

# CASE PLACED IN HANDS OF JURY

### Court's Instructions Seem to Favor Defendant, Ex-Sheriff Sam C. Smith.

## LAWYERS' STRONG PLEAS

### Defense Arraigns Character of Elliott in Strenuous Terms—Acquittal Expected—Hold Witnesses for Possible Second Trial.

PRINEVILLE, Or., May 9.—(Special.)—The case of ex-Sheriff C. Sam Smith, who is charged with burning the shearing plant of N. Williamson, witness on the Ochoa, went to the jury at 9 o'clock tonight. If a verdict is reached by morning it is thought it will be an acquittal. It is not unlikely that there will be a disagreement. A verdict of guilty is generally regarded as improbable, in view of the had reputation given Larkin Elliott, the state's witness, on the instructions relative to the testimony of accomplices given the jury by Judge Bradshaw.

The defense rested its case at 11 o'clock, after introducing a number of character witnesses, who swore that the reputation of Elliott for veracity is exceedingly bad. Henry Cran, a well-known rancher, as a witness, related a conversation he had with Elliott about a year ago in which the latter said:

"We will have to burn Sam Smith's house and run him out of the country."

This witness also said that Elliott, on returning from Portland during the land-trial, confessed to perjury himself in order to get Smith indicted on the charge of attempting to tamper with Government witnesses.

Douglas Lawson, Stub Quackenbush and Peter Sighting testified that in a local saloon they heard Elliott make the admission that he had lied about Smith in Portland and had done it to get even.

District Attorney Menefee opened the argument for the prosecution in a review of the testimony. He was followed by Attorney Wyatt, for the defense, who made a strong plea for his client and charged he was the victim of a conspiracy, the object of which was to get possession of his land. Attorney Weatherford spoke in rebuttal, pointing out the showing of the weakness of the state's case. He asserted that there was not a scintilla of evidence except that of Elliott, a self-confessed perjurer, and admittedly a black-hearted criminal, tending to connect Smith with the arson.

His vigorous arraignment of the leading witness for the prosecution frequently caused Mrs. Elliott to lean her head on her husband's shoulder while her frame was convulsed with sobs.

"This man says he has always been a friend of Williamson, and is now," said the lawyer. "He sits by the side of Mr. Williamson and the two have constantly confided in assisting the state. Yet he burned this man's house and shearing plant, cut his fence and tried to poison his sheep. Was that the act of a friend? Then he has sworn that for the last two or three years he has been friendly to Smith. Yet one responsible witness tells you that less than a year ago he was talking about burning Smith's house, and running him out of the country. Was that the act of a friend? I tell you that a man so vicious, so abandoned, so utterly untruthful, is not to be believed in anything. He is simply handling Smith that second bunch of which he so often boasted."

Attorney Wilson spoke for an hour this afternoon and two hours tonight in closing for the prosecution. He was vitriolic in his language and said that while Elliott's reputation is bad, he could not have invented such a story and clung to it so well on cross-examination. Wilson analyzed the case exhaustively and the jury members were exhausted and consulting their watches when he concluded his remarks. Judge Bradshaw's charge to the jury

was brief. He said the evidence of an accomplice was always to be used with suspicion, and that a witness impeached in one part of his story was to be regarded with distrust in other parts of his testimony. All the witnesses are being held in Prineville, and in case of a disagreement another trial will take place immediately.

## LONG PROMINENT IN OREGON

### Dr. G. W. Maston Was Well Known in This State.

KLAMATH FALLS, Or., May 9.—(Special.)—Dr. G. W. Maston, for 25 years prominently identified with business interests of Oregon and engaged during that period in the practice of his profession in this state, whose death was announced as having occurred April 24, had a wide experience and was a man of strong personality.

In April, 1904, he suffered a compound fracture of the bones of one leg in a runaway accident. The limb was caught in a rapidly revolving wheel of a carriage and terribly torn and broken. Distant from aid and accompanied by a woman, who hastened to the nearest house for assistance, the doctor realized the necessity of immediate action, and severed the injured limb with a pocket knife. Later it was attended to by other surgeons, and the completion of the amputation directed by the injured man. The shock was never entirely overcome, and his death was traceable to that.

Maston had resided in Klamath County since July, 1903, and for three years has served as a member of the City Council of Klamath Falls from the Third Ward. A native of the City of New Orleans, where he was born December 14, 1851; graduated from the Cincinnati College of Physicians and Surgeons. Dr. Maston engaged in the practice of his profession in Arizona, California and Washington, and served in the Medical Corps of the United States Army as surgeon during the Indian wars of Arizona and Utah before coming to the Northwest. He resided at Albany from 1883 to 1893, where he was prominent in the Pacific Company and associated in various business enterprises with Governor George E. Chamberlain and Judge Charles E. Mason, who were also located at Albany at that time engaged in law practice.

## Knights Observe Anniversary.

EUGENE, Or., May 9.—(Special.)—The twenty-fifth anniversary of the founding of Ivanhoe Commandery No. 2, Knights Templars, of Eugene, was fittingly observed by that order in Masonic Hall last night. The organization, which started with a membership of 13, now includes 129.

The programme, presided over by Eminent Commander Spencer, consisted of music by the orchestra and the following:

Invocation.....Dean E. C. Sanderson  
Vocal selection.....Quintet  
Misses Moran and Wolf, Mrs. Claire Willoughby, Mr. Moran  
"History of Ivanhoe Commandery".....Quintet  
"Quiet and Mrs. Hullin with violin."  
"Origin of the Order and its Relation to the Problems of Life".....Dr. E. O. Potter  
Masonic Hall last night. The "Teachings of the Order."

## Thompson Hearing May 18.

TACOMA, Wash., May 9.—(Special.)—The date for the hearing of the proceedings for the freedom of Chester Thompson was today set for May 18, by Judge Snell. The case had previously been set for May 27. Prosecutor MacKintosh of King County may act as associate counsel with Prosecutor Rowland.

## Jefferson Bank to Open.

SALEM, Or., May 9.—(Special.)—It was announced today that the Jefferson Bank, which closed its doors during the financial stringency in October, will open for business May 16 and that every depositor will be paid in full, with 4 per cent interest on his money.

## Tacoma Still Growing.

TACOMA, Wash., May 9.—(Special.)—Preliminary estimates by the Polk directory, show the increase in population of Tacoma over last year is about 15 per cent, which will give a total of 112,000 to 115,000.

## Physician Will Wed.

ALBANY, Or., May 9.—(Special.)—Dr. W. H. Parrish, a well-known physician of Monmouth, secured a license here today to wed Miss Clara Swanson, a young woman residing near Lebanon.

# TAFT MEN WILL BE IN CONTROL

(Continued From First Page.)

Addresses were made by Frank J. Miller, joint Senator for Lane and Linn, and S. M. Moran, of Eugene. The resolutions reported by Dr. W. Kuykendall, chairman of the resolutions committee, were adopted in full. They resolved: First, "That the delegates to both state and district conventions be instructed to cast their votes for delegates favorable to the nomination of William H. Taft for President. Second, the hearty and unqualified support of Hon. H. M. Calkins for Senator was urged upon all Lane County Republicans. Third, the Republican central committee should call a convention of Lane County Republicans the first week of March, 1910, to recommend a ticket to the Republican voters for the primaries. Fourth, the delegates to all county candidates. Fifth, the members of the convention pledged themselves to work diligently for the passage of the bill appropriating \$125,000 for the University of Oregon. The delegates chosen to the convention were: W. Kuykendall, S. M. Moran, C. H. Briggs, H. L. Potter, W. G. Gilstrap, I. N. Edwards, J. M. Shelley, D. A. Paine, J. B. Bell, S. H. Friendly, J. I. Jones, C. Cole. The delegates to the district convention were: S. L. Monroeh, T. C. Wheeler, W. F. Walker, G. H. Kelly, W. G. Griffin, S. R. Eakin, J. M. Williams, H. W. Thompson, A. L. Briggs, John Martin, F. J. Hard, W. S. Moon. There was no discussion as to delegates, the tickets having been typewritten beforehand. The anti-Bourne forces ruled the convention.—Allen H. Eaton.

## Lincoln County.

TOLEDO, Or., May 9.—(Special.)—The Lincoln delegation is not instructed. Two are for Taft, regardless of Bourne and one is non-committal.—R. E. Collins.

## Linn County.

ALBANY, Or., May 9.—(Special.)—Linn County's delegation to the Republican State Convention is generally considered in the anti-Bourne column. As the members of the delegation have held no meeting since their election and are from widely different parts of the county it is impossible to secure an accurate expression on the question of Taft instruction. But it is believed that the majority of the delegation will act with Fulton's friends.—Willard L. Marks.

## Marion County.

SALEM, Or., May 9.—(Special.)—Though the Marion County delegation to the state convention is not instructed as to its attitude on National delegates, it is known that the delegation will be solid for Taft. County delegates were selected and from these 15 are to be chosen to represent this county. Senator Fulton's friends have a majority of the 20 and will select 13 satisfactory to themselves from the number. Bourne will therefore probably not have a supporter in the Marion County delegation.—A. W. Prescott.

## Morrow County.

HEPPNER, Or., May 9.—(Special.)—Morrow County delegation is for Fulton. Its members will not commit themselves as to Taft.—Garfield Crawford.

## Polk County.

DALLAS, Or., May 9.—(Special.)—The Polk County delegation to the Republican convention stands for Fulton, is opposed to Bourne, and is instructed solidly for Taft.—Dean Collins.

## Sherman County.

MORO, Or., May 9.—(Special.)—The Sherman County delegation will support Fulton and favors an instructed Taft delegation. It opposes Bourne on all propositions.—C. L. Ireland.

## Umatilla County.

PENDLETON, Or., May 9.—(Special.)—Eight delegates to the Republican State Convention were elected at a meeting of the county central committee Thursday evening. A resolution was unanimously adopted, instructing

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them to at all times vote for delegates to the National Convention who are favorable to the candidacy of William H. Taft for President. Everyone of the eight is a Fulton man, and though neither his nor Bourne's name was mentioned, Bourne will not receive any support at the hands of the Umatilla County delegation. W. J. Furnish is a member, and will be chairman of the delegation.—E. F. Averill.

## Tillamook County.

TILLAMOOK, Or., May 9.—(Special.)—The Tillamook delegation to the State Convention is uninstructed, and is friendly to Fulton.—Ed Baker.

## Union County.

LA GRANDE, Or., May 9.—(Special.)—The Union County delegation to the State Convention believes that Senators Bourne and Fulton, if they desire, should be sent as delegates to the National Convention. The delegates are non-committal as to what would be their stand on the election of a delegation favorable to Mr. Taft, but are opposed to an instructed delegation. Notwithstanding this attitude, it is believed that two of the delegates are friends of Senator Bourne, two friends of Senator Fulton, and the others without popular choice.—A. W. Nelson.

## Wallowa County.

ENTERPRISE, Or., May 9.—(Special.)—A poll of the state and district convention delegates from Wallowa County shows all eight for Taft instructions. Seven favor Fulton for head of the National Convention. One state delegate is noncommittal.—H. A. Gallowsay.

## Wasco County.

THE DALLIES, Or., May 9.—(Special.)—The Wasco County central committee, instead of instructing, selected for its delegation to the State Convention prominent men from the stalwart and representative Republicans throughout the county. This county is a pronounced anti-Bourne, and the delegates were the consensus of opinion that a delegation selected from its foremost Republican citizens would justly represent the party without instruction. From the personal of the delegation it is evident that Senator Bourne, or his representative, John C. Young, would have some difficulty persuading the delegation that President Roosevelt was trifling with the people when he announced that he would not be a candidate for renomination.—E. L. Lang.

## Washington County.

HILLSBORO, Or., May 9.—The Washington County delegates to the Republican State Convention, selected by the county central committee, are unpledged, but are avowedly Fulton men. It is popularly supposed here that they favor Taft.—A. Long.

## Wheeler County.

FOSSIL, Or., May 9.—(Special.)—Wheeler County will send an uninstructed delegation to the Convention, although two of its members personally favor Taft. The delegates are J. H. Putnam, J. L. Barnhouse and A. Kohler.—James S. Stewart.

## Yamhill County.

McMINNVILLE, Or., May 9.—(Special.)—Yamhill's eight delegates to the Republican State Convention are decidedly anti-Bourne, and favor Fulton. They are uninstructed, but are presumably all Taft men.—D. I. Ashbury.

## CLACKAMAS AGAINST BOURNE

Elects Anti-Bourne Delegation to the State Convention.

OREGON CITY, Or., May 9.—(Special.)—Clackamas County Republicans this afternoon named an anti-Bourne delegation to the state convention, which meets in Portland next week. An attempt to place the convention on record as favoring an uninstructed delegation was frowned upon and abandoned in the interest of harmony. The 11 delegates from Clackamas were instructed, by unanimous vote, to use every effort to secure the election of C. G. Huntley, of this city, as a delegate to the National Convention. The following delegates were chosen: C. G. Huntley, James U. Campbell, Thomas F. Ryan, Chauncey E. Ramsby, Charles A. Miller, G. W. Freese, J. W. Reed, O. L. Clyde, C. M. Lake, John Gibson, T. S. Stipp.

The convention declined to send as delegates Christian Schuebel and George W. Dixon, well-known Bourne men. George C. Brownell also failed of election, although he was not present and apparently made no effort to secure a place. Judge Lavy Stipp, chairman of the county

central committee, presided, and John F. Clark was secretary. The state convention delegates are also delegated to represent Clackamas County at the First District Congressional convention.

## GOVERNOR DRIVEN INSIDE

Cold Weather Stops Outdoor Speech. His Talk Gets Applause.

PENDLETON, Or., May 9.—(Special.)—Forced to abandon the plans for an open-air meeting because of the cold and blustery day, Governor Chamberlain this afternoon spoke for more than an hour to an audience which filled the Opera-house to its greatest capacity. He seemed to carry his hearers with him, for the address was frequently punctuated with applause. He declared that Calkins was a convert to the popular doctrine and not a very sincere one at that, while claiming for himself the honor of being one of the original promulgators. He insisted that the Republican candidate for the Senate had kicked out the Statement No. 1 adherents and was now lining up with the opposition. He went from here to Echo,

where, tonight, he wound up a strenuous campaign of the county. His largest audiences were at Athena, Pendleton and Echo.

## Albany Starts Publicity Work.

ALBANY, Or., May 9.—(Special.)—The Albany Commercial Club has now located in temporary headquarters at 310 West First street. Secretary Dant is in charge. As soon as possible the club will fit up permanent quarters in some good location and equip them for extensive work. Matter is now being compiled for a new series of publicity pamphlets.

## Horse Brigade for Festival.

ALBANY, Or., May 9.—(Special.)—Albany may be represented in the parade at the Ross Festival in Portland by a brigade of horsemen. The committee of the Albany Commercial Club in charge of the arrangements for Albany's participation in the carnival is now considering this plan. The committee has abandoned the idea of having a float. An investigation is now being made to determine the expense involved and the facilities for taking the horses to Portland. Linn County

and the brigade of horses would in itself be a good advertisement for the city. If the plan is adopted the horsemen will carry pennants showing they are from Albany and calling attention in some way to the advantages of the Linn County capital.

New York—The police had their annual parade on Saturday, headed by the winners of medals for valor, bravery or meritorious service. Three of these medals were not awarded, no man having earned them.



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