

QUEER ACTION OF JURY IN CHANGING VERDICT CRITICISED

After Standing 11 to 1 for the Plaintiff, Juror Offers Latter Job, and Decision Favors Defendant in Damage Suit.

Remarkable disclosure of how a jury that stood 11 to 1 in favor of the plaintiff switched over and found a verdict for the defendant, all because one of the jurors promised his fellow jurors that he would give the plaintiff, employment himself if the company refused to give him work again, was told this morning by W. G. C. Woods, one of the jurors in the case.

Woods says the jury could not have agreed except for this promise regarding the employment of John A. Sanderson, who was suing the Peninsula Lumber company for \$25,000 damages. The juror who promised that Sanderson should have a job, according to Juror Woods, was James A. Ellis. Woods says Ellis declared he would see the lumber company management personally and intercede with them to give Sanderson a job, but if the company refused he would furnish employment for Sanderson himself at \$2.50 per day.

Ellis was one of three jurors who stood out originally for the defense, the others being F. M. Batchelor and S. S. Apple. The latter was a former employee of the company, but said he could try the case fairly. He and Ellis finally agreed to give the plaintiff a small verdict, and the jury voted 11 to 1 for some time. Batchelor could not be budged, however, and would vote for nothing except a verdict for the defendant.

Then, Woods says, Ellis made the proposition about furnishing employment to the plaintiff. The other jurors, feeling it was hopeless to contend longer for a verdict for Sanderson, concluded the best thing to do was to take the Ellis solution. So the jury, after 21 hours in the jury room, returned a verdict for the company last Saturday.

W. M. Davis, attorney for Sanderson, will make this jury room agreement the basis for a motion for a new trial. He contends that a juror has no right to figure out a settlement in the way Ellis did. Yesterday Ellis kept his promise to the jurors and interviewed the former employers of Sanderson. He was successful, and the company took Sanderson back into its employ today.

SECRETARY CALLS KERBY UNWORTHY AND TREACHEROUS

(Continued From Page One.)
ously communicate, show you unworthy and unfaithful. The fact that your treachery is futile cannot mitigate the character of your offense. For the good of the service you are hereby dismissed. Respectfully,
(Signed) "R. A. BALLINGER."

Washington, May 16.—The dismissal of Stenographer Kerby is another of the sensational which has developed in the Ballinger case in the last three days. Saturday Kerby made a public statement in which he told of the preparation of the Lawler memorandum. Following this Wickliffe sent a copy of the Lawler memorandum to the investigating committee, and later the president issued a letter of explanation saying he had ordered Lawler to frame the letter, known as the memorandum, and had told him to write "as if he were president."

The "prosecution" in the Ballinger investigation is trying to figure out just why the Lawler draft was sent to the senate when that body called for "all documents" in the Ballinger controversy, or why it was not produced in answer to a score of specific requests made by the attorneys for the "prosecution" before the committee.

Taft Due to Explain Some.
A new phase of the case came up today when Kerby declared that the interior department was informed by telegraph that his statement regarding the Lawler letter was to be published,

and Stenographer Massey, who helped in the preparation of the letter, was sent to him to find out if it were true. The interior department, Kerby said, had received a telegraphic summary of the statement.

Massey asked him, Kerby continued, whether he intended to allow the statement to be published. He declared that he did. Three hours after this, he said, the Lawler memorandum was in the hands of the investigating committee. The attorneys representing Glavin and others on the side of the "prosecution" will endeavor to investigate this reported conference and will try to find out whether the attorney general and the officials of the interior department were influenced by Kerby's statement. Other points that it is declared they will investigate when the hearing is resumed, is why the president included in the documents regarding the controversy the Wickliffe "summary," which he admits he did not have in the form submitted at the time he exonerated Ballinger, and did not send the Lawler memorandum, which he admits he did have.

UNMASKING OUTLINE OF ITS FIGHT, DEFENSE AT COLVILLE OPENS CASE

(Continued From Page One.)

An agency. Then, he and his wife, Peppoon said, went to Ashley, Minn., on a farm, and then to Presidio, N. D., where they stayed six months, moving next to Webster, N. D., where Peppoon operated a grain elevator. Then they moved back to Ferguson Falls, where he traded real estate. Next, the Peppoons went to Nettleton, N. D., where he ran an elevator.

Moved to Northport in 1905.
"We got to Northport, Wash., on December 2, 1905, and went out to a piece of land, on which I filed, about eight miles north of Northport," said the defendant. "We lived on the homestead for a year and eleven months, and then she became ill, and she was committed to the asylum for the insane at Medical Lake, Wash."

"Edith Peppoon stayed in the Medical Lake institution for a few days more than four months, when Peppoon took her out and to the home of her parents, at the home of her father, E. J. Peppoon, at Portland. He stayed with her only a few days."

"I was called to Portland on May 20, 1909," Peppoon testified, "by telegram, and found her mentally unbalanced and physically weak. I had her operated at the Good Samaritan hospital for physical troubles. Then after two weeks I took her to the Crystal Springs Sanitarium at Portland, where she stayed about eight weeks. She then went to her mother's home, where she stayed until September 15, when I took her to our homestead near Northport."

Left Homestead in 1907.
Peppoon said he and his wife left his homestead about September 25, 1907, when they went to live on the Crossan ranch. He asserted he built the house known as the "Crossan cabin," at which his wife died.

Peppoon told of employing Jay Wilcox on August 2, 1907, who came from the Keller-Bleeker ranch and of the employment of May Jones. For two months, he said, after moving to the Crossan ranch, his wife seemed to improve, but in January, 1908, she grew worse, and he sent her to Portland, where she was treated by physicians, remaining from February 1 to the latter part of March. Upon her return, she appeared improved, he said.

When court convened today for the second week of the trial of George Peppoon, counsel for the defense outlined its plan to show a motive for the murder on the part of others. The defense announced it would introduce the testimony of W. W. Barr, Arthur Featherhills, James E. Greer, Neil Anderson, Magnus Wolff, Link Dott and James Quigley, as to the remarks Morton Crossan is alleged to have made that

Hood's Sarsaparilla

Cures All Spring Ailments.

Mrs. Marion Bruce, Cumberland, Me., writes: "I have taken Hood's Sarsaparilla for a great many years, and I think it the best blood medicine in the world. I take it both spring and fall. This last winter and spring I was in very poor health. I was weak and had lost all my appetite and I began to take Hood's Sarsaparilla my strength came back and my appetite returned. I am now well, do my housework, and no longer have that tired feeling."

Hood's Sarsaparilla restores the appetite and makes sleep sound and refreshing by building up the whole system. It purifies the blood, strengthens the nerves, aids and perfects the digestion. Take it this spring. Get it today in usual liquid form or chocolate tablets called Sarsatabs.

the youngest child of the Peppoon's belonged to him.

Shift Blame to Crossan.

There is no longer any doubt that the defense will try to shift the blame on Crossan.

The first witness today was Miss Helen Peppoon, professor of Latin at Whitman College, Walla Walla, aunt of the accused murderer, who told of her visit to the Peppoon home near Northport in the early part of August, 1909, and of finding Edith Peppoon ill. Calling Mrs. E. Powell, of Northport, a neighbor of Peppoon's, the defense made an effort to further emphasize the degree of the woman's insanity. Mrs. Margaret Niece, mother of May Jones, on the stand a few minutes, said she noted the feeling displayed by Peppoon on account of his wife's death. She said when she saw him a day or two after his wife's death, his eyes were red.

Link Dott, called as a character witness, said Crossan's character was not good, but he failed when asked for a definition of reputation. He made an indifferent witness for the defense.

W. W. Barr, a neighbor of Crossan, said the reputation of the old homesteader for honesty and veracity was not good, but the state discovered that he based his opinion on one business transaction which he had with Crossan, so the prosecution moved to strike out this testimony.

Examiner Editor on Stand.
Peculiar points were brought out by J. C. Harrison, of the Colville Examiner, who was put on the stand by the defense to testify to Crossan's reputation for truth and veracity, when he said Prosecuting Attorney H. G. Kirkpatrick and Judge J. H. Carey had told him Crossan had not told the same story twice. The motion of prosecutor to strike out Harrison's testimony was overruled.

Neil Anderson of Northport asserted he did not know the reputation of Crossan and was excused after one question. David Downs, another neighbor, said he saw Edith Peppoon dressed in male garments two days before her death.

Arthur Featherhills took the stand. He said he had a conversation with Mrs. Massey Downs during which she said she saw nothing but water given Edith Peppoon on the day of her death.

"If I may anything else, I would be telling a lie," the witness said, Mrs. Downs told him. He said the conversation occurred on March 10, 1910. He has known Crossan for five years and said his reputation was bad.

Aged Father Tells Story.

Seventy years of age, bent and bowed by sickness, E. P. Peppoon, father of the defendant, told of the amateurish attempts he had made to gather the evidence with which he hoped to free his son. He said, too, the "Massey" Downs told him that if she testified she saw anything but water given to Edith Peppoon, she "would be a liar."

In a statement made to the court just before noon, J. A. Roehford, of counsel for the defense, said he would

close today. Other witnesses will be unimportant and at the present time the plan of the counsel does not contemplate using Maud Keller Peppoon and May Jones.

Statements Are Made.

In an interview this morning Mrs. E. D. Wolcott said:

"I am entirely satisfied with the case against George L. Peppoon. I am confident he will be sentenced for murder in the first degree."

George L. Peppoon in an interview said: "I feel confident that the jury will never convict me of the charge of murdering my wife. When the jury returns its verdict I will be at liberty to walk out of this court room, a free man."

O'BRIEN'S REFUSAL GREAT OBSTACLE TO NEW BRIDGE

(Continued From Page One.)

for by the railway corporations in return for rights of way for the Broadway bridge approaches was discussed. Councilman Rushlight was not present, but Councilmen Menefee and Wallace expressed the hope that the questions at issue between the city and the companies might still be adjusted amicably without resort to the courts.

"I sincerely hope that we will yet be able to arrive at an understanding with the O. R. & N. and the Northern Pacific Terminal interests," said Councilman Menefee, "because I feel that any delay occasioned by reason of a last recourse on the part of the city to condemnation proceedings will ultimately defeat the entire Broadway bridge project, which I am chiefly interested in on behalf of my constituents."

Councilman Wallace was not talkative. He would say little and what he did say was not optimistic. He evidently is of the opinion that affairs between the conferees have reached an impassable barrier.

Mayor Simon expressed regret that negotiations have come to such an unsatisfactory halt, but he declared again that the fault does not lie with him or the council committee.

"We did our best and we believe that our proposals to the companies were eminently fair," said the mayor. "I do not think we asked for too many concessions. The reference in a local paper to our request that the O. R. & N. company buy \$350,000 worth of Broadway bridge bonds as being ridiculous attracted my special attention."

"The request was in no sense a stipulation. It was intended only as a suggestion. The railway company has plenty of money and it could in no way suffer any damage by purchasing the bonds at par, for I regard them as gilt edged security. By making the purchase the company would lose nothing and would at the same time show to the public that the rumors to the effect that the railway interests are behind

the litigation against the bond issue are untrue. However, the city would not have insisted on compliance with this request. It was on other phases of the controversy that we were unable to agree with the corporations."

SOUTHERN CALIFORNIA FEELS SHARP SHOCK

Los Angeles, Cal., May 16.—Reports from various Southern California cities indicate that yesterday's earthquake was the most severe that has been felt in that section of the state in many years. It occurred at 1:47 o'clock. The vibrations appeared to be from east to west and were of at least 30 seconds' duration.

Several chimneys at Riverside and one at Santa Ana toppled over, and a wall at Hollywood hotel at Riverside was cracked. No other damage was reported.

At San Bernardino, a man whose name was not learned, became terrified and leaped through a window of the Rona cafe, where he was breakfasting. At Riverside, Pasadena, and San Jacinto, a second shock was felt at 1:10 yesterday afternoon.

OWNERSHIP OF STOLEN AUTO STILL IN DOUBT

The automobile that R. A. Wade of Portland is alleged to have sold to H. H. Riddell, a local attorney, when the car was really the property of E. Adler of Chicago, is still in doubtful ownership, despite the fact that Wade and Riddell have both relinquished ownership on the vehicle.

The car was kept in the White garage at Sixth and Madison streets for some time. A suit of replevin was instituted by Adler, and the car seized in his behalf by Sheriff Stevens. The White Motor car company, by its attorney, S. B. Huston, then took a lien on the car for unpaid storage and repairs. Whether Adler can be compelled to pay for repairs and storage on a stolen auto is a question to be decided by the court. In the meantime the White Motor car company retains possession of the machine.

Albany Armory Contract Let.
Albany, Or., May 16.—Messrs. Snook & Traver, who have just completed the new \$50,000 high school building in Albany, have been awarded the contract to erect the new \$27,000 armory which will be started at once.

LOST A LIMB?

If so, you have probably been told that only a man who wears an artificial limb can make you one. The man who tells you that is ignorant, and an ignorant person can not make artificial limbs, because it requires a skilled mechanic with brains to do such work. Send for our book. B. C. Linstrom Co., 423 Washington street, Portland, Or.

Picture Notice

The last picture shipment has been exhausted and another shipment is on the way and will arrive in a few days.

DAMROSCH ORCHESTRA CONCERT DRAWING NEAR

The ballet music from Tchaikovsky's "Nutcracker Suite" will be, next to Dvorak's "New World Symphony," the great attraction at the matinee concert of the Damrosch orchestra Wednesday afternoon of this week. The new York Symphony orchestra has just given a Tchaikovsky program in its week's engagement in San Francisco, and the result was an ovation. The San Francisco Call says:

"The audience from the string quartet gave the strings a chance to display their unanimous agreement in attack and shading, while it gave the rest of the orchestra a chance to rest. The melody goes so far beyond the power of words that one can only sit and dream, and the dreams that come you will never tell until language grows and compasses the eternal things of beauty."

The Wednesday evening program will be devoted exclusively to Wagner, and is sure to draw immense throngs of music worshippers to the Armory. The two concerts will be under the direction of Louis Steers-Wynn Coman. Seats are now selling at Sherman, Clay & Co.'s, opposite the postoffice.

Miss Tracy will give a free cooking lesson tomorrow at 2:30 o'clock, Christian hall.

MAKES APPEAL FOR OREGON PLAN

Senator Owen in Address Deplors Machine Politics—He Is Insurgent.

(United Press Special Wire.)

New York, May 16.—In an address before the Administration Civic alliance, Senator Owen, of Oklahoma, spoke against machine politics, party bosses and impurity of politics. He made an appeal to the voters to adopt the Oregon plan of government, which provides for the election of senators by the direct vote and includes initiative and referendum.

The speaker predicted that the next congress would be controlled by Democrats and insurgents. He said he had always been an insurgent.

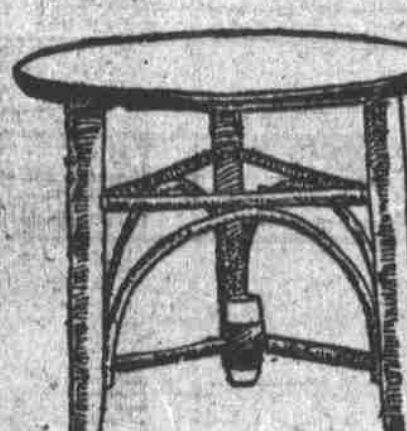


PIERCE ARROW

Covey Motor Car Co.

Seventh and Couch Streets

Seasonable Porch Furniture



Our first floor this week affords a splendid showing in Porch and Den Furniture. Old hickory pieces are much in evidence. Then there is also presented a wide range of wicker and grass goods specially priced for "Porch Week." Among the specials will be found fine

Old Hickory Rockers at \$3.25
Old Hickory Chairs at \$2.75
Porch Chairs, like cut, at \$1.25

This chair has reenforced rattan seat, posts and panels painted in an attractive green. A chair worth \$3.00. Special at **\$1.25**

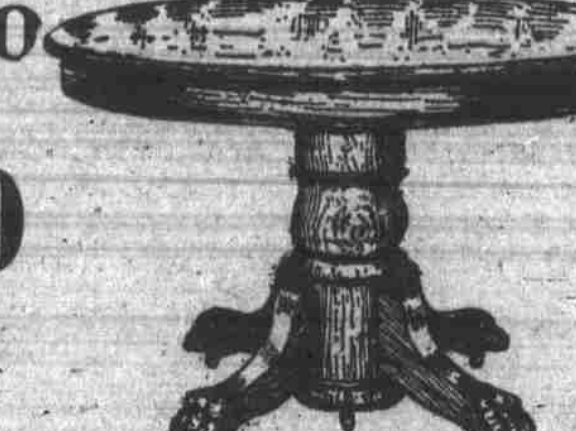
Solid Quartered Oak Table Special

\$25.00

Values at

\$19.50

Solid Oak
Quarter Sawn
Polished



A Table Bargain

No. 66934—This beautiful Table is after a new model brought out by the celebrated Lents Table Co. It has a 44 inch top, fitted with a patent lock which permits its extension to six feet without dividing the pedestal. Note the handsome pedestal, made of fine flakey quarter-sawn oak, and the claw feet. This table sells regularly at \$25. On special sale this week at **\$19.50**

"New Method" Gas Ranges

Cost no more and save one-fourth the gas burned by an ordinary range.



"It's All in the Burner"

for which the "New Method" holds an exclusive patent. Investigate and you'll have no other. We are sole agents. Prices \$10.00 up.

Collapsible Go-Carts

The One-Motion Kind

strong and durable, yet light and convenient for street-car traveling. Large rubber tires. Steel frames, covered with good grade of leather in all colors, with hood. Fold into very small compass.

SPECIAL

\$5.75



Sole Agents for "Alaska" Refrigerators
Prices From \$10.00 Up—Easy Terms

Sole Agents for "Sealey" Mattress

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THE "TALE" OF THE COMET



ROYAL TABLE QUEEN