

The Corvallis Times.

WEEKLY AND SEMI-WEEKLY.

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CORVALLIS, OREGON, NOVEMBER 15, 1902.

B. F. IRVING
EDITOR AND PROP.

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BENTON TRACY

THE EVIDENCE THAT SENT HIS MURDERER TO PRISON FOR LIFE.

All Circumstantial, Evidence, but it Leaves no Room for Doubt as to Heaton's Guilt—"Had a Fight up in Oregon and Betsy Served me Well."

A trial that will long occupy a prominent place in the criminal annals of Lane County, was that of Heaton the man who murdered Benton Tracy at Junction last May, concluded last Friday. The evidence was purely circumstantial, but the threads in the web were woven so closely that the guilt of the accused was not questioned in the jury room. The incidents preceding and following the six shots that rang out from the saloon at midnight, when told by many witnesses on the stand, all pointed an accusing finger at the prisoner. "I had a fight up in Oregon, and Betsy (his revolver) served me well," a casual remark made by Heaton in California came up in court to confront the prisoner, as did many other accusing incidents of similar character.

The trial began in Judge Hamilton's court, Eugene Thursday November 6th and was concluded last Friday. District Attorney Brown, his deputy, L T Harris of Eugene, and Judge McFadden of Corvallis appeared for the prosecution, Judge McFadden conducting the examination of witnesses. The counsel for defense were A C Woodcock and L Bilyeu, of Eugene. After three hours deliberation, the jury rendered a verdict of murder in the second degree, and at 10 o'clock Saturday, Judge Hamilton sentenced Heaton to the penitentiary for life.

In Corvallis where Benton Tracy was well known and universally esteemed, there was much interest in the trial. Below, the TIMES gives a complete resume of the testimony as it was produced in court.

The evidence showed that Benton Tracy was a bar tender operating the Monogram Saloon Junction City for two or three years prior to May 19 last. That at about 12:15 on the night of May 19th six shots were fired, the first shot sounded as distant and within a minute five shots followed in quick succession; that Burt Heaton was a gambler "broke;" that 50 cents was given him that night which he lost in a game; that sundry persons had given him money at and about the time to buy meals; that he was seen in the stairway 10 ft N of the center of the front door of the Monogram at 11 p m on the night of the murder; that he was seen by two persons in front of the saloon within five minutes of the shooting; that he was also seen at the door of the saloon at 12:15 on that night by the S P R R Co. operator.

All these parties identified the murderer as Burt Ray—the deft Heaton; that Heaton had seen about \$500 placed by Tracy in the till of saloon the same night as late as 11 p m; that Tracy with a revolver at his side with five empty shells and cartridge box open, was on the drain board back of the bar; that there were foot prints on drain board and on the top of the bar; that Tracy was killed with a 45-calibre union metallic, the ball going through the body at an angle of 55 degrees, striking the partition wall in the saloon next to the billiard room, the ball being found on the floor.

Also that Tracy had dust on his knees, that where the blood was found on the floor was in line with the tracks on the bar and where ball struck the partition. Drops of blood were marked on the floor from a point about four feet from the opening the billiard room, back of bar and to where Tracy was found and following along on outside of bar to doorsteps in front and back again.

In one of the sacks in the till which the murderer secured was five or six dollars in dimes and over one dollar in nickels. Also a buckskin purse containing seven or eight \$20 pieces; that Heaton wore a black Derby hat, dark coat and vest and was clean shaven, dark hair and eyes and about five feet seven or eight inches in height, weighed about 150 pounds; that a man answering his description, going at a rapid gate was seen by the Harrisburg bridge tender at one a m two and three fourth miles from Junction depot carrying a Derby hat, and something like a handkerchief with something else under it in his left hand; that at 8:30 the same morning, he went to the boarding house of Mr Ramsay at Albany, asking there for a room, and stating that he had been out all night; that he looked tired and worn and that he remained in his room until dinner; that after dinner he returned to his room and remained until supper and during the day did not leave the boarding house. He was, on the witness stand, identified by Mr and Mrs Ramsey as the same person as Heaton.

While at the boarding house he asked Ramsey what time the train left for the south, and was not seen by the Ramseys after the night of May 20th, which was the night after the murder. He was next seen and recognized on the night of May 21st, 12 miles from Redding, California. He owed one dollar to party who met him there and said he had funds to take him to Sacramento and Arizona, where he would get an agency. He said that he had had a hard fight up in Oregon and that Betsy [referring to his revolver] had served him well; that he got to Redding after 11 p m on the night of May 21st and slept on a lounge in the parlor at Mrs Martin's boarding house that night; that he ate breakfast there on May 22nd at seven a m and said he was ravenous, that he had nothing to eat for about two days; that he came through as blind baggage and beat the railroad company. After breakfast he went to bed and sent his clothes to a dyer's to be returned at four p m on May 22nd. He ate dinner in a pair of pants furnished him by Miss Martin, which belonged to her brother. "Slivers" his mistress, and who at Eugene purported to be his wife, was at Martins when Heaton returned the night of May 21st. Heaton had left Redding on the 1st of May, owing Mrs Martin a debt of fifty cents.

Immediately after breakfast, Slivers went out shopping and returned with new hat and veil, belt, kid gloves, new gaiters and pocket book. Before the return of Heaton Slivers was "broke," Miss Martin picked up the pocket book from the table in the presence of Slivers and Heaton, saying "We've got the stuff." Slivers replied, "Burt got me this present," referring to pocket book and purchases. "Burt has done real well, we've got the stuff," Heaton joined in, striking his pockets with both hands, "We've got the stuff, here and here," striking his left breast. Miss Martin said "show your stuff; talk dont go." Thereupon Heaton took from the inside of his vest a long buckskin purse, and referring to what was inside it, said: "That's gold coin," Miss Martin picked up the pocket book on the table. As she did so, a small piece of money fell on the floor. Opening the pocket book she saw a \$10 and a \$5 gold piece the balance in the book was silver. Bonnett the man who washed and cleaned the clothes brought them to Heaton at 4 p m, Heaton paid him therefor \$3 all in dimes. Heaton paid Mrs Martin the 50 cents, and his bills for the time since his return all in dimes and nickels.

Heaton remained at Martin's house at all times during the 22nd day of May. He said he had received a telegram from Al at Red Bluff and would leave for that point at 10.55 that night. He left Martins with Slivers at 10 p m, was arrested by sheriff Withers on July 19 at Wells Nev. The Sheriff read the warrant to him after the arrest. Heaton said "It is very unfortunate for me that I left there that night. I went north two or three stations. The Sheriff said to what station? Heaton replied "I guess I had better not talk any more." No freight went north from the time of the shooting until 8.5 p m May 20th. At the time of the arrest the sheriff took a revolver from Heaton loaded with 45 Union Metallic cartridges. Sheriff Burns of Redding the Chief of Police of Redding and the constable and also Miss Martin each testified that they knew the revolver and had known it for months, the chief of Police having the sole custody of it for three months after Jan 1902.

When the word was brought to the courtroom that a verdict had been reached, court officers shouted for order and a hurry call was sent for Judge Lambert, who was not to be found in his chambers. It was 3:28 when the notice was received and it was 3:45 when Judge Lambert took his seat. He notified the audience that there must be no demonstration, and then instructed the Clerk to put the question to the jury. "Not guilty," said the foreman, in reply to the formal inquiry, and Molineux, who had been standing to receive the verdict, sank back in his chair. There was a burst of applause, but it was speedily quelled by the court officers. Judge Lambert ordered the court cleared and told the jurors to remain in their seats until it was cleared. Then, after counsel for both sides had congratulated each other and the jury had thanked the court, Judge Lambert ordered the formal discharge of Molineux. A crowd of at least 1000 followed, cheering General Molineux and his son as they left the courtroom with Messrs. Olcott and Weeks. Ex-Governor Black, who reached the side-walk five minutes later, received an even greater ovation than had greeted Molineux.

New York, Nov. 10.—The new East River bridge, in process of construction between New York and Brooklyn, was damaged to the amount of at least \$500,000 tonight by a fire that four hours raged 335 feet in the air, on the summit of the great steel tower on the New York side. There was probably no loss of lives. Owing to the enormous height of the tower it was impossible to reach the fire with any apparatus in the Fire Department, and the flames, after devouring all the woodwork on the top of the tower, seized on the timber falsework of the two foot bridges suspended from the main cables, burning

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NOT GUILTY

SCENES IN COURT ROOM AFTER RELEASE OF PRISONER LONG CONDEMNED.

Acquittal of Molineux at Second Trial—Spectacular Phenomenon in Mid-Heavens With Brooklyn Bridge Afire.

New York, Nov. 11.—Roland B Molineux was set at liberty today, after spending nearly four years in prison and being once condemned to death and twice placed on trial for his life for the murder of Mrs Katherine J Adams. But 13 minutes sufficed for the jury to reach a verdict of acquittal.

Molineux, who was brought into court as soon as it was known that the jury had agreed, was apparently as unconcerned as he was throughout the trial, and gave no evidence of emotion when the word that established his innocence was pronounced. His aged father, General Molineux, was deeply affected and could with difficulty respond to the greeting of his friends who pressed forward to offer their congratulations. Among the first persons to re-enter the courtroom was Assistant District Attorney Osburn who seemed to be nervous as he waited for the verdict. Immediately after the rendition of the verdict the prisoner was formally discharged from custody, and left the courtroom with his father and counsel. In passing out of the building the three were cheered by a great crowd that gathered in anticipation of the acquittal.

From the Criminal Court building Molineux went to the City Prison. In making his way to his old cell, and thence to the front entrance he traversed a considerable portion of both the old and the new prison, and everywhere he went the news of his acquittal went too, and the prisoners cheered him. He even went through the women's department, where there were very many who cheered him.

Molineux, accompanied by his father and two of his attorneys, entered a carriage and was driven to his father's house in Brooklyn. About 3000 persons, cheering and shouting, surrounded the carriage and greatly delayed their departure. The keepers of the Tombs Prison came out and shook hands with Molineux, and many people waved handkerchiefs from the windows in the street.

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away the supporters. Nearly 1,000,000 feet of burning lumber fell with a crash and a hiss into the stream. The falling foot bridge carried away a score of lighter cables and guys, which trailed in the water, rendering it necessary for the purpose of safety to stop all traffic up and down the river. The steamer Puritan and other crafts had narrow escapes while running the gauntlet of the fiery brands that fell in showers from the burning bridge.

The fire was the most spectacular conflagration that has ever been seen in New York.

Washington, Nov. 10.—The question of the control of the Isle of Pines was brought today directly to the attention of President Roosevelt. A delegation of citizens of the United States residing on the Isle of Pines was introduced to the President by Senator Cullon, Chairman of the Senate Committee on foreign relations. The President was informed that more than half of the island is now owned by American citizens, and that many had made large investments on the island under the belief that the United States would own it. As a result of the turning over of the Isle of Pines to the Republic of Cuba for administrative purposes things are said by the delegation to be in a chaotic state on the island. There is not a notary public or a judicial officer on the island. The delegation is informed that the Republic of Cuba claims the Isle of Pines and proposes to establish prisons, penal colonies and leper hospitals there. Such a course, if pursued, the delegation indicated to the President, would wipe out every dollar invested in the island.

President Roosevelt has promised to consider the subject but indicated no line of procedure he was likely to take.

President Roosevelt has asked the Secretary of War to make a report on the situation regarding the Isle of Pines as it was at the time of the withdrawal of the United States from Cuba, and also on the government of that island during the time the United States was in control in Cuba.

New York, Nov. 11.—A terrible struggle in which Dr Hyde, of Bellevue Hospital, was seriously injured, has occurred in an ambulance while the vehicle was being driven rapidly through the street of this city. The ambulance had picked up an almost unconscious man at Union Market and started to the hospital. Dr Hyde, the ambulance surgeon, was sitting alone near the door when the patient suddenly leaped to his feet and with a scream fell on the doctor.

The driver, fearing his team would run away, if he came to the rescue, headed toward a police station, lashing his team into a wild run. Arriving there, it required the combined efforts of four men to unlose the hold of the madman upon the unfortunate surgeon. The latter's injuries were found to be severe, but not fatal.

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