

ROSEBURG SLAYER FOUND NOT GUILTY

Roy McClallen Acquitted of Second-Degree Murder in Killing Mahan.

VICTIM'S THREATS COUNT

Though Mortal Wound and Others Disprove Face-to-Face Combat, Accused Is Freed—Instructions Are Help.

ROSEBURG, Or., May 28.—(Special.)—After a trial lasting nearly four days, Roy McClallen, who shot and killed Ben A. Mahan, in this city the night of March 13, was acquitted by a jury in the State Circuit Court here of the charge of murder in the second degree.

The jury was out four and one-half hours, filing its verdict at 2:30 o'clock Sunday morning, while the accused man was asleep at the home of a relative, upon being dismissed by the court McClallen shook hands with the jurors and thanked them. The jury took eight ballots in all, the first one standing seven to five in favor of a verdict of not guilty.

Popular sentiment is divided on the verdict. The impression is that Judge Cook's instructions to the jury were such that a verdict of acquittal was to be expected. Mahan was killed over Lillian Speicher, a divorced woman, with whom McClallen was infatuated. McClallen and the woman were accused by Mahan as they were returning from a theatrical performance and Mahan, so McClallen pleaded, tried to draw a pistol on him. McClallen shot Mahan four times, one of the bullets entering Mahan's back and causing instant death.

The location of the mortal wound, coupled with the fact that none of the other three wounds could have been inflicted in a face-to-face battle, weighed considerably against McClallen. On Mahan's person, however, a gun was found and he had made many threats against McClallen's life.

Neither McClallen nor Miss Speicher, ever whom Mahan was killed, would talk regarding the disposition of the case today. When asked whether McClallen intended to marry Miss Speicher, Attorney W. W. Cardwell, who represented McClallen, said: "You can say that McClallen never had any intention of marrying Miss Speicher, and was not in her company on more than four occasions."

Mrs. McCord, a sister of Mahan, thanked the District Attorney and his associate counsel today, declaring that their prosecution of McClallen was appreciated.

McClallen will resume his duties with the Commercial Abstract Company tomorrow morning.

CODLING MOTH IS MENACE

Walla Walla Valley Fruit Crop Will Be Greatly Reduced.

WALLA WALLA, Wash., May 28.—(Special.)—Codling moth are beginning to hatch and District Fruit Inspector C. L. Whitney has issued notices that the spraying for this pest should be done in this vicinity between June 1 and June 10. The codling moth caged, in which year, show that the hatch is just ready and the spraying must be begun this week.

According to Mr. Whitney, who recently returned from Oregan and other Tootan Valley points, the fruit crop of that section will be from 50 to 60 per cent of last year's crop. This condition, he said, is not due to frost but to the fact that the trees overbore last year. Mr. Whitney explained that in some sections of the valley where the crop was not so heavy last year that the trees are loaded and the fruit will require a great deal of thinning. It is reported that Pomona orchard will have only 10 per cent of last year's crop this year.

BAKER WANTS MORE ROOM

New Federal Building Almost Too Small to House All.

BAKER, Or., May 28.—(Special.)—Baker's new Federal building recently completed is already too small for the needs of the branches of the Government service located in this city. As first planned the building was thought to be adequate for all needs for some time to come, but the growth of the city's population and the increased amount of mail matter handled by the postoffice have made the needs of the Government so great that the office, which were to be located in the new building, had to room there.

At the meeting of the board of directors of the Commercial Club last week it was suggested that an appeal be made to the Government to have the building enlarged, but it was the opinion of the majority that such a move at this time would be premature. The new building is such an improvement that the people are satisfied for the present.

OREGON PORTS INSPECTED

Colonel Biddle Says Harbor Feasible Near Grants Pass.

GRANTS PASS, Or., May 28.—(Special.)—Colonel John A. Biddle, attaché of the United States Army, on a tour of inspection of Coast harbors, arrived here today with his associates and representatives of the Crescent City Commercial Club. Colonel Biddle has gathered much information concerning Crescent City and Waller Port harbors, the prospective outlet for Hartmann and Hill roads to the Coast. He believes that a good harbor can be made on the coast near Grants Pass, but it will take local assistance, according to a precedent established by Congress.

The project would be very feasible were a railroad to the coast assured. His associates left on the evening train for Portland. Colonel Biddle will return to San Francisco tomorrow. An informal smoker was tendered the visitors in the clubrooms tonight.

BAKER PAVING WORRIES

Brick Company Would Enter Into Competition With Bitulithic.

paving field in this city in competition with the Warren Construction Company, according to an announcement made yesterday. The Warren Company, using bitulithic, has been paving in Baker for the past three years, and has done all the work here. The Baker Fire Brick Company, which has recently been incorporated, now contemplates petitioning the residents of some of the streets now up for paving for which the petitions are now being circulated, to withhold signing until later in the summer, and then sign up, to pave with vitrified brick, one of the products to be manufactured by the local company.

Their argument is the patronage of home industry, but the opinion of the greater number of citizens who have been interviewed is that a city the size of Baker should have what paving there is of uniform material. One of the members of the brick company is M. F. Bennett, for many years a Councilman, until the city adopted the commission form of government, and he is one of the prime movers in the effort to have the paving done by his company. He has always been an advocate of paving, but will refuse to sign for paving by the

SUPERINTENDENT OF SCHOOLS AT SILVERTON IS NATIVE OF MISSOURI



SILVERTON, Or., May 28.—(Special.)—H. G. Case, recently elected Superintendent of Schools in Silverton, was born in Missouri, and is a graduate of three of the best schools in that state. His father was a cousin of the late Joseph, the Pottawatomie, came from Missouri and located in the Willamette Valley in the early fifties. Mr. Case is a member of the Masonic, Oddfellows and Knights of Pythias lodges. He was admitted to the bar in his native state several years ago, but soon abandoned that profession to take up teaching. He has filled the positions of principal and city superintendent of schools for the past 15 years, and holds state papers in Missouri, Washington and Oregon. He has a wife and five children.

WARREN COMPANY ON DEWEY AVENUE, ONE OF THE PRINCIPAL STREETS IN SILVERTON, IS BELIEVED TO BE BLEEDING TO DEATH IN BUSHES.

WALLOWA, Or., May 28.—(Special.)—Following the report of the city physician that there was possible contamination of the city water system from refuse from the Bear Creek Lumber Company's camp near the present intake of the system, the City Council secured the services of a surveyor and will extend the system 3200 feet upstream, establish a new intake and secure a preserve of 40 acres to prevent possible contamination in the future. The improvement will be made at once.

MANDAMUS TO BE FILED

M. O. COLLINS WILL ASK LAW ON REFERENDUM.

Case Brings Up Question of Vacation of Adams and Oregon Streets to Railroad.

SALLEM, Or., May 28.—(Special.)—Prayer for a peremptory writ of mandamus will be filed in the Supreme Court in the first instance, probably tomorrow, through Attorney S. T. Richardson by M. O. Collins, of Portland, against City Auditor Barber. Mandamus will be asked to compel the City Auditor to place on the election ballot to be voted on June 5 the referendum petition on ordinance 26-267, providing for the vacation of parts of Adams and Oregon streets.

It is set out in the prayer of the petitioners that the referendum was filed with over 4000 legal and qualified voters on March 24, 1910, and at the same time was filed with the defendant in this suit as Auditor. The ordinance which the petitioners would refer to the people was passed by the Council March 3, 1910.

A decision was rendered in the Circuit Court of Multnomah County to the effect that the referendum does not apply to the routine business of the City Council, several weeks ago when application was made for an injunction which would prevent the O-W-R & N. Company from proceeding with the construction of the abutments for the company's new steel bridge on the ground formerly occupied by Adams and Oregon streets pending the outcome of the vote of the people on the referendum petition. The railroad company demurred and the demurrer was sustained.

M. O. Collins, one of the referendum petitioners, then appealed to the Supreme Court, which, he says, has promised to render a decision Tuesday. In the meantime, however, City Auditor Barber, relying on the Circuit Court ruling, has proceeded to place the referendum on the ballot. The application for a writ of mandamus to the Supreme Court is made in the hope that there may still be time to catch the ballots before they are printed. Doubt has been expressed as to the right of the court to issue the writ under the circumstances and application was, therefore, Mr. Collins said, made to the Circuit Court tomorrow for a writ.

GERVAIS, Or., May 28.—The proposed county road between Gervais and Mount Angel that has been held up for the last 48 days by Leroy Esson, a property owner along the road, will be granted by the County Court June 7. When road viewers and surveyors took a course that cut off a small corner of his farm Mr. Esson started a suit for damages which was the cause of the 60 days delay. The trouble came to an end when Mr. Komp, of Mount Angel, agreed to take all the land out from the Esson farm at \$100 an acre. Esson's suit was then withdrawn. Work on the new road will begin at once and construction of a new bridge over the Pudding River will also be undertaken.

RICH RELICS FOUND

Oregon City Workmen Uncover Indian Table and Skulls.

CROWD TAKES SOUVENIRS

Curio Seekers Carry Away Many of Best Specimens, but Others Will Be Exhibited—Discovery Is Valuable.

OREGON CITY, Or., May 28.—(Special.)—When excavating on the Bush property at Twelfth and Water streets yesterday, workmen unearthed five skeletons of Indians and a large stone table used by them. One of the Indians had evidently been scalped, for there were cuts in the skull on both sides and in the front of the forehead. Many relics of Indians were also found, including two large elk teeth. The teeth of the man who had been scalped indicated that he was not more than 25 years old when he died.

ROBBER SHOT IN DUEL

Man Believed to Be Bleeding to Death in Bushes.

SPOKANE, Wash., May 28.—(Special.)—Hidden in the bushes near Cline, a small station on the Northern Pacific between Tyler and Sprague, an unknown thief is bleeding to death, the result of several shots with Section Foreman W. C. Wood, at Cline, last evening. When Wood found his house robbed the third time in 20 days, he started in pursuit of two men he saw a short distance away carrying the articles stolen from his house. When near, one of them said, "Hello, there comes a hunter. We'll turn loose on him." With that they began firing. The fire was answered by Wood with his rifle.

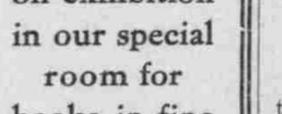
After a few shots Wood saw one of them fall and, believing he had killed him, Wood went to Sprague and gave himself up. With the officers he returned to the scene immediately and found only a large pool of clotted blood. Officers are still scouring the region.

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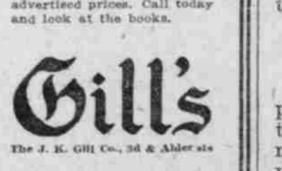
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