

JURY FAILS TO CONVICT WALTON

Youth, Once Convicted of Streetcar Hold-up, Faces Court on Same Charge.

VOTE STANDS SIX TO SIX

Only Three Witnesses Testify in Support of Indictment Returned in 1904 for Shooting Policeman Nelson.

After deliberating for nearly five hours the jury in the case of the state against Charles W. Walton, charged with assault with a dangerous weapon, late last night reported to the court its verdict on a verdict and was discharged by Judge Cleland. The jury stood equally divided, six for conviction and six for acquittal. Another jury will be selected tomorrow morning and a second trial will be proceeded with immediately.

Walton was retried yesterday on the indictment that was returned September 12, 1904, charging him with assault with a dangerous weapon on the night of September 1 of that year. He was charged with having held up a Portland Heights car for the purpose of robbery and with shooting Patrolman Claus Nelson while attempting to make his escape. At the former trial Walton was convicted of two charges, namely, assault with a dangerous weapon, and assault to commit highway robbery. He was sentenced by Judge Cleland to the State Penitentiary for 25 years. Walton's case was subsequently appealed to the Supreme Court, and, on a technicality, he was granted a new trial.

Falls to Find Witnesses.

In the retrial of the case yesterday the state, which was represented by Deputy District Attorneys Haney and Adams, was obliged to rely on the testimony of three witnesses. In the three years that elapsed since the first trial, a number of the important witnesses for the prosecution removed from the state and could not be located. The first witness called for the state was Patrolman Nelson, who related the circumstances attending the holding up of the Portland Heights car and the capture of Walton, the alleged highwayman. Nelson said he had ridden in the front end of the car, on the night of the hold-up, to its terminus. He also accompanied the train crew back towards the city to the vicinity of Twenty-eighth and Thurman streets, where the attempted robbery occurred. Nelson told of seeing a man running for the car and said that he so advised the motorman, who applied the brakes. A few seconds later Nelson looked towards the back end of the car and saw the supposed passenger step into the rear vestibule.

Officer Nelson said his attention was next attracted by a disturbance within the car, and, raising the curtain of the car window, declared he saw a man, whom he identified positively as the defendant Walton, scuffling with Conductor Johnson. Nelson said he then rushed into the car and grappled with Walton, being joined presently by Motorman Bingman, who succeeded in taking a gun from Walton, but not until after the three had fallen in a heap in the vestibule and rolled out of the car. Nelson said he meantime having been shot twice by Walton, whose revolver, with two empty cartridges, was identified by Nelson as the weapon that was taken from Walton on the night of the robbery.

Motorman Tells Story.

G. A. Bingman, the motorman of the car, corroborated Nelson's story and told of driving the car, with the injured officer and Conductor Johnson, who was guarding Walton, to Woodlawn Hospital, where Nelson was taken to the operating-room. He said he afterwards returned to the car and notified the police at the station. He said that Mr. Bingman was brought to Portland from Los Angeles to testify in the case. The whereabouts of Conductor Johnson, another material witness for the state, explained Mr. Haney, was unknown, and for that reason it had been impossible for the prosecution to secure his attendance at the trial.

The Last Witness for the State Was I. E. Isaacs, driver of the patrol wagon, who testified to driving to the vicinity of the Good Samaritan Hospital on the night of the hold-up and receiving a man who answered the description of Walton, who was taken immediately to the police station.

Walton took the stand in his own behalf and gave his version of the affair. He related that on the night of the hold-up he was feeling ill and decided to take a streetcar ride. He did so, leaving the car in the vicinity of the Exposition grounds, where he remained until about 10:10 o'clock, when, in order for him to keep his appointment downtown at 10:30 o'clock, he found it would be necessary for him to return on the streetcar. He saw that the car was crowded and he stepped onto the rear platform. He swore that a man in uniform scuffling with a stranger inside the car, at the same time hearing two pistol shots, instantly, he testified that the stranger brushed past him and leaped from the car.

Says Nelson Was Mistaken.

At this juncture, Walton said, he was struck on the head with some weapon and rendered insensible. That was all he knew of the incident, he averred, until he regained consciousness in the car at the Good Samaritan Hospital, whence he was taken to the police station. He denied absolutely that he had in his possession a gun on that night and represented that he was the victim of mistaken identity on the part of Officer Nelson and the men in charge of the car. Walton insisted that the guilty man escaped from the car as he boarded the platform.

Attorney Henry S. Rayner, counsel for Walton, called several witnesses to testify regarding the reputation of the accused lad, among them being Henry Kahn, I. Watson, Henry J. Beck, T. C. Beckett, Fred Wagner and Fred English. Counsel for Walton also called Officer Nelson, who was asked if he had not told Captain Slover that he (Nelson) did not know who shot him on the night of the hold-up. Nelson emphatically denied that he had ever made any such statement. The defense then called Captain Slover for the purpose of impeaching Nelson's testimony in this regard, but Slover denied that Nelson had made any such admission to him.

Attorney St. Rayner then called Mrs. C. K. Smith in a further effort to prove that such a conversation was held between Nelson and Slover, and that Slover had related the fact to Mrs. Smith. Judge Cleland sustained the objection of the state to the question, for the reason that the defense could not impeach the testimony of its own witness. Judge Cleland's instructions to the jury were brief, as were also the closing arguments by counsel. The jury retired at 4:30 o'clock.

VACATION TIME IS HERE



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LENIS HOLDS ROSE SHOW

SUBURB DISPLAYS ITS CHOICEST BLOOMS FOR PRIZES.

Merchants Put Up Awards and Many Entries Are Made—Show Lasts for Two Days.

Second in quantity, but equalling in variety and beauty the rose display in the Oriental building during the Rose Festival, was the rose exhibition and contest held in the public hall at Lenis, Mount Scott, Thursday and Friday afternoons and evenings. The display was projected and conducted by Mr. and Mrs. E. P. Tobin, of Lenis, and the enterprising business men of that suburb provided a number of prizes to encourage growers of fine roses to bring in their best. Beginning Thursday afternoon, the long tables of the hall were banked with the choicest roses of the neighborhood and the room was filled with a large audience. Friday night, when the exhibition ended, the hall was again filled with people. Many of the very choicest varieties of roses were exhibited on the following two afternoons and evenings, and it was demonstrated that Lenis can produce as fine roses as any suburb of the city. The people were so much interested in showing the choicest flowers as they were in winning the prizes offered by the business men. At the conclusion of the exhibition the following were awarded prizes of equal value:

Mrs. A. G. Shepard, Miss Stright, Mrs. W. D. Eaton, Mrs. B. E. Stratton, Mrs. C. E. Bradford, Mrs. W. M. Duckworth, exhibited by Miss Knowles, Mrs. E. L. Raburn, Mrs. J. C. McGrew, Mrs. Iza Allen, Mrs. J. M. Grimes, Dr. J. B. Moore, Mrs. J. C. Mauck, Mrs. Moore, Mrs. M. J. Macomber, Miss I. M. Johnson.

JURORS FOR LAND CASES

Names of 75 Veniremen Drawn by Clerk Marsh.

Federal Clerk Marsh yesterday drew the names of 75 veniremen who will be required to appear in the United States Court Monday, June 22, the date scheduled for resuming the Oregon land fraud cases. Those summoned for jury service are:

Henry H. Yost, Fremont; Denver Hackelman, Albany; Edward Logus, Portland; A. Warner, Oregon City; T. S. Mardel, Mount Tabor; M. J. Adams, Silverton; D. J. Grant, Falls City; John M. Lynn, Dallas; A. B. Cavender, Brownsville; Richard G. Sloan, Portland; J. D. Hart, Portland; Matt Robinson, Marquam; I. A. Allen, Rickreall; C. W. Thomas, Stayton; Robert Hutchcroft, North Yamhill; H. L. Torrence, Portland; Charles H. Fago, Portland; George Clise, Albany; James R. Smith, Corvallis; Riley Shelton, Seio; Jacob Ogilvie, Woodburn; A. M. Smith, Portland; R. E. Ryan, Portland; E. Brown, Brownsville; Albert B. Mason, Portland; Jack Forrest, Hopewell; Jacob Wittig, Mist; B. C. McKinley, Portland; Charles H. Fago, Portland; E. Quackenbush, Portland; James B. Iteier, Portland; Malcolm McEachern, Portland; Matthew Wilhelm, Monroe; W. Herman, Forest Grove; Alex. Todd, Forest Grove; Henry M. Grant, Portland; M. Catfield, Milwaukie; E. Allen, Corvallis; C. Heggie, Portland; William H. Warren, Portland; Elmer Scott, Milwaukie; S. M. Starrette, Forest Grove; Ben Selling, Portland; C. J. Cook, Portland; W. W. Poland, Shedd; H. Ross, Springfield; Alfred Tucker, Portland; George Bolton, Parkersburg; Daniel W. Wennerberg, Portland; W. H. Kirk, Brownsville; W. O. Lowndale, Lafayette; Alfred Anderson, Portland; J. H. Nash, Portland; E. C. Meigs, Portland; Myrvin W. Mix, Independence; G. C. Fowler, Goble; A. P. Magness, Wheatland; Roy F. Patton, Portland; William P. Ryan, Portland; E. Odell, Fisher, Corvallis; B. G. Leedy, Sherwood; C. C. Trip, Portland; H. E. Pattee, Gaston; Andrew Lee, Salem; George Moore, Portland; Frank Odell, Dayton; F. A. Legg, Salem; Perry Tomlinson, Portland; Peter Pierson, Portland; William McCord, Oregon City; Hubert Bernard, Forest Grove; Lewis Carstens, Manning; C. E. York, Portland.

Plan Suburban Depot. CHICAGO, June 13.—A new downtown railroad station, within three or four blocks of the heart of Chicago's

SHOPPING DISTRICT AND FOR THE EXCLUSIVE ACCOMMODATION OF ITS IMMENSE SUBURBAN SERVICE, IS THE NOVEL RAILROAD OPERATING PROJECT WHICH THE CHICAGO & NORTHWESTERN RAILROAD WILL UNDERTAKE IN CONNECTION WITH THE BUILDING OF ITS NEW CENTRAL STATION, EXTENDING FROM LAKE STREET TO MADISON AND FRONTING ON CANAL STREET.

SCHOOL ELECTION MONDAY

H. C. Campbell Candidate for Director to Succeed Himself.

Election of a director for school district No. 1 will be held tomorrow afternoon, the polls remaining open from 2 to 6 P. M. H. C. Campbell is the only candidate, and will be chosen to succeed himself. A large petition, bearing the signatures of many of the most prominent men in Portland, was recently sent to him, asking him to allow his name to go before the public for the place.

There are 17 voting precincts in Portland, where votes are to be cast in this election. Taxpayers only are permitted to vote, and in this both men and women may take part. The polling places are as follows:

Precinct No. 1, 640 Thurman street.
Precinct No. 2, Atkinson school.
Precinct No. 3, 248 Ash street.
Precinct No. 4, Wells-Pargo building.
Precinct No. 5, Third street.
Precinct No. 6, 863 Corbett street.
Precinct No. 7, 405 Hawthorne avenue.
Precinct No. 8, 405 Hawthorne street.
Precinct No. 9, 1022 Belmont street.
Precinct No. 10, 222 Missa avenue.
Precinct No. 11, 503 Russell street.
Precinct No. 12, 1070 East Thirteenth street, Sellwood.
Precinct No. 13, Arleta school.
Precinct No. 14, 14th school.
Precinct No. 15, E. Leizer's office, Portsmouth.
Precinct No. 16, Woodlawn school.
Precinct No. 17, 391 First street.

INQUEST ON DEAD ITALIAN

Confines Verdict to Fact That Paetrasso Killed De Santis.

Deputy Coroner Finley and a Coroner's jury held an inquest last night at 7:30 o'clock to inquire into the death of Vincenzo De Santis, the Italian laborer who was shot fatally Friday night on the Patton road by Antonio Paetrasso, another Italian laborer, following a drunken row originating in a birthday party. De Santis died yesterday. The jury found that De Santis had come to his death from the effects of a gunshot wound, inflicted by Paetrasso. Further than this they drew no conclusions.

The prisoner is being held by the police, charged with the killing and the fate of Paetrasso is now in the hands of the grand jury, which will probably make an investigation. No new testimony was brought out at the Coroner's inquest. The facts as revealed on the night of the occurrence were given in more detail, but they are substantially the same. They go to show that Paetrasso, in company with De Santis, his son, Joe, and his nephew, Luigi Martini, were dining at De Santis' home, went together to the house on the Patton road where Paetrasso lived. They took with them a gallon jug of wine, which Paetrasso had bought in celebration of his birthday. After arriving at the house, a quarrel arose and the shooting followed.

The son and nephew of De Santis, who were being held as witnesses, were released from the City Jail last night.

ALLEN SCHOOL TO CLOSE

Exercises Tuesday at Hawthorne Park Presbyterian Church.

The graduating exercises of the Allen Preparatory School will be held in the Hawthorne Park Presbyterian Church, Tuesday night, June 16. The following is the programme: Vocal solo, "Arabian Romance" (Couchman); John Claire Montleth; address, "The Privileged Life," Dr. Luther Dyott; vocal solo (a), "Among the Hills" (Ronald); (b) "Little Miss Muffet" (Coolidge); (c) "Song of Sunshine" (Gornig); (Thomas); presentation of diplomas, Mrs. Margaret V. Allen; vocal solo, (a) "Were My Songs With Wings provided" (Hahn); (b) "A Little Winding Road" (Ronald); (c) "Ask Nothing More of Me, Sweet" (Marzials).

The members of the graduating classes are: Verne Aurette Borten, Lador C. Brill, Herbert Houghton Clarke, Leoti Elene Deaver, Herbert W. Elchemeyer, Margaret Almeta Hausman, Walter Mills Huntington, Mildred Earnestine Larned, Julia Lindsey Palmer, Dean Garrison Ray, M. Lois Scott, Glenn Lara Sigel, Clarence William Walls, Mabel June Zimmerman.

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from that corner southeast to a connection with the Foster road, forming a highway in the direction of Mount Scott. Also the Sandy road is to be extended to East Riverside street. The Base Line road, which connects with East Stark street at East Forty-first street, is included in the general plan.

As to Grand avenue, there is a difference of opinion whether the difficulties in the way of opening it northward from Hancock street can be overcome. For a distance of nearly 14 blocks it is closed, then it is opened for a short distance, when it is again closed. It would mean that a new street would have to be cut through from Hancock northward. To avoid this another plan is proposed. Union avenue is already opened to DeLum avenue in Woodlawn and can be continued to the Columbia boulevard or the Columbia River. It is proposed to purchase a block at Hancock street and merge Grand avenue into Union avenue, and not undertake to open Grand avenue. Of course, making Grand avenue a wide street northward is very attractive, but it means that a large amount of valuable property must be purchased outright, as many houses have been built in the pathway of Grand avenue. All these matters will be carefully looked into by this committee.

"BARNEY" O'HARA IS DEAD

Pioneer of Portland and Ex-Member of Police Department.

Bernard O'Hara, another pioneer of Portland, died at his home, 714 Overton street, Friday night, the cause being disability resulting from advanced years. He was 72 years of age, and many years ago was a member of the Portland Police Department. By thrifty and profitable investment in real estate, he accumulated considerable wealth and retired to private life something like 15 years ago. He is survived by his widow and a daughter, Miss Catherine O'Hara, of this city. The funeral will be held from St. Patrick's Church Monday morning, and the interment will be at Mount Calvary Cemetery.

During his lifetime, "Barney" O'Hara, as he was more familiarly known to the older residents of Portland, was noted for his many charitable acts, for he seemed to take a keen interest in the wants of his fellowmen, and whenever the opportunity offered, he was always ready to offer assistance to the needy or those in distress. Of late years, he had practically retired from active life and devoted his time and attention to his family. A few years ago he purchased the property on Overton street and there erected a handsome home, where he died. Always of a jovial disposition and even temperament, he succeeded in making a host of friends during his lifetime, who now sincerely mourn his loss.

The night hawk makes no nest at all, simply laying its eggs in a slight depression in the ground. The eggs look so much like small stones that they pass undetected by the hunter.

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