

SEVERE L. W. W. HELD GUILTY; 2 ACQUITTED

Roberts Is Found Insane by
Montesano Jury.

FIRST VERDICT REJECTED

Original Findings on Barnett and
Lamb Changed to Second-
Degree Murder.

(Continued From First Page.)

room, accompanied by the two who were acquitted, Mike Sheehan and Elmer Smith, they were followed to the jail quarters by Sheriff John Berry of Lewis county, who served the warrants which held them for the murder of McElfresh.

Sheriff Berry read the warrants to the prisoners, already under conviction for the murder of Grimm, and to the two recently acquitted.

As the reading of the warrants was concluded, Elmer Smith, Centralia attorney, who had experienced but five minutes of freedom, threw back his head and burst into the strains of an L. W. W. song to the tune of "John Brown's Body." His nine fellow radicals joined with him and the defiant air rang through the prison.

"These men shall not escape the penalty of murder," asserted Prosecuting Attorney Herman Allen, when asked concerning the McElfresh warrants.

Though the state did not anticipate that the jury would find to find some of the defendants guilty of first-degree murder, preparation for any contingency led Allen to file yesterday at Chehalis, information charging the defendants with the murder of McElfresh. Warrants were forwarded to Montesano, and when the defendants entered the courtroom to learn the decree of the jury, these warrants were in Sheriff Berry's pocket.

Citizens' Comment Severe.

The verdict of second-degree murder caused severe comment among the citizens of Montesano and of Grays Harbor county who were in attendance when it was rendered. Public anticipation had been that several of the defendants, at least, would be found guilty of murder in the first degree.

The lesser verdict was commented upon freely as a compromise, as a shrinking from responsibility and as an offering to antagonistic radical labor. Members of the American Legion branded it as cowardly.

When the final verdict was read, with respect to the second-degree convictions, George F. Vanderveer, counsel for the defendants entered objection on the ground that such a return did not constitute a verdict.

Court Overrules Objection.

The objection was overruled by the court and the verdict entered. The defense has two days in which to move for a new trial, which Vanderveer asserts will be the action taken. He contends that verdicts of acquittal or of first-degree murder formed the only alternatives in the instances of the seven defendants held guilty of second-degree murder.

The court's instructions to the jury on this point declared that the right to protect the life of a man is not confined to the stationing of riflemen outside of the hall and that if the evidence convinced the jury that two or more of the defendants had conspired in such plan, such conspirators, whether parties to the actual firing or not, were guilty of murder.

Sentence will be pronounced upon the convicted men until the time limit for new trial motion has expired, said Judge Wilson. Vanderveer has indicated that he will move for a new trial. Preparation of argument will consume several days if this is done. No definite prediction can be made as to the time when sentence will be pronounced.

First Degree Asked by State.

In its arguments to the jury the state asked for the verdict of first-degree murder, but made no mention of the death penalty. Under the Washington law the exercise of the death penalty rests with the jury, which may return special verdicts in such cases as are held to merit the extreme punishment. Otherwise the penalty for first-degree murder is 15 years to life imprisonment.

"The verdict proves that a jury cannot be dominated by the arbitrary dictates of a court," was Vanderveer's comment upon the finding of the jury. Expressing opinion upon the arrests for the murder of McElfresh, the L. W. W. counsel asserted that Elmer Smith could not be tried for that crime, because it was, in his opinion, a continuous transaction and acquittal of the murder of Grimm constituted an acquittal of any participation in the entire armistice day tragedy.

As the jurors were polled for their affirmation of the second-degree verdict, only a few answers in kind of negative tone. The replies were almost uniformly low voiced. None of the jurors commented upon their verdict after dismissal. It was said that two jurors influenced the leniency of the verdict. Though each of the jurors, when accepted on the panel, had declared no objection to the death penalty in proper cases, it is said that not one of the panel would consider first-degree murder with hanging, while the verdict was under deliberation.

The air of the defendants was casual, as they entered the courtroom, though their faces were tense and serious. Bert Bland saluted Vanderveer in military fashion and counsel and accused smiled.

James McInerney, participant in the Everett affray as well as in the Centralia tragedy, turned his head nervously as the verdict was read and glanced about the courtroom as though seeking friends.

Eugene Barnett walked back to prison with his head held high, smiling and nodding to friends in the courtroom.

Roberts Is Declared Insane.
On the special ballot in the consideration of Loren Roberts, defendant, for whom the plea of insanity was entered, the jury declared that Roberts had committed the crime as charged, but that he was then insane, is now insane, and is apt to continue. The verdict means that Roberts will enter an asylum.

The verdict is apparently in the face of evidence, for even Dr. Arthur P. Calhoun, alienist of Seattle, called by the defense, asserted that Roberts was sane when he fired from Seminary hill and also when he made his subsequent confessions. Acquittal

was because of belief in the insanity of the defendant at the time of the crime.

The acquittal of Mike Sheehan and Elmer Smith was not entirely unexpected. Smith was charged with being an accessory to the murder of Grimm, in that he counseled the L. W. W. to arm themselves and instructed them in the law of defense.

The question of his guilt hinged upon whether or not he had told the defendants that it was their right to station riflemen outside the hall. The state contended that it was apparent, from the conversations he had with the L. W. W. that he was cognizant of this plan and gave it his approval. Mike Sheehan disclaimed any knowledge of the plan, or participation therein, but it was contended that to him had been offered a rifle, that he had expressed his willingness to aid in the defense of the hall, and had been barred from the use of firearms because of awkwardness.

The 12 jurors who returned the verdict were E. E. Torpen, farmer, Montesano; U. G. Robinson, foreman of the jury, carpenter, Hoquiam; Harry Sellers, laborer, Elmo; Carl O. Hulteen, farmer, Lake Quinalt; Frank Glenn, farmer, Brady; E. E. Sweetser, farmer, Oakdale; F. H. McMurray, teamster, Aberdeen; W. E. Immon, rancher, Elmo; Aubrey T. Fisher, real estate, Aberdeen; James A. Ball, blacksmith, Montesano; P. V. Johnson, paver, Aberdeen; and Samuel Johnson, fisherman, Montesano.

Guards at Jail Doubled.

Sheriff Jeff Bart of Grays Harbor county doubled the guards around the jail tonight. Troops are still on picket duty nearby, with others under call. But the rendering of the verdict and the final scenes of court were marked by no incident of violence or outburst.

Montesano folk believe that only the presence of the troops prevented the fruition of ugly rumors that were circulated throughout the trial to the effect that the radicals contemplated an armed action on behalf of the defendants.

Though it is not in evidence in the case, it was learned today that Warren O. Grimm, for whose murder the defendants were tried, was in Palo Alto, Cal., on May 18, 1918. It was on that day, asserted the defense, that Grimm participated in a previous raid upon an L. W. W. hall in Centralia.

Deliberation Lasts Nine Hours.

Rev. T. T. Edmunds, witness for the defense, declared that Grimm "danced like a howling dervish" at the destruction of the hall. Grimm, it is now definitely established, was married on May 18, 1918, at Palo Alto, to Miss Verna Barstad of Spokane—the same white-faced little widow who has listened to the trial of her husband's slayers.

The jury returned its first verdict at 6:40 o'clock. It had been in deliberation nine hours. Though it received the case at 10:20 o'clock Friday night, it did not enter into deliberation until this morning.

First Verdict Is Rejected.

At 5 o'clock this afternoon the court received word that the jury had agreed upon a verdict after nine hours of actual deliberation. The jury retired at 10 o'clock last night, but did not begin its deliberations until 8 o'clock this morning.

News that the jury had reached an agreement did not become general, and the throng that gathered in the courtroom was comparatively small. At 6:40 o'clock the prisoners entered, immediately followed by the jurors. Judge Wilson took the bench. The court was declared in session.

"Gentlemen of the jury, have you agreed upon a verdict?" asked the court.

One Verdict Is Rejected.

The sheet of verdicts was passed to the court. Judge Wilson scanned them, one by one. A puzzled look was noticeable as he inspected one document.

"This verdict, gentlemen, cannot be received by the court," said Judge Wilson. He turned toward counsel. "Gentlemen, will you confer with the court?" he requested.

George F. Vanderveer, L. W. W. counsel, Special Prosecutor Abel and Prosecuting Attorney Allen of Lewis county rose and complied. The conference was whispered, and the court and counsel inspected the verdict.

"Gentlemen," said Judge Wilson, turning again to the jury, "the court will not receive the verdict in this form, and you are instructed to return to the jury room and reconsider your verdict in accordance with the court's instructions."

PLEA OF SELF-DEFENSE USED

Insanity Claimed by Roberts, One of L. W. W. on Trial.

MONTESANO, Wash., March 13.—The ten defendants, all members of the L. W. W., according to admissions of their counsel during the trial, were charged with the murder of Warren O. Grimm, overseas veteran, who led the Centralia contingent of American Legion men in the patriotic parade in celebration of the signing of the armistice November 11, 1918.

Thirteen men were charged with Grimm's murder, two being still at large and another, Bert Faulkner, having been dismissed at the close of the state's direct case.

The defendants who went to trial were Britt Smith, Elmer Smith, Ray Becker, James McInerney, Bert Bland, Mike Sheehan, Eugene Barnett, Loren Roberts, John Lamb, O. C. (Commadore) Bland and Bert Faulkner. Faulkner was dismissed because of lack of evidence. John Doe Davis and Ole Hanson also were charged with Grimm's murder, but they have not been apprehended.

The jury comprised E. E. Torpen, 66, retired farmer, Montesano; U. G. Robinson, 57, carpenter, Hoquiam; Harry Sellers, 47, laborer, Elmo; Carl O. Hulteen, 35, farmer, Lake Quinalt; Frank Glenn, 46, farmer, Brady; E. E. Sweetser, 53, farmer, Oakdale; F. H. McMurray, teamster, 41, Aberdeen; W. E. Immon, 33, rancher, Elmo; Aubrey T. Fisher, 32, real estate, Aberdeen; V. Johnson, 34, paver, Alameda; Samuel Johnson, 37, fisherman, Montesano, and James A. Ball, 47, blacksmith, Montesano. The last named juror was originally selected as one of two alternates, he being chosen as a juror when Edward Parr of Hoquiam became incapacitated and was dismissed. Parr's illness delayed the trial several days. The other alternate juror, who did not participate in the deliberations, was A. R. Johnson, cigar dealer of Hoquiam.

Counsel for the state included Herman Allen, county attorney of Lewis county; C. D. Cunningham, Centralia, and W. H. Abel, Montesano, special prosecutors. Defense counsel included George F. Vanderveer, reputed counsel for the national organization of the L. W. W., and Elmer Smith, defendant, who was a practicing attorney in Centralia.

The case was transferred from Chehalis county to Grays Harbor county following a showing by the defense that a fair trial in Lewis county did not appear possible. A further change of venue from Grays Harbor county to Thurston was denied, although Judge John M. Wilson, who presided at the trial, is of the Thurston county superior bench.

Warren O. Grimm, for whose murder the men went to trial, was marching at the head of the Centralia legion men, when he was mortally wounded, prosecution testimony indicated. Three other legion men were dead at the same time, but no murder charges were forthcoming for these deaths.

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not satisfied, money back.

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NEW FACTORY AT WORK

EXPECTS TO INCREASE NUMBER OF EMPLOYEES, SOON.

Inventors and Stockholders Are All
Residents of City Where Industry Has Located.

OREGON CITY, Ore., March 13.—

(Special.)—The Stuart Puncture Proof Liner & Tire company started its machinery Friday, and during the afternoon had manufactured over six hundred interlinings that were exceptionally well made.

The company's plant is located in the northern part of the city, a large building adjoining the Willamette Lumber company having been leased. The company has over 20,000 feet of floor space, most of the machinery being located on the second floor, where the interlinings are manufactured.

An immense kettle, 12 feet long and four feet in diameter, manufactured by the E. E. Side Boiler works of Portland and the Oregon City foundry, has been installed on the first floor. All repair work will be done on this floor.

The office, on the main floor, is 10x20 feet, and at the rear is the storeroom, 24x40 feet. Here are kept the necessities for manufacturing the tires.

The company has started with six employees, all men, but expects soon to increase this to from 20 to 30 men, and will also give employment to about six women.

Among those being connected with the new manufacturing industry is G. Buchholz, a man of experience in this line, who will be foreman. B. J. Staats is manager.

There have been many cities endeavoring to secure the Stuart Puncture Proof Liner & Tire company, a large number of these being in the east, but the inventors, Dr. G. E. and

C. A. Stuart, father and son, and the stockholders, including many leading citizens of the county, have decided to have the plant located here in their old home town.

"Lafe" Cavanagh Dead.
Lafayette C. Cavanagh of 1475 Court street, Salem, died Friday at the age of 67. Mr. Cavanagh was known as "Lafe" Cavanagh throughout Marion and Polk counties, having come to Oregon from Iowa in 1885 and early located on the Howell prairie in Marion county. He is survived by his widow, his two daughters, Mrs. E. R. Wiggins of Portland and Mrs. O. L. Ragan of Denver, and two brothers, George W. Cavanagh of Salem and J. H. Cavanagh of Pasadena, Cal. Funeral services will be held today at the Rigdon Undertaking parlors at 1 o'clock.

Malpractice Damages Asked.
Mrs. Mathilde Oudenaert has filed suit in federal court here asking damages in the sum of \$25,000 from Dr. W. T. Phy of the Hot Lake sanitarium. She alleges she suffered the amputation of a foot following treatment by him.

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Special Diamond Engagement Rings \$50—\$75—\$100

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Jacoby's Lucky Wedding Rings

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