56 was 40 hours late.

"Train No. 5, west bound last night, was three hours late on account of leaking boiler.

"Train No. 17 yesterday was 7 hours and 15 minutes late.

"Train 18 last night was 45 minutes late on account of a leaking boiler.

"Engine No. 261 went dead on the last mail, Train No. 9, last night at a point east of La Grande and engine 520 was sent in to bring in the train arriving with 75 pounds of steam and 1 hour and 30 minutes late.

"Engine No. 519 was in bad order with burned brass.

"Seven men from the round house came out on strike yesterday and two this morning, making a total of 130 on strike here. More are expected every minute. Of those who have walked out since the principal walkout some are common laborers and some skilled mechanics."

Officials May Be Arrested.

New Orleans, Oct. 6.—Harriman strikers of the middle west are soon to become enmeshed in the law through the action of the federal authorities who are preparing to cite them for contempt charges by violating the federal injunctions restraining them from interfering with railroad property and employees. Strikers are incensed and are being aroused to a fighting pitch. They protest indignantly against the government's order. Thus far the injunction has prevented rioting but it is feared they will soon break out.

Legal Proceedings Planned.

Chicago, Oct. 6.—Seeking to assail the striking shopmen on the Illinois Central by prosecution under the Sherman anti-trust law, attorneys for the railroad today are endeavoring to find grounds on which they may proceed on the specific charge of conspiracy in restraint of trade, according to rumors current here.

The exact grounds the railroad will take, if such a step has been decided on, is not known.

Pay Checks Sent Out.

Oakland, Oct. 6.—Acting under the requirements of the new state law which requires every corporation to pay its men when they are discharged,

the Espee sent out \$60,000 in checks to pay the men as all strikers are looked upon as "fired." Under the orders of the leaders the unionists refused to ask for their checks.

First Fights but No Riots

San Francisco, Oct. 6.—Strikers report conditions unchanged since yesterday. There have been a few individual fist fights, but no rioting. The companies announced they will now restore the shops to a normal condition with non-union men.

Strikers report many dead locomotives and that equipment is getting worse, badly in need of repairs.

INITIATIVE IS DEFENDED.

Attorney General Preparing Brief to Answer Telephone Company.

Salem, Oct. 6. The state's brief in the case of the state vs. the Pacific States Telephone company, which will be filed with the supreme court answering the one by the company which alleged that the initiative and referendum law is a violation of the federal constitution, is in the hands of the state printer today, and contains 30,000 words, written by the attorney general.

It denies the law is unrepugnant and "a government by brute force" as the company alleged and declares it checks corrupt legislation and gives an opportunity for the people to enact good measures denied by the legislature.

DES MOINES CARS STOP.

Street Car Strike Will Go Into Effect and Cars Will Stand Still.

Des Moines, Oct. 6.—Citizens of Des Moines will walk tomorrow because the street car men declared the strike is to go into effect then. The action of the union was the result of a failure to agree with the company on the personnel of the arbitration board to settle their grievances. Judge DeGraff stated that the injunction against the union which had been in force here for some time past, is still valid.

Reyes Not the Leader.

New Orleans, Oct. 6.—General Reyes today emphatically denied he expects to head the new revolutionary movement now in its incipency in Mexico. Secret agents have been employed by Madero and are shadowing Reyes.

AMERICA II HITS GROUND

OCCUPANTS SLIGHTLY HURT WHEN BALLOON FALLS.

American Entry for Trophies in Balloon Race Grounded.

Des Moines, Oct. 6.—Heavy gales over this section today caused the balloon America II, which left Kansas City last night in the contest for the James Gordon Bennett cup, to land within four miles of Emmetsburg, Ia., this morning. Aeronaut Asman, and his aid Hurlburt were slightly hurt when the balloon became entangled in the telegraph wires. The America II won the trophy last year.

Topeka Is Disabled.

Kansas City, Oct. 6.—The balloon Topeka, in the race, landed at Dinwell, Minn., safe this afternoon.

America's Hope Out.

La Crosse, Oct. 6.—The Balloon which was America's hope to win the trophy, descended here this afternoon.

Big Merger Suit Is On.

St. Louis, Oct. 6.—The suits to dissolve the alleged merger of the Gould lines and the ouster suit against 16 railroads doing business in Missouri for alleged violation of the anti-trust laws in combining to fix passenger and freight rates, will be taken up at the October term of the Missouri supreme court.

COURT ALMOST DIVINE IN ITS RULINGS-TAFT

POCATELLO SPEECH IS HEATED DEFENSE OF COURTS

PRESIDENT TAFT PROBABLY ACTUATED BY COMMONER

While Bryan Is Not Mentioned, President Springs to Defense of the Courts in Impassioned Address This Morning—"Bring Facts" Is His Advice to the Enemies of the Supreme Court.

Pocatello, Ida., Oct. 6.—Declarations that the ruling of the United States supreme court on earth are almost parallel to the ruling of the just God in Heaven, were made here today by President Taft in an impassioned defense of the court. The speech is generally regarded as inspired by Bryan's attack in the Commoner yesterday. Bryan was not mentioned, however.

Speaking earnestly the president said that columns were printed condemning the court but no specific instances of wrongdoing had been mentioned. He then declared the time has come for the court's enemies to deal in facts, saying:

"When a court is doing its duty and trying to teach the law as it should be, to have it contended, attacked and motives questioned for mere political purposes without solid ground for such an attack, it goes to my heart and I resent it with deep indignation."

The president continued: "What has distinguished this country from any other is that the United States supreme court has so often stood between the United States and errors which might have been committed which would have been greatly injurious to the country. To turn upon that court, to question its motives to attack it, is to me to lay the axe to the root of the tree of civilization."

In concluding he declared the muckrakers' attacks should be disregarded and more trust put in the officials. He made two stops today, two hours here, and one at Boise.

New Policy Expected.

It is generally believed that Taft will discuss "international peace" during his coast trip in the effort to make that the administration's big policy following reciprocity's defeat.

He believes the policy can be popularized by reiteration and explaining it.

On Horseback Across States.

Tacoma, Oct. 6.—Riding the same horses which carried them over mountain trails, Alva Boggs and John Buston, Mt. Rainier guides, are today off on a 7,000 mile horseback ride to New York via the southern states. They will give lectures and sell views of the mountain to pay expenses.

Taft Nearing the Coast.

Spokane, Wash., Oct. 6.—Cities and towns of Washington are preparing to cordially welcome President Taft who tomorrow will enter upon a four days' tour of this state. Walla Walla will be the first stop on his itinerary tomorrow and in the evening he will arrive in this city, where a banquet will be given in his honor. Governor Hay and other officials representatives will meet the distinguished visitor at the Washington-Idaho line, a short distance east of this city, and accompany him on the greater part of his tour through the state.

Laurier Forces Retire.

Ottawa, Oct. 6.—After 15 years of power, the Laurier government today stepped out and Borden, heading the conservatives took over the administration. Laurier's valedictory was, "Our record speaks for itself."