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### CIRCUIT COURT

- 1. D. M. Osburn & Co vs John Harpole; confirmation. Confirmed.
- 2. Sternberg & Senders vs Polk Harpole; confirmation. Confirmed.
- 3. E. E. K. Benedict vs The Siuslaw Timber & Logging Co; confirmation. Confirmed.
- 4. J. W. Wheeler vs E. B. Winter; to recover money. Dismissed.
- 5. Dorris & Stevens vs Wm H. Ileo; to recover money. Evidence taken.
- 6. Malvina J. Hayes vs A. J. Johnson, sheriff; Referred to Mrs. Emma Thompson to take testimony; cause to be tried in vacation.
- 7. H. C. Owen vs W. W. Withers, sheriff; Injunction. Referred to Emma Thompson, court reporter, to take testimony. To be tried in vacation.
- 8. Lulu Pearl Baier vs A. J. Johnson; divorce. Referred to E. B. Lonsbury to take testimony and report at this term of court. Decree of divorce and plaintiff's name is changed to Lulu Pearl.
- 9. H. E. Noble vs L. J. Yoder; to recover money. Default. Judgment for \$100 and sale of attached property.
- 10. Chas. L. Adams vs L. J. Yoder et al, foreclosure. Judgment rendered for \$340, interest \$550, and attorney fee of \$50. Excess of proceeds of sale to be paid into court to satisfy lien of defendant, J. W. Crider.
- 11. H. L. Lawrence vs H. Jones, administrator of the estate of W. K. Jones; confirmation. Confirmed.
- 12. J. H. Seever vs R. Smoole; confirmation. Confirmed.
- 13. J. H. and Elizabeth Seever vs R. Smoole; confirmation. Confirmed.

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### LIFE SENTENCE.

### Courtland Green Receives a Life Sentence.

### LIFE IMMUNITY GRANTED

### A Highly Sensational Letter Introduced.

### JUDGE HAMILTON'S REMARKS

Daily Guard Nov 7. This forenoon at 11 o'clock was the hour set for the sentence of Courtland Green, who entered a plea of guilty to the murder of John A. Linn, last week. He was brought into the court promptly at 11 o'clock by Sheriff Withers. The court room was crowded with people, many ladies being present. The court said he would now hear evidence as to the degree of murder, as provided for in the statute under Section 172 (529). "If upon an indictment for murder the defendant be convicted upon his own confession in



COURTLAND GREEN.

open court, the court shall hear the proof and determine the degree of murder and give judgment accordingly."

District attorney Brown first submitted the two confessions of Courtland Green in the matter and they were read to the court. [The confessions were virtually the same as Green's evidence in the Branton case, only being different in a couple of immaterial matters.] H. J. Day called and testified; an deputy sheriff; saw Green on the 10th day of July, and Green made a confession in the sheriff's office which was reduced to writing. He identified the confession and it was introduced in evidence on the 13th day of July. Green also made another confession—the second one. He identified it and the same was introduced in evidence. I think some things he, Green, stated on the 10th of July were not reduced to writing. The additional facts were:

In the first place he said he did not sleep in the corral, on the night of the murder, but afterwards admitted he was present at the killing. Said that Green stated also that he was at all times against Branton killing Linn. Clarence Branton called and testified; Know Courtland Green; came from Cobb's place to Condon with him knew Green in his life time; on the road from Condon to Cobb's Green stated that he had no sympathy for Linn; that he didn't intend working any more; that Linn's horses would give him a good start; that people would not smell Linn on the desert; I talked to Green about the intended killing at Cobb's and near Cold Springs; he said he had no intention now to harm Linn, that I was mistaken in the idea that he intended harming Linn. He also thanked me for talking him out of the notion. The council for the State then read the following motion, and highly sensational letter:

MOTION FILED. "Now at this time, comes the State of Oregon, by its attorneys, George M. Brown and L. T. Harris, and moves the court that the penalty in the above entitled cause be fixed at imprisonment in the penitentiary of this State

during the natural life of the said defendant, Courtland Green. That the ground upon which this motion is based is that the said defendant was used as a witness in behalf of the prosecution, during the trial of his accomplice, Claude Branton, and the said Courtland Green fully and fairly disclosed the guilt of himself and his associate in crime, and his testimony was of the most material character in this; that his testimony was the only direct evidence of the 'body of the crime.' "That the said Courtland Green being used by the State as such witness has the implied promise of the law that he shall not hang."

Now at this time, comes the State of Oregon, by its attorneys, Geo M. Brown and L. T. Harris, and moves the court that the copy of letter written by Claude Branton, hereto attached, to be made a part of the record in this case, and it is offered for the purpose of showing what inducements have been made to said defendant to testify falsely and to explain why implied immunity was given by the State, as follows: "July the 5; on Revenue race I have made a very poor race and lost my money up the chance is good that nobody from Eastern Oregon has done anything yet. So I will ask of you another chance for us and a hopeful one that is to see Cortie and tell him to be sure in mind that we must not forget what happened on that trip, and how him and I got into difficulty disputing over them horses. He said that he would rather kill every one than to let me have a single one because I would not splices with him and I would a settlement so we began to dispute and he picked up the axe and said that he would not only kill horses but he would kill me too. And started at me him being on the South side of me about 20 feet or more only reached within about 6 or 8 feet of me. And two shots were fired; instantly the victim fell back wards and I instantly grappled him and piled him in the middle of this burning flames of a big log heap fully 6 or 7 feet high and 12 or 15 feet long which we had prepared on that stormy night while Corty was getting out some dried Peas for 'Dave' on the north of myself. After he said he would kill me I never said a word back but felt for my gun which was in my hip pocket. Corty wants to bear in mind that it was led on by me not going in with him when that was not the trade we made. I took them on the share. And he was to pay me for dave which he had not done and wanted me to take him and nothing for all summers work and breeding and because mother did not stay he was mad. He ants to memorize this and not have much to say and not tell this until the last thing. hang on until this will only save him and stick to it that he never touched him and I never took a thing. I am writing on the train and it going. This is the last time for a while. Good bye.

GREEN'S ATTORNEYS. Attorney Geo A. Dorris then addressed the court. He stated that Green's attorneys, Mr L. L. Stevens and himself, had advised Courtland Green to tell the whole truth concerning the murder and that he had done so; that they had promised immunity for their client; that he thought that Green should be allowed to withdraw his plea of murder and substitute one for murder in the second degree. The state had given them promise that Green should not hang.

JUDGE HAMILTON'S RULING. The court said that the defendant had entered a plea of guilty to murder; and had appeared as a witness in the case of the State vs Branton; and he was an accomplice; that according to the statement of District Attorney Brown, it was understood by inference that immunity was offered; such a power was granted by the state to prosecuting attorneys in such cases to make said promises; that the defendant Green had carried out his part of the agreement; he spoke by reason of the advice of his attorneys, and told the whole story of the murder; to not grant him immunity would be a breach of faith; the policy of the law in such cases is plain; about the only evidence against Green is his own mouth; he could not have been convicted only by his own confession; Branton could not have been convicted without Green's testimony, as his evidence proved premeditation and deliberation; a letter has been introduced showing that Branton did the killing; the court therefore cannot find him guilty of murder in the first degree.

THE SENTENCE. The court then recommended the prisoner to arise, which he did, when he, Judge Hamilton, said: "This plea of yours is a plea of the highest crime under the law. But it appears that you have voluntarily confessed that you were a part to a killing, a most heinous crime, the taking of life, the taking of the life of the old man there under circumstances of the greatest cruelty. There have been circumstances here showing that you made a confession and that largely from your testimony the state has been

able to ferret out and bring to light the crime of taking life, of which only you and Claude Branton had knowledge.

Under the rule of law the court can not deprive you of your life, but will find you guilty of murder in the second degree, under which I will sentence, that you be confined in the penitentiary the remainder of your life.

COURTLAND GREEN. The prisoner when sentenced never changed his expression whatever. He looked cool and icy.

Sheriff Withers has not determined when he will take him to the penitentiary, but in a day or two, perhaps.

conclusion of such evidence the State moved the Court to reduce the penalty to be imposed upon the said Courtland Green from the death penalty under his plea of guilty to murder in the first degree to life imprisonment.

Whereupon Geo A. Dorris Esq of attorneys for said Courtland Green advised the Court that said Courtland Green entered his plea of guilty as charged and testified against this defendant on the advice of his counsel, and thereupon moved the Court for leave of defendant to withdraw his plea of guilty of murder in the first degree as charged, and that he be permitted to enter a plea to said indictment of murder in the second degree.

Whereupon Geo M. Brown, the district attorney, stated to the Court that the whole matter was in the Court's discretion and while he would make no motion in this matter, he would make no objection to the request of counsel for defendant, Courtland Green.

The Court thereupon announced that the defendant's plea of guilty imposes on the court the necessity and duty to determine the degree of defendant's guilt under his plea of guilty of murder in the first degree. And thereupon the Court proceeded to show from the evidence offered in mitigation that the defendant, Courtland Green had given valuable evidence against the defendant Claude Branton, who had been convicted of murder in the first degree, and that in the absence of Courtland Green's evidence such conviction probably could not have been had, and that the evidence so given against said Claude Branton by the said Green could not be used against the said Green to secure his conviction, therefore the Court ought to take into consideration the value of Green's evidence in imposing sentence upon said Green, whereupon the Court proceeded to pronounce sentence and judgment against the said Courtland Green of murder in the second degree—that the said Green be confined in the penitentiary of the State of Oregon for the term of his natural life, and that the State have judgment for its costs and disbursements of this action.

That upon hearing of evidence for and against the said Courtland Green in mitigation of the crime of murder in the first degree for the killing of John A. Linn to which indictment the said Courtland Green had entered a plea of guilty as charged, the District Attorney Geo M. Brown by permission of the Court filed in evidence an alleged copy of an alleged letter tending to implicate this defendant in the commission of said crime to the injury of defendant's substantial rights and in violation of Section 1400 of Hill's Code.

Brief arguments were made by Attorneys Norton and Bilyeu for the defense and District Attorney Brown, for the State.

MOTION OVERRULED. Judge Hamilton overruled the motion, saying that all the matters in the motion, with the exception of the proceedings in the Green accomplice matter, had been passed upon by the Court. That an official record of said trial was made and that defendant had the advantage of the same if any error had been made. He did not think fatal irregularities had been made. He used every endeavor to give the defendant a fair and impartial trial, and believed he had had such. Therefore, he would overrule the motion.

The Sentence. Judge Hamilton said: "Mr Branton stand up. Have you anything to say at this time why sentence should not be passed upon you?" Prisoner Branton—"No I have not."

Judge Hamilton—"You have been convicted of the highest crime under the law. You have been tried by a jury of your country, fairly and impartially selected. You have been defended by able counsel who have used every effort in their power to secure your acquittal, or a verdict less than the one rendered in this case. I do not here propose to review the evidence given against you. To recall the evidence of that night on which the light of John A. Linn went out and your accomplice, Courtland Green, were then present, must be sorrowful and painful enough to you at this time, without again harrowing your mind or reviewing it at all."

"The court has a painful duty here to perform. "The sentence for the crime of which you are convicted is that on FRIDAY, the 21 day of December 1898, at the hour of ten o'clock, that you be taken to the jail yard, where you are now enclosed in the jail, and then in the presence of twelve bona fide electors of Lane county, Oregon, that you be hanged by the neck until you are dead, and God have mercy on your soul."

Judge Hamilton delivered the sentence in a firm tone of voice but was much more affected than was the defendant, Branton, who stood cool and without apparent feeling in the matter.

### BRANTON'S DOOM.

### Judge Hamilton Passes the Death Sentence on the Prisoner.

FRIDAY, DECEMBER 23, 1898

### The Murder of John A. Linn to Be Avenge.

### CASE WILL BE APPEALED.

Daily Guard, Nov 8. The court room was well filled with people, including a sprinkling of ladies by 9 o'clock this forenoon, to witness the sentencing of Claude Branton who was convicted of murder in the first degree last week for the killing of John A. Linn on the Cascade Mountain.

The prisoner seemed to be about in his normal condition. However, when he answered the Court it was with a slight tremor and he was quite solemn.

This was the first sentence for hanging ever pronounced in Lane county. There have been two life sentences prior to Green's.

The prisoner seemed to be about in his normal condition. However, when he answered the Court it was with a slight tremor and he was quite solemn.

Spain will sign it. Will Accept the Inevitable, but Under Protest.

Madrid Correspondent's Report: LONDON, Nov. 7.—The Madrid correspondent of the Daily Mail says: "Spain will sign the peace treaty under protest."

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