

N. H. SUTTERS FREE BY JURY

Policeman Is Exonerated in Circuit Court for Killing Henry Shaffer.

FOUR HOURS FOR VERDICT

Ruling Is Not Surprise After Final Evidence in Case Is Heard.

Crowd Grets Finding With Applause.

Patrolman Nathan H. Suttler was acquitted of the murder of Henry Shaffer by a Circuit Court jury last night at 9 o'clock, after four hours and 15 minutes of deliberation, the jury deciding that the officer committed no crime when he entered Shaffer's home on the night of March 1, and shot down the head of the household who resisted arrest on a charge of disturbing the peace.

The finding was not a surprise. In the light of the testimony developed by the defense and the application of that testimony to the instructions given the jury by Circuit Judge Cleveland, acquittal was felt even by those interested in trying to secure Suttler's conviction. In fact, the jury was expected in at a much earlier hour.

Suttler's wife and a number of his friends were in the courtroom when the verdict was read. There was a ripple of applause as Foreman K. C. Hardman pronounced the words "not guilty," but the demonstration was quickly interrupted by the court.

At least three of the jurors are known to have favored conviction on a charge of manslaughter, so far as could be learned, not one of them favored conviction of second-degree murder. Several ballots were taken and the majority favored acquittal. Suttler concentrated his powers of persuasion on the contrary jurors who would not yield until additional instructions had been asked of the court.

Seek Further Instructions.

This occurred at 5:10 o'clock. When the jury came in at that hour it was thought a verdict had been reached, and Judge Cleveland took the bench prepared to receive the findings in the case. To the general surprise of those in the courtroom, instructions were asked as to the law on self-defense. It was also asked if the court would consider a recommendation of mercy should a verdict of manslaughter be returned.

"You have nothing to do with the punishment that would be imposed," Judge Cleveland informed them. "Your duty is to arrive at a conclusion as to the guilt or innocence of the defendant."

From this incident it was gathered that several of the jurors hardly believed Suttler should be freed, and yet they did not think he should be convicted of manslaughter. He was advised by Judge Cleveland that a man might fire in self-defense when he felt he was in danger of death or great bodily injury. It is not retroactive and in just 30 minutes reached an agreement.

Applause in Jury-Room.

The winning over of the last objecting juror was marked by a round of applause from the spectators, and immediately afterward the spectators and interested parties in the courtroom heard a significant rapping on the door, which was opened and the jurors were ready to emerge with their verdict. There was a breathless period as the men filed in, took their seats in the jury-box and the jurors called and delivered a slip of paper bearing their verdict into the hands of the court. Judge Cleveland handed the slip to Deputy County Clerk J. W. Brennan, who read it. As he spoke the words "not guilty," the tension snapped. Friends gathered about Suttler and his wife and showered them with congratulations. After shaking hands with the jurors, Suttler left the courtroom with his wife and friends.

The jury was made up of H. C. Hardman, Thomas J. McNamee, L. H. Dearford, Robert Kennedy, William Harder, Richard Hembach, H. E. Clark, A. J. Hayseth, Thomas E. Lewis, H. L. Cavin, H. L. Davenport and J. W. Brennan.

Suttler's fate was placed in the hands of the jury at 4:45 P. M. Completion of rebuttal evidence and arguments of state and defense were effected during the brief hours of the morning and afternoon session.

Circuit Judge Cleveland's instructions seemed to aid the cause of the defendant greatly. He impressed upon the jurors that while a "man's home" is his castle, yet that home may not be used for unlawful purposes and that in the opinion of the jury, Shaffer and his guests were disturbing the peace with their Sunday night revelry. Suttler had a right to enter the house and interfere.

Suttler's Lawyers Confident.

When the case went to the jury the accused and his lawyers, as well as nearly all those who had been in attendance on the trial, predicted that the verdict would be acquittal and that it would be returned inside of an hour. The defense had seemingly made out a strong case, appealing both to the reason and sentiment of the 12 men who were hearing the case.

Suttler and his little family presented a touching picture as they sat in the courtroom behind their attorneys, John F. Logan and Dan J. Malarky. His wife sat at his left, anxious and worried. On Suttler's knee was their flaxen-haired daughter of 2. To the little girl it was a day of recreation, a day away from home and among strange and interesting surroundings. Becoming restless early in the day, she slipped from her father's knee and romped about the courtroom, making friends of having deliriously restless longshoremen intent on avenging Shaffer's death by securing Suttler's conviction, beamed on the little girl as she walked light-heartedly and unabashed through the courtroom. Once the child approached close to the jury and looked wonderingly on the 12 men who sat solemnly listening to the demands of District Attorney Manning for the conviction of her father.

The defense was materially strengthened and the state's case weakened by the rebuttal testimony of Dave Sprecher, who was a guest at Shaffer's home on the night of the shooting. District Attorney Manning accuses Sprecher of having deliberately deceived him and even suggests that Sprecher received a consideration for his testimony. This view is endorsed by Chief Deputy District Attorney Adams, who said Sprecher told him before going on the stand, that he did not witness the tragedy.

After being used to testify that Shaffer was not armed and did not strike the officer, a whirlwind cross-examination was directed against the man by Mr. Malarky, during which the witness practically confirmed the story of the affair as related by Suttler. The effect on the jury was apparent.

Sprecher was called to the stand immediately on the opening of the forenoon session. On direct examination by Mr. Manning, he said he was in the house when the officers called, and witnessed the trouble that followed. At this Mr. Manning began questioning him about his presence at the time of the trouble.

"I thought you said you crawled out through a window and left the place when the officers came," the state's prosecutor suggested.

"No, I saw the trouble," said Sprecher.

Mr. Manning then asked him if he saw Shaffer strike Suttler or threaten to injure him, to which the witness replied in the negative. Sprecher also said that Shaffer had no gun and did not appear to be looking for trouble.

The cross-examination by Attorney Malarky, however, quickly developed Sprecher as the strongest witness for the defense yet called. This cross-examination, coming as a climax to the taking of testimony, was a veritable bombshell in the state's case.

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"You say that Shaffer did not strike at Suttler, but Shaffer did strike at him, didn't he, and you saw him do so?" was Mr. Malarky's initial question.

"He raised his hand; yes, sir," was the response.

"Tell the truth—now you know that Shaffer did strike at Suttler, don't you?"

"Yes, sir."

"And you know that Shaffer kept hold of Suttler's club?"

"Yes, I saw that."

"Did you hear Shaffer say to Suttler, 'you, I've got you now,' and add something about not interfering with his business, and Shaffer pulled his gun, say, 'shoot and be damned'?"

"Yes, sir."

"And did you hear Suttler say he would defend himself?"

"Yes, he said that."

"Shaffer walked toward Suttler, didn't he?"

"Yes, sir."

"And Suttler backed up in the corner and Shaffer kept on coming, isn't that right?"

"It is."

Manning Opens Arguments.

Sprecher was then excused from the stand, the state not wishing to indulge in redirect examination of the man. The arguments were proceeded with at once, Mr. Manning opening for the state. He went in full into the evidence presented and urged that in considering the facts he wished the jury to bear in mind that the celebration and tragedy which followed occurred in Shaffer's own home, where he was entitled to privileges he might not claim at a public place. He said it was a pleasant little gathering of friends and that a disgruntled landlord called in the police. It was plain that these people, knowing they had done nothing wrong, did not feel they should be subjected to the humiliation of a police visitation, and it was only natural they should resent the intrusion, and especially that which Shaffer should be resentful.

Mr. Logan opened for the defense. He, too, went into the details of the evidence from the state's point of view. He said that Suttler did not go to the Shaffer home on Sunday night, March 1, as a private citizen, but as a representative of law and order and on a mission of upholding the law. It was nothing more than drunken revel that was in progress at the Shaffer home, he averred.

"Are you, gentlemen, by your verdict, going to indorse the conduct of a half-baked foreigner, who came here with his innat sense of humor, and wife-beating and brutality?" Mr. Logan asked dramatically. "I say that Mr. Suttler's life was in danger when he fired the shot that killed Shaffer. He was cornered by a great powerful ruffian and bully, who said, 'you, I've got you now.' What did he mean by that? What chance would Suttler stand against a giant who, as you gentlemen have heard from witnesses, could lift a steel rail weighing 600 pounds with one hand?"

Appeal Made for Family.

Mr. Logan's opening argument continued until adjournment at noon. He made a strong impression on the jury and several of the jurors sniffed suspiciously as he made a touching appeal for release of Suttler so that he might return home with his wife and baby girl, who were seated in the courtroom beside the prisoner.

Mr. Malarky took up the closing argument for Suttler at the afternoon session and spoke for more than two hours. He was not sparing of Shaffer and said that with due respect to the dead he could not help but brand Shaffer as a great hulking, drunken brute, given to wife-beating and cowardly brutality.

As to Suttler's visitation to the Shaffer home, Mr. Malarky said that was fully justified since there was a drunken disturbance on at the Shaffer home and not only law but common decency demanded that the disgraceful desecration of the Sabbath should end. He called attention to the fact that whole kegs of beer and demijohns of wine were consumed and, when Mr. Manning interrupted him to question the veracity, he paid his respects to the state's prosecutor in anything but complimentary terms.

Malarkey's Heated Reply.

"You say I am misrepresenting the facts, do you, Mr. Manning?" said Mr. Malarky. "Then I want to say that you are not able to understand the purport of testimony since there was a drunken disturbance on at the Shaffer home and not only law but common decency demanded that the disgraceful desecration of the Sabbath should end. He called attention to the fact that whole kegs of beer and demijohns of wine were consumed and, when Mr. Manning interrupted him to question the veracity, he paid his respects to the state's prosecutor in anything but complimentary terms."

Mr. Manning then made his closing plea for conviction. He said it would be an outrage on the community to turn Suttler loose; that it would signify an officer might enter the home of anyone and do as he pleased. He said that Shaffer had been painted much blacker than he was and that Shaffer only acted as the average man would behave at an unwarranted intrusion in his home by an impudent policeman. As he spoke, Mrs. Shaffer, widow of the victim, sat weeping conspicuously. She has been in constant attendance on the trial, attired in deep mourning.

Judge Cleveland began the delivery of his instructions at once, on the conclusion of Mr. Manning's address, and when the court had finished the jurors were taken to the ballist's room and looked up, for deliberation.

FAVORS FOR THE FIESTA

Large and Attractive Line on Display at the Cream Store.

The Hazelwood Cream Store has placed on sale its large and attractive line of favors, especially selected for fiesta receptions and banquets.

The magnificent full-blown rose deserves special mention and must be seen to be appreciated. They have them in both red and pink and it would be hard to conceive of a more appropriate or desirable favor for the fiesta season.

CARD OF THANKS.

Mrs. C. E. Cook and daughter wish to thank the many friends who so kindly assisted them in their recent bereavement, and for the beautiful floral offerings.

PIONEERS TO MEET

Greatest Reunion of the Society Is Planned.

SPECIAL RATES GIVEN

Date Set for June 11—All Who Came to Oregon Before 1859 Are Asked to Be Present—Big Tent to Be Erected.

What is expected will be the greatest reunion of Oregon Pioneers in the history of the society will be held June 11, when all those who are left of the ten thousand dauntless men, women and children who made their way to the state over the Old Oregon Trail prior to 1859 will assemble in this city. Of the 75,000 who, in the 16 years between 1841 and 1859, guided their barges over the Missouri River, made their way through the Platte valleys, passed the giant Rockies through South Pass, coming down the Snake River to the mighty Columbia into Oregon, there are perhaps 5000 left.

Just how many remain in the state it would be hard to say, but 3000 is considered a reasonable estimate by those who are in a position to know. Of the other 2000, some are scattered through Washington and California, while the rest have drifted to various parts of the country.

Of those 2000 who still dwell within the borders of the state perhaps two-thirds will be present at the reunion. Hardy more than this number are expected. Enthusiasm has not died down and the flame of patriotism still burns in the breasts of these people as of old, but years have told with many of them, while, in still other cases, invalidism will keep others away.

Greatest Reunion of Society.

George H. Himes, secretary of the Oregon Pioneer Association, is expecting one of the greatest reunions in the history of the society. Several large tents will be provided at Tenth and Davis streets, just north of the Armory, and will afford ample room for all those who attend. All persons coming to or born in the original territory of Oregon up to 1859, inclusive, without regard to where they now live are eligible to membership in the society, and if there are any who have not yet joined, or become a member of the association, it is not too late. Everybody that can possibly leave home, no matter where that may now be, Mr. Himes wants to see at the reunion, and special provision will be made for the care of all such.

With the pioneers will come the Indian War Veterans—those who, when young in years, stacked guns together and huddled under the same blankets in fields and on the hillsides, protecting what remained of the ox-teams and mule-trains after the great tramp over the plains.

Special Rates Made.

The Southern Pacific lines in Oregon and the O. R. & N. Company have made special rates and provisions for transporting the members of the society in the state from their homes to Portland. Both companies will return all pioneers and Indian War Veterans at one-third the regular rate, providing they leave for their homes before June 11. The Northern Pacific Railway will give a 25 per cent rate from all points on its lines for one and one-third fares, providing 100 receipts are exhibited to the ticket agent of the company at Portland.

The Oaks has been offered the pioneers and veterans free for the day and a basket picnic will be given at the park June 11. A special event of the year! Don't miss it. McAllen & McDonnell, Third and Morrison.

BLACK DRESS GOODS.

All black and colored dress goods on sale at regular wholesale prices. The greatest bargain event of the year! Don't miss it. McAllen & McDonnell, Third and Morrison.

THE SUMMER HAT

You can find at La Palais Royal in the latest creations, designed and trimmed to suit you, at very moderate prices, 275 Washington street.

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Did you read Mr. Ellers' "good advice" to a friend in buying a piano published in our previous issue?

If not, hunt up last week's paper and read it, because it gives an unbiased and unprejudiced opinion— from one of the best informed piano men in the United States to one of his friends, Mr. Ellers, the president of the Ellers Piano House—with forty stores under his personal control and with many years' experience in factory work— is beyond question better informed on musical instruments of all kinds than any other man in the West, consequently his advice was given intelligently.

To show Mr. Ellers' thoroughness in seeking reliable and authentic information, only last year he traveled to Europe— thousands of miles—to investigate one manufacturer's product. Many dealers would have merely taken the instruments and sold them regardless of what the future might bring to the buyers—not so Mr. Ellers—he must know, and so he has been with every piano— every musical instrument— placed in his stores for sale to the public, and in profiting by his experience you buy safely and are guaranteed absolutely back if not satisfied guarantee—the strongest possible insurance to their customers.

Mr. Ellers said to his friend— "Buy a Kimball piano"—and he gave his reasons why.

No doubt the reader is considering the purchase of a piano, or a musical instrument of some kind, if so call at one of the Ellers stores and examine the beautiful new style Kimball.

If not convenient to do so then write and ask for Kimball Catalogue "K," which will be sent by return mail and will give you reliable information as to prices, terms, etc.

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No. 4—36 inches high, adjusts 26 to 30 inches. Regular price, \$1.50; special, \$1.00.
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