

### JURY AID FOR AN ESCAPED GETS MURDER CASE

#### Court's Charge and Closing Arguments Heard.

### OUTSIDE GUARDS ILLEGAL

#### Knowledge of Premeditated Crime Declared Sufficient to Convict Regardless of Acts.

(Continued From First Page.)

Crime, began his instructions to the jury.

Interpreting the law of self-defense, the court declared the right of any person or persons to defend life or property, and to arm themselves in anticipation of such defensive measures, but instructed the jury that this right does not admit of the stationing of armed defenders at outside points as was instanced in the defensive plans, and their culmination by the Centralia radicals.

### Outside Guards Unwarranted

"You are instructed," said Judge Wilson, "that any person or persons has or have the right to defend himself or themselves, or their property, from actual or threatened violence, and to that end to arm themselves, but this right does not go to the extent of stationing armed men in outside places for the purpose of shooting the persons, real or apparent, from whom force or violence is expected.

"If you find that any two or more of the defendants, in the manner and form and at the time charged in the information, planned to defend the I. W. W. hall or the property therein, or any of the persons therein, by the stationing of armed men in the Avalon hotel, the Arnold hotel and on Seminary street, and to shoot, or to attempt to shoot, from those points, the placing of such men and the shooting from outside points, would not be lawful acts.

### Such Killing Held Unlawful.

"And if you find that any two or more of the defendants so planned and any two or more of the defendants carried out said plan, and as a natural necessary or probable result thereof, Warren O. Grimm was shot and killed, then such killing would be unlawful and would be murder."

Further interpreting this instruction, Judge Wilson declared that a conspiracy may be established by circumstantial evidence the same as by fact, neither the identity of the individual who committed the act be established or not.

"If the jury believes in this case," said Judge Wilson, "beyond reasonable doubt that the defendants, or any of them, conspired and agreed together, or with others, to do an unlawful act, or a lawful act by unlawful means, and that in furtherance of the common design and by a member of such conspiracy, Warren O. Grimm was killed, then these defendants, whom the jury believes were parties to such conspiracy, are guilty of the murder of Warren O. Grimm, whether the act was done by the individual doing the killing be established or not and whether such defendants were present at the time of the killing or not."

**Evidence Is Discussed.**  
"You are instructed," said Judge Wilson, "that while the law requires, in order to find all the defendants guilty, that the evidence should prove beyond a reasonable doubt that they all acted in concert in the commission of the crime charged, still it is not necessary that it should be positively proved that all met together and agreed to commit the crime; such concert may be proved by circumstances, and if from the evidence the jury is satisfied beyond a reasonable doubt that the defendants are guilty, they should find them guilty."

As Judge Wilson read his instructions, which practically covered the plea of self-defense for all of the accused, if the state's allegation of conspiracy, be proved, the defendants stand for conviction and punishment. Mike Sheehan, grizzled old timberjack chewed gum vigorously. Loren Roberts, who entered the plea of insanity, had not the variety of smiles. His face was tense and serious.

### Insanity Plea Considered.

Concerning Roberts' plea of insanity, the court instructed the jurors to reach a true conclusion regarding the guilt or innocence of the prisoner throughout the trial. The testimony of all witnesses, on the mental condition of Roberts, need not be accepted as final by the jurors, instructed the court. The true test, the instructions continued, was the ability of accused to distinguish right from wrong. In the instance of Roberts, the court instructed the jurors that special verdict blanks would be given them—as to his past and present mental condition or the likelihood of a recurrence of insanity, should the jury determine that he was sane when the crime was committed.

### Attention Called to Witnesses.

Judge Wilson charged the jurors that it is their duty to take into consideration, in weighing testimony, the manner of witnesses on the stand, their candor and their intelligence, and to give credit accordingly.

### Concerning the Alleged Alibi.

Concerning the alleged alibi of the defendant, Eugene Barnett, that he was not present in the Avalon hotel at the time the state contends he fired from an upper window, Judge Wilson bade the jurors weigh the evidence impartially in an endeavor to reach a true conclusion regarding his whereabouts. But if the jury determines that Barnett, regardless of where he was or whether he fired, was a party to the conspiracy, then the defendant is equally guilty.

"If you have a reasonable doubt about the matter," said Judge Wilson, "concerning the alibi, you will find the defendant Eugene Barnett not guilty, unless you find beyond a reasonable doubt that he was a party to an unlawful conspiracy, the natural and probable result of which was to kill Warren C. Grimm."

### Each Case Held Separate.

Judge Wilson instructed the jurors that they must consider the guilt or innocence of each defendant separately and apart from that of his co-defendants. The court also cautioned the jurors against permitting prejudice to creep into their deliberations, because of the fact that the accused are members of the I. W. W., and instructed them that the organization and its creed are not on trial.

Concerning Elmer Smith, attorney defendant, who counseled the I. W. W. to defensive measures, the court held that if the jury finds Smith did no more than advise the other defendants to resist and endeavor to reply, assault, that it should acquit him. The verdict with respect to Smith, said Judge Wilson, must be either first degree murder or acquittal.

### Vanderveer Talks Two Hours.

George F. Vanderveer, counsel for the defendants, spoke for almost two hours, beginning his arguments at 7:15. After a brief recess he was succeeded by W. H. Abel, special prosecutor, who delivered the closing argument for the state.

Addressing the jury in a level, rather tired tone, that rose to vehement assertion and denunciation before he had closed, the I. W. W. counsel declared his belief that the Centralia radicals obeyed the dictates of a mad hood whom they prepared to resist any raid upon their hall. He reiterated his belief that the evidence and the testimony shows that Barnett was not in the Avalon flirer at the parade, that he bore no part in the attack.

### Alibi for Barnett Claimed.

Vanderveer also asserted that an alibi had been conclusively proved for Eugene Barnett, defendant, and that the jury should be convinced that Barnett was not in the Avalon flirer at the parade, that he bore no part in the attack.

## PENCE MAY OBTAIN BOISE LEADERSHIP

#### Leaders Feel Boise Attorney Might Unite Democrats.

### FARE OF DELEGATES PAID

#### State Legal Department Says Such Expenditure Allowable Until Appropriation Is Exhausted.

BOISE, Idaho, March 12.—(Special.)—Joseph T. Pence, former state chairman of the democratic committee and a prominent attorney of Boise, may be the standard bearer of the democratic party for governor during the next campaign. This is the information that followed closely on the heels of the gathering of Bourbons at Moscow in response to the call of Chairman Jerome J. Day. That meeting was for the state committee to name the places for holding the two state conventions and to set the necessary machinery in motion to select delegates to the national convention at San Francisco and the nominating convention which will name the party's congressional and state candidates.

The leaders who gathered there took advantage of the opportunity to canvass the available timber for candidates. Mr. Pence is said to have been one of the few men looked upon as strong enough to draw to his support all factions in the party. While Pence has been closely associated with the political life of United States Senator John F. Nugent, he is not considered a factional man. The Hawley democrats here believe he would be a strong candidate.

**Non-Partisans Losing Ground.**  
The friends of Senator Nugent were well represented at the conference at Moscow. While it was realized that a fight is likely to be made on the junior senator within his party by the anti-Nugent democrats, on the alleged grounds that he was too closely identified with the Non-partisan league, this movement does not appear to have gained material strength during the past week.

The outcome of the conference is summarized by Fred Floed, a Governor of the party, secretary to Governor Hawley while he was in office, and until recently editor of the democratic state mouthpiece, the New Freedom. "The distinctive and outstanding feature of the meeting," he said, "was the sincere desire of the committee men to get together. So evident was this that the meeting largely consisted of a Gaston and telephone dialogue, each speaker being willing and anxious to defer to any suggestion made by anyone.

"Both the surface could be explained by a determination to cut loose from the Non-partisan league. This is to be the sole basis of harmony. The state nominating convention, controlled by democrats and made up of democrats. The ticket must be made without any bargaining for endorsement at the hands of the Non-partisans. The friends of Senator Nugent, who apparently have control of the party, recognize this fact. But let the result be what it may, the Non-partisans are to understand their former alliance with democracy is ended."

**Apportionment Almost Doubled.**  
Instead of adopting the apportionment reached by the secretary of the state for the nominating convention and applying it to the delegate convention, as was done by the republican committee, the democrats at the Moscow conference almost doubled it, so that it will seat 318 delegates at the Lewiston convence. The question has arisen as to whether the new election law permits the paying of expenses of delegates to the delegate conventions as it does for delegates to the nominating convention. Attorney-General Black has ruled that such delegates can be paid in numbers equal to the apportionment.

It was supposed by leaders of all the parties that the legislature only intended to meet the transportation expenses of delegates selected to the state conventions which place in nomination the congressional and state tickets, and that the law does not apply to delegate conventions. Attorney-General Black seems to take a different view. His opinion was given to Dave Burrell, who is in charge of republican state headquarters here and who asked for an interpretation of the law from the state's legal department. The legislature appropriated \$7500 to meet the expenses of delegates.

"It is clear," says Attorney-General Black "that in no event are all actual expenses to any convention to be paid from the state treasury. It is possible that \$7500 will pay such expenses for both parties for the biennium."

**268,584 ARE REGISTERED**  
SALEM, Or., March 12.—(Special.)—At the close of business in the state department on March 8 there were 268,584 persons registered for the primary election May 21, according to a report prepared by Sam A. Koser, assistant secretary of state and in charge of the registration work. Multnomah county leads with

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76,131, while Jefferson county, with 1914, has the fewest voters on the honor roll.

April 20 will be the last day to register for the primary election and unless there is a spurt between now and that time fewer names will be on the poll books than for several years. At the time the registration books closed prior to the primary election in the year 1918, 302,697 persons had qualified.

The registration by counties follows:—Republican 1269, democrat 2107, prohibition 45, socialist 199, miscellaneous 243; total, 7265.  
Benton—Republican 2916, democrat 1412, prohibition 264, socialist 67, miscellaneous 190; total, 4927.  
Clackamas—Republican 9109, democrat 3262, prohibition 254, socialist 331, miscellaneous 381; total, 13,097.  
Clatsop—Republican 3202, democrat 889, prohibition 26, socialist 117, miscellaneous 139; total, 4474.  
Columbia—Republican 3108, democrat 972, prohibition 106, socialist 150, miscellaneous 117; total, 4492.  
Coon—Republican 4911, democrat 2146, prohibition 71, socialist 311, miscellaneous 44; total, 7225.  
Crook—Republican 879, democrat 729, prohibition 11, socialist 23, miscellaneous 28; total, 1670.  
Curry—Republican 943, democrat 390, prohibition 16, socialist 38, miscellaneous 98; total, 1709.  
Deschutes—Republican 1859, democrat 1114, prohibition 24, socialist 115, miscellaneous 122; total, 3264.  
Douglas—Republican 4642, socialist 2124, prohibition 23, socialist 232, miscellaneous 273; total, 7324.  
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GILLIAM—Republican 3202, democrat 889, prohibition 26, socialist 117, miscellaneous 139; total, 4474.  
Columbia—Republican 3108, democrat 972, prohibition 106, socialist 150, miscellaneous 117; total, 4492.  
Coon—Republican 4911, democrat 2146, prohibition 71, socialist 311, miscellaneous 44; total, 7225.  
Crook—Republican 879, democrat 729, prohibition 11, socialist 23, miscellaneous 28; total, 1670.  
Curry—Republican 943, democrat 390, prohibition 16, socialist 38, miscellaneous 98; total, 1709.  
Deschutes—Republican 1859, democrat 1114, prohibition 24, socialist 115, miscellaneous 122; total, 3264.  
Douglas—Republican 4642, socialist 2124, prohibition 23, socialist 232, miscellaneous 273; total, 7324.  
GILLIAM—Republican 3202, democrat 889, prohibition 26