

"I'LL KILL HIM" SAYS "PETE" GRANT

THREAT AGAINST THE LIFE OF
"MYSTERIOUS BILLY" SMITH
MADE WITHOUT RESERVE IN
OPEN COURT DURING GRANT'S
TRIAL.

Magistrate Reid Dismisses the Charges
Against the Boarding-House Keepers
and Refuses to Put Revolver-User
Under Peace Bond, as "He Intended
No Injury if Left Alone"—Violent
Language on Both Sides.

After two hours of accusation, recrimination and denunciation, with such choice epithets as "cur," "yellow dog," "mad dog," the two charges of assault made by "Mysterious Billy" Smith against "Pete" Grant, "Jack" Grant (his brother), "Joe" Simpson and L. M. Sullivan were dismissed by Justice Reid yesterday afternoon.

The court decided that there was not sufficient evidence to hold the defendants to the grand jury on a charge of assault with a dangerous weapon. Neither did he consider that the testimony warranted their being found guilty of a misdemeanor in pointing a revolver at "Mysterious Billy" Smith. Nor did the justice feel justified in placing "Pete" Grant under bond to keep the peace, even after Grant had openly declared in court that he carried a revolver to kill Smith should Smith ever lay a hand on him.

"In reviewing the evidence," said Justice Reid, "it seems to me that Smith was wrong in leaving the bridge to go below to see Grant. If the latter drew the revolver in good faith, he was justified in doing so. There is no question he would have shot if Smith had struck him, and I believe he would have been justified in doing so.

"I do not think the case should have been brought before the court, as it was a row between these contending parties. I do not believe Grant intended to injure Smith unless attacked; neither do I think the evidence shows beyond a reasonable doubt that an assault was committed. Therefore all the defendants are discharged.

"In my opinion, it is not necessary to hold Grant under bonds to keep the peace, as he intended no injury to Smith if left alone. I would advise these parties to keep away from each other, and in this way keep at peace."

Grant Renews Threats.
According to Pete Grant the White-Smith crowd party was about his place of business last night ostensibly seeking revenge. When he and Mrs. Grant went to the theatre he says he took good care to see that there was no ambush.

"None of that gang had better bother me," he said at police headquarters, where he called this morning. "If they attack me I'll shoot, and if they get out of sight and attempt any dirty work I'll use the gun. Smith threatened to cut me open with a knife at the time of our trouble Tuesday, and I don't want any knife play. He should have accepted my invitation to a gun duel down near the dock where no innocent outsiders would have been hurt."

"Bats," "Curs," "Dogs."
It is many months since there has been a case tried in Portland where bitterness of feeling was so marked as in this trial. Witnesses for both sides perished in referring to the opposing parties as "rats," "curs" and "dogs." "Pete" Grant gave notice to the court that he would kill "Mysterious Billy" Smith if the latter ever attempted to strike him.

The state was represented by District Attorney John Manning, assisted by W. T. Hume appearing for Smith and the White brothers. The defense was conducted by Henry McGinn, who berated the other side in language too violent to be misinterpreted. During the progress of the case Attorney Hume and McGinn more than once indulged in personalities, which were stopped by the court.

Early in the trial the case against L. M. Sullivan was dismissed on motion of the state, because it was shown that he was in a boat at the time of the alleged assault.

The Valorous "Mysterious Billy."
"Mysterious Billy" Smith was the first witness. With Harry and "Jim" White he was standing on the steel bridge about noon Tuesday. He testified that he saw "Pete" Grant, on the dock below, making faces at him.

"I told him I'd spit in his eye if he didn't stop," he testified.
Upon invitation, he went below to fight "Pete" Grant, when the latter drew a revolver and said he would shoot to kill. Smith replied that he did not care to fight Grant to shoot him then and there.

"Jack" Grant stood behind me with a gun," continued the witness, while Joe Simpson was a few feet away, also with a gun. I told them to get out of there and told them to put up their hands and I'd lick all three of them. "Pete" told me to get a gun and shoot it with him, and when I said we had no weapons he called me a quitter."

Smith and McGinn Tilt.
On cross-examination Attorney McGinn held the witness without gloves, but Smith was equal to the occasion and did not spare the examining lawyer.

"Did you not threaten to kill that sickly old man, John Hietzer?" asked McGinn, pointing to a witness in the room.
"Now, I didn't," replied Smith, "but I said I'd give him a punch in the belly if he didn't quit mixing in my business."

"Brave man, you are! One of the roughest prizefighters in the business, threatening to deal this old man a blow that would have killed him," retorted the lawyer.

"I ain't no prizefighter no more," replied the witness. "I'm only an ordinary man."
"Didn't you but recently fight Joe Walcott, the best man in his class?"
"The best man, barring 'Tommy' Ryan. I did think myself as good as Walcott, but I ain't in the business no more."

Attorney McGinn, proceeding, characterized Smith as no ordinary man physically, branding him as one of the roughest and toughest men in the ring, who had won and lost more fights on feet than any other man in the city.

Referring to trouble with "Larry" Sullivan, Smith admitted that they had "had words."

"You and 'Larry' tackled me," said the witness.
"Then I must have been laid up for four months," replied McGinn. "You must understand that you cannot bulldoze or terrorize or kill any man. No man is going to stand your dirty work."

"Nor to be double-crossed by you," retorted the prizefighter.
"What kind of faces did 'Pete' Grant make at you?"
"I couldn't screw my face up like he did," said Smith.

A. C. Hahn, Ed Heiser and John Allen, pedestrians on the bridge, saw "Pete" Grant with revolver in his hand. Harry White, who was with the mysterious one, followed on the witness stand. He corroborated Smith's story,

adding that Grant cried: "If you come further I'll kill you."
According to White, "Jack" Grant also had a gun in his right-hand pocket. The Grants refused to fight and "Pete" threatened to kill the Smith crowd.

You Keep That Thousand-Dollar Bill.
"You are one of three men," said Attorney McGinn, on cross-examination, "who are going around bulldozing people. You are a lot of blackguards, curs and vile men. Again I call you a cur, and you can't whip me. You think you can terrorize people."
"Yes, and you kept that thousand-dollar bill we gave you, and did a lot of dirty work in the legislature—didn't you? You gave us the big double-cross."

John Betts, shipping-master, called by the defense, admitted on the stand that he had offered a captain of a vessel \$500 to let him ship his crew. He testified that he met White and Smith Monday, when the latter called him names and threatened to punch him for interfering in his (Smith's) business. He had also offered to whip the Grants and Sullivan, and designated Betts as the fourth man. Betts told the Grants of the threat the same afternoon.

"Jack" Grant next gave his version of the affair. He said he had a gun, but did not take it from his pocket and did not stand behind Smith to shoot him. He did see Harry White have a revolver, but did not know about Jim White. He said that "Pete" Grant had told Smith he was physically unable to meet him, and wanted no trouble. "Come no closer or I'll kill you," "Pete" had said to the mysterious one. He and his brother had heard the Albino "bunch" intended to "lick" them and they intended to be on the safe side.

"Pete" Grant denied making faces at Smith. "Bill, don't you lay a hand on me or I'll kill you," he had said to Smith.

Says in Court, "I'll Kill Him."
"I had more words with this prize fighter," continued Pete Grant on the stand, "and when I invited him to meet me on equal ground he quit like a cur."

Now, in open court, I want to say to every one, and to Billy Smith in particular, that if I have to protect myself I'll shoot Smith down like a mad dog or cur, such as he is. I believe I would have killed him if I had found him Tuesday afternoon, and I have not changed my mind a bit. I have seen many marks of his handiwork in the past 20 years, and I'll give him warning to put no trademark of his on me.

"I expect this Mysterious Billy to hunt me up some day when he is drunk but if he ever attempts to bully me I will protect myself and it will be an awful busy day for Smith when he does. He beat up Larry Sullivan and the Whites have backed him up. He'll not beat me up."
"No, sir. I don't talk to that gang, and I don't want to. I'll attend to Smith, and the rest of them, they are a lot of dirty curs. Jim White's heart was up in his mouth during the time I kept Smith back at the point of the gun."

"Yes, judge, I am armed at this minute, and am carrying a gun to protect myself. I want that dirty gang to let me alone. I am no match for Smith, although a bigger man. He is a hard nut, but I put my gun in my pocket when I saw he had none. Of course we both abused each other some at the time, but I think I exercised great forbearance in not killing Smith then and there. I felt justified because he threatened me. Mind what I say, if he tries to hit me I'll shoot him like a dog if I can."

As he left the stand Pete Grant indulged in a tirade of abuse directed towards Attorney Hume who had cross-examined him and scored the witness for his terms of opprobrium. A violation of law in carrying a revolver and declaring he would kill Smith. He said Grant was merely seeking an excuse to kill Smith. Mr. Hume appealed to the court from Grant's remarks, and Attorney McGinn admitted that his witness had gone too far.

Joe Simpson, one of the defendants, works for the Portland club, but formerly was with the Grants. He testified emphatically that he had a revolver at the time of the altercation, but denied that the Whites carried weapons.

Lawyers Grow Warm.
Attorney Hume scored Pete Grant, calling on the court to disbar the witness and to place heavy bonds to keep the peace. He said Mysterious Billy was not to be hounded like a cur because he had been in the prize ring, and said that Grant was just seeking an excuse to kill Smith. Smith, he said, had made no threats.

"This man Grant," said the lawyer, "calls people curs with impunity. When he gets a man he can lick he wants to fight, but if he sees a man he can't lick he wants to kill him."

Attorney McGinn characterized Pete Grant as a law-abiding citizen and branded Smith as one of the roughest and dirtiest fighters in the world. He said that the three men on the other side had set out to "lick" their enemies, and when such methods were tried it was time to defend one's self.

"Grant did what any man had a perfect right to do," he said, "for Smith would have laid him up in bed for a month. I hope this alleged offense will be repeated if Smith bullies him again. It is a prize fighter's business to take a licking and get laid up. He's paid for it, but the ordinary man has no time to do that. At that, Bill Smith is the best man of the three. The Whites are simply using him for the 'fall guy,' but when there is any punishment to be given they'll let Billy get it all, for they won't be there."

Attorney Hume made a few further remarks in which the sailors' boarding house question was brought up and considerable bitterness between the attorneys was displayed.

After the dismissal of the case the contending factions walked away in opposite directions and there was no clash between them.

MRS. BLAINE'S ESTATE.

Augusta, Me., Aug. 27.—Mrs. James G. Blaine's estate has been valued at \$2,000,000.

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TURPIN IN PETTICOATS



H. W. HAYNIE.
The Gentleman Desperado.

(Continued from Page One.)

recall any such man as Haynie ever working for him.

"He may have been employed on Saturdays or on special sale days," said Mr. Strain, "but I do not remember him."

No Orders to Arrest.

Chief of Police Hunt said this morning that he had at no time received orders from Seattle to place Haynie under arrest. Further than that the Portland chief refused to discuss the case.

"It would be unprofessional," he said, "in regard to the statement from Seattle that Haynie worked in a butcher shop, the proprietor of which was sent to the penitentiary for cattle rustling."

SALT LAKE OFFICIALS RECEIVED BY MAYOR

The visiting delegation of Salt Lake officials reached Portland in their special car from Astoria at 1:30 o'clock this afternoon and were received at the depot by the local officials, headed by Mayor Williams.

Twelve carriages were at the depot, and the visitors were taken around driving during the afternoon, visiting the City park, the site of the proposed Lewis and Clark fair and other points of interest. They leave again this evening on the return to Salt Lake.

The reception committee consisted of Mayor Williams, City Auditor T. C. Deville, City Treasurer J. E. Werlein, City Attorney McNary, City Engineer W. C. Elliott, Councilmen Sigler, Albee, Zimmerman, Sharkey and Messrs. Curtis and Goddard of the executive board.

Following is the personnel of the Salt Lake party:

Police Chief John Burbridge; Municipal Judge C. B. Diehl; Councilmen Davis, Cottrell, Vigus, Spence, E. H. Davis, Hewlett, Keadley, Tuddenham, Fernstrom, Shaper and Arnold; City Recorder Joe Nystrom, Building Inspector F. M. Ulmer, Russell Lowry of the Salt Lake Tribune, Fish and Game Commissioner John Sharp, Park-keeper C. A. Erick, City Treasurer J. E. Deville, A. P. Kessler of the street department, City Engineer F. C. Kelsey, Leslie Spence, R. Johnson and F. Anderson.

PYROTECHNIC SIGHT FROM OLD VESUVIUS

Naples, Aug. 27.—The people of this city and environs witnessed a remarkable spectacle which occurred at old Vesuvius this morning. The eruption formed a thousand feet below the central cone and a stream of lava poured down the volcano's side threatening to destroy the observatory, but was deflected by a pile of lava which was thrown out in 1895. The eruption occurred without a moment's warning, and the usual earthquake was not attending. A clear stream of lava rose to a height of 700 feet with beautiful effect. No danger was experienced except to villages at the base of the mountain.

SECTION FOREMAN IS FOUND ON TRACK

(Journal Special Service.)

Pendleton, Aug. 27.—Robert Tyson, O. R. & N. section foreman, of Simons, Wash., was found dead on the track at Simons this morning with his body mangled and foul play is suspected. Tyson had trouble with some Japanese laborers and it is suspected that they murdered him and laid the body on the track. Simons is a lonely side track 20 miles north of Wallula. The company is investigating.

PAID TO MURDER THE ROYAL COUPLE

Munich, Aug. 27.—Lieutenant Petrovic, a nephew of the late King Alexander of Serbia, declares that the Obrenovic party still exists in Serbia, and is hopeful of overthrowing the present dynasty. He asserts that he possesses absolute proof that King Peter paid the murderers to do to death Alexander and Queen Draga. The amount was in cash for the commission of the regicide.

EUGENE BOYS ARE RELEASED OF CHARGE

Eugene, Or., Aug. 27.—The case against Driver Jenny and Hopkins for holding up the United States mail wagon was argued before Commissioner Walton. The boys were released as the evidence only showed that they had made a threat.

the chief of police said:
"I never heard of such a case."

Haynie's Crimes.

Haynie, by his own confession to the Seattle detectives, committed the following robberies:

Gans, at Third avenue and Blanchard street.

H. Welby, at Fourth avenue and Vine street.

A boy named Ed Martin.

T. P. Fay.

All of these were committed last Friday night. The prisoner denies having anything to do with the robbery of the little drug store at Harrison street and First avenue. His whole booty amounted to less than \$12. Haynie is held under bonds in the sum of \$1,750.

PARTING WORDS TO NEW BISHOP

On next Tuesday morning at 9 o'clock Right Rev. Charles J. O'Reilly, the recently promoted bishop, will take official possession of the cathedral at Baker City, the scene of his new labors. This will be quite an important ceremony, accompanied with the usual rites and features provided for such an occasion, and will be attended by the clergy in general.

Following the morning program there will be a public reception in the Baker City opera-house on Tuesday evening, arranged for by several of the civil organizations and prominent citizens of that place.

The new Bishop will leave for Baker City on Monday morning, and will be accompanied by a number of the prelates of the order. He received the papal blessing with the official announcement of his promotion from the pope at Rome.

THINKS HE'S RIGHT BUT WON'T FIGHT

J. E. Povey, the glass merchant, who fought his own case in the police court yesterday where he was arraigned on a charge of refusing to move on when ordered by Patrolmen Gibson and Baty, has decided to drop the matter and submit to the decision of the court, which imposed a fine of \$5. At the conclusion of the trial yesterday Mr. Povey announced that he would have his attorneys appear for him and cite authorities to prove that the statute was unconstitutional, but after consideration he decided to pay the fine.

SAGAMORE HILL HAS A VERY BUSY DAY

Oyster Bay, N. Y., Aug. 27.—Sagamore Hill was thronged today. Financial talks and the postoffice scandals were the principal discussions. Jacob Reis stopped for breakfast, and Hamilton Garland talked of Indian affairs. Congressman Fowler discussed the currency bill and a dozen other men of prominence visited the "Hill."

MAKE TURKISH HORROR SPOT

Berlin, Aug. 27.—The local Anzeiger has been advised that the Macedonians intend to loose Asiatic plague, cholera and smallpox bacilli in Constantinople, and threaten to poison the river from which the water supply is obtained, making the Turkish capital an unprecedented horror spot. The Sultan is in a panic, and has ordered extraordinary precautions to be taken.

COLLISION WITH THE USUAL RESULTS

(Journal Special Service.)

Kansas City, Aug. 27.—A trolley car running at full speed collided with a hook-and-ladder truck going to a fire this morning, seriously injuring F. O'Reilly, Ben Fitzgerald and John Redmond.

HEAD STRUCK A POST.

L. Millard is a patient at St. Vincent's hospital, where he is in a serious condition as the result of an accident on the Northern Pacific railroad yesterday. Millard was the fireman on the North Coast Limited, and while the train was running at a rate of 25 miles an hour he looked out of the cab window and received a terrific blow upon the head from a projecting post. His skull was badly injured and he was brought back to Portland unconscious. Today he had not recovered his senses. While his injuries are very serious, he may recover.

RELIANCE AHEAD AT THE FINISH.

(Continued from Page One.)
cession. The wind holds to the south-east, with six to seven knots, and it is more than likely the yachts will finish within the time limit.

At 12:30 the Reliance tacked to starboard, and was followed a minute later by the Shamrock, which crossed in the Reliance's wake. The defender then tacked to port again and the Shamrock immediately tacked to starboard. The Reliance again tacked.

Expert yachtsmen say that Captain Barr is handling his boat today in the most masterly manner ever witnessed in boat racing. He seems to feel every breath of wind and with a slight turn of the wheel keeps the Reliance at the highest possible speed.

Bounded Outer Mark.

The two yachts rounded the outer mark at about 1:35 and the excursion fleet, which was being held far off by the revenue boats, on account of the light wind, are now heading in toward the finish line.

At 2:10 the wind freshened and the yachts are almost certain to finish within the time limit and can not be seen now for the mist.

Reliance Comes In.
At 2:40 the Reliance has just emerged from the haze on the horizon, and is carrying mainsail and spinnaker. The Shamrock can not be seen yet.

A Mile in Lead.
At 2:45 the Shamrock poked up through the haze, but far astern of the American. The race is in the hand of the Reliance. The Shamrock's sailing is hopeless. At 3 o'clock the Yankee leads by over a mile.

"Lipton Can Foot Bills."

Glasgow, Aug. 27.—The Scotch press is exceedingly ill-natured over the Shamrock's defeat. The Scotsman this morning says: "Away with the incoherent boasting of Lipton, whose sole qualification is that he can foot the bills." It says a responsible yacht club should take the matter in hand.

DOHERTY BEATS LARNED.

(Journal Special Service.)
Newport, R. I., Aug. 27.—Doherty best Larned in straight sets and won the American national championship today.

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