

CHARGES JOINED; 1 FACES DEATH; OTHER IS FREED

Conviction and Death Sentence of Casey and Acquittal of Burns Anomaly in Murder Trial.

Two men—bosom friends—were indicted jointly for the murder of J. H. (Buck) Phillips, an O-W. R. & N. special agent. They were tried on evidence that was practically identical. Yet one, Dan Casey, is waiting to be led to the prison gallows some gray morning and hanged by the neck until he is dead; while the other, John L. Burns, will walk out into the world again a free man as soon as he disposes of a federal charge of theft of goods in interstate commerce.

Burns was found not guilty of the murder by a jury in Circuit Judge Stipston's department which returned its verdict Thursday night at 9 o'clock, after being locked in the jury room since Wednesday morning at 10 o'clock.

WOMAN JUROR COLLAPSES
The jury was made up of seven women and five men, all good and true, sworn to do their duty. They were unanimous in saying Burns was not guilty. Yet one of the women collapsed in a jury chair when she entered the courtroom. It was learned that she had held out to the very last for conviction. Five of the 12 voted guilty at one time during the discussion in the jury room, according to statements of jurors later.

But Casey was found guilty and Burns not guilty. What is to be the result? Charles Gantland, attorney for the men in murderers' row, says there is a law which provides that where two men are jointly indicted on a conspiracy charge and one is found not guilty, the other cannot be found guilty. He declares he will file in the circuit and the supreme courts motions asking that Casey be freed on the grounds of this interpretation of the statute.

ISSUE IS TAKEN
District Attorney Myers denies there is any law that can be so interpreted. He declares the only hope for Casey at this late hour is executive clemency, that is, the governor may commute his sentence to life in the penitentiary.

Casey and Burns came to Portland from Idaho more than a year ago. Casey arrived first, Burns being in jail in Idaho at the time on a bootlegging charge. Both were engaged in the alcohol industry in Idaho, they admitted during the course of their trial.

Casey, who is a single man, lived with the Burmes at their rooming house at No. 123 1/2 Russell street. Both were former railroad men, but neither pretended to work on any of the roads here. They had no visible means of support except the rooming house.

On the night of June 14, Special Agents Phillips and Schneider were sent to the Meek's bottom yards of the O-W. R. & N. to search a freight train. Boxcar thieves had been giving considerable trouble and the company was determined to make relentless war upon them. The two officers got off the caboose at the train about 10 o'clock and started north toward the front end. Phillips on the right side and Schneider on the left.

Harry Patterson, a laborer from the "bum," was at this moment seated on the edge of a flatcar about eight cars from the rear. As he sat there two men, whom he afterwards testified he believed to be Casey and Burns, passed him on the right side of the car. They were going forward. The night was

fairly dark, he said, but not so dark that what he could see them distinctly. A couple of minutes later Phillips passed on the same side as the two men, also going forward along the train. Schneider, shortly afterwards, passed on the left side of the train.

Suddenly shots rang out. When Schneider, Patterson and Conductor Murphy arrived on the right hand side of the 12th car they found Phillips lying in his own blood. Schneider got a glimpse of two men disappearing toward the engine end of the train. They answered the description of Casey and Burns, according to his testimony during the trial.

Phillips died on his way to the hospital. **CASEY, BURNS ARRESTED**
Three days later police and deputy sheriffs, acting on information they had gathered, swooped down on the rooming house at No. 123 1/2 Russell street. They found Burns in the house and Casey, with a wound in his right wrist, under Burns' bed. Casey could not satisfactorily explain the wound. There was a bloody coat hanging in a barrel and blood on the stairs and on articles found in the back yard. Two .38 caliber revolvers were found, one under Burns' pillow and the other in a room, wrapped in a newspaper dated June 14, the day of the killing.

"Bob" Craddock, gun expert, testified at the trial that the gun under Burns' pillow fired the bullet taken from Phillips' body. Peculiar marks made by the bore of the gun identified the bullets, he said.

While in the Multnomah county jail Burns wrote a letter to Casey, sending it by a trusty, in which he detailed the alibi they were to set up in the trial. Chief Jailer Jackson intercepted the letter. Casey, however, stuck to this alibi. But it did not convince the second jury that tried him. The first jury disagreed, but the second jury found him guilty without a recommendation of leniency and he was sentenced to be hanged.

TRIED THREE TIMES
With Casey disposed of, Burns then came on for trial. Three times the state fought the case through the circuit court. On the third trial, which ended last week, Burns was acquitted.

Casey is 5 feet 6 in his stocking feet. He has a red face, he chews gum incessantly and tries to give the impression that he is very "hard." He does not have a personality that would appeal to mercy of a jury.

Burns, on the other hand, has a pale face. He is rather slender and a little taller than the average man. He is polite, and his voice tends to be caressing. He gave the impression of modesty, where Casey affected bravado. Furthermore, by Burns' side throughout the trial, sat his good looking wife, with their baby in her arms, cooing.

Mrs. Burns sat by Casey when he was on trial, but that did not awaken the jurors to sympathy. Instead the state had slipped them the information that Mrs. Burns and Casey were in the same rooming house in Portland before Burns got out of jail and came to join them.

But, after all, the simple fact remains that Casey waits for the rope to end his life, while Burns is about to step out of the prison doors to freedom.

Sherwood Districts Approve Union Plan
Sherwood, April 22.—With a majority of more than 200 in a total vote of approximately 500, the Union high school project for seven districts surrounding Sherwood was carried this afternoon. A \$30,000 bond issue for a new schoolhouse for the union district, to be located here, was also approved. The vote was exceptionally heavy.

MINEE LOSES FOOT
Baker, April 22.—John Dundabbin, employe of E. & E. mine, near Bourne, for 18 years, lost his left foot. It was amputated as result of injuries due to rock falling on it while he was at work.

BUREAU SHAKE-UP MAY RESULT FROM YOUNG ACQUITTAL

Commissioner Bigelow Vows He Will Go to Bottom of Charges to See Whose Causing Foment.

That the acquittal of Fire Chief John E. Young of the charges preferred against him by A. L. Pullen, a lieutenant of the fire marshal's office, has not closed the incident, was the statement made by Commissioner C. A. Bigelow Saturday.

A complete investigation of the fire bureau will follow to rid it of the "poison," the commissioner said. "I have the testimony given at the trial in complete form," he said. "I will go over this thoroughly and base my investigations of the bureau on what I consider discrepancies in the statements made by the various witnesses. Some of it I know is untrue and that will be ferreted out and reasons will be demanded."

MAYOR GIVES VIEWS
Mayor Baker expressed similar sentiments when he said the affair was but a beginning. The investigation, he said, should go right down the line and summary action taken on those found at fault.

Chief Young was acquitted of the charges of immorality, intemperance and inefficiency at the hearing Saturday morning. In making his findings Bigelow, the reviewing officer, said the charges had not been proved or substantiated.

An attempt on the part of the complainant, represented by attorneys A. F. Fiegel and Milton R. Klepper, to introduce new witnesses was stopped by the commissioner.

"You have been given ample time to subpoena your witnesses," he said. "That you have not done so is no fault of this tribunal nor will you be allowed to drag it out any further."

TO STUDY SITUATION
In commenting on the nature of the investigation and possible action following it Commissioner Bigelow said he had outlined no plan of action. Any changes or dismissals, he said, will be premised on his careful study of the situation and nothing definite will be announced until a conclusion believed to be for the best interests of the bureau has been arrived at.

During the hearing it was developed that the charges had been worked up by Pullen, who was assisted by Fred E. Day, a captain of the fire marshal's office. Fire Marshal Edward Grenfell denied having anything to do with the case, but under cross examination admitted that he and Day had interviewed L. A. Wilkinson, a waiter at Bab's restaurant.

CAMPBELL IN LIMELIGHT
Wallace McCamant, attorney for Young, made the charge during his closing argument Saturday, that Ed Campbell, manager of the local Stutz Fire Equipment company branch, was instrumental in having the charges preferred because of personal dislike for the chief. McCamant called attention to the fact that lawyers do not work for nothing these days, and that some one must be footing the bill of the complainant's counsel.

He brought out the fact that Campbell had called Bigelow in July to tell him of a party in which the chief was supposed to take part. This, McCamant said, might furnish a clue as to the real source of the charges.



Use Your Credit

Special Exhibit and Sale

Wicker Furniture

The name "wicker" is one that embraces the three different varieties of this wonderfully popular type of furniture—reed, fibre, and willow. In these three kinds of wicker furniture it is possible to find the exact piece or grouping of pieces which will add a touch of beauty and comfort to your home, which can be had in no other kind of furnishings.

- \$12.50 ivory fibre fern boxes
- at \$8.90
- \$31.00 ivory willow cretonne cushioned willow arm chairs at \$19.75
- \$42.75 coppered fibre chair or rocker in blue velour at \$32.75
- \$49.75 ivory reed davenport tables at \$34.50
- \$42.50 ivory reed gate leg tables at \$31.75
- \$49.75 ivory reed floor lamps at \$36.25
- at \$41.50 frosted brown oval top tables
- at \$26.75
- \$36.00 ivory willow desks at \$22.75
- \$39.50 ivory willow chair or rocker at \$29.75

\$21.50

Fibre Rockers

In Tapestry or Cretonne

\$13.85

Comfortable arm rockers with spring seats, tapestry or cretonne upholstered and finished frosted brown or fumed. Suitable for either living room, or porch use.

To the hundreds of folks who have been depriving themselves of this type of furniture, this announcement will prove good news indeed, for it means that one can again own and enjoy this attractive and inexpensive living room furniture at prices particularly low. Come in and take advantage of the values in this week's special sale.

- \$84.75 frosted brown fibre settee in cretonne at \$51.50
- \$14.75 frosted brown or ivory willow chairs at \$ 5.75
- \$23.50 frosted brown fibre round top table at \$17.85
- at \$58.50 ivory fibre corner desk at \$39.75
- \$31.00 frosted brown fibre cretonne cushioned rocker at \$23.75
- \$58.75 frosted brown fibre floor lamps at \$43.50
- \$33.50 frosted brown fibre tables at \$22.75
- \$33.50 ivory willow fern box at \$16.90
- at \$45.00 frosted brown fibre desks at \$34.75

We Give "Your Favorite Organization Contest" Votes

Shamahan's

We Give "Your Favorite Organization Contest" Votes

HENRY J. DITTER, Mgr.

The Dress Sale Supreme

\$10

—No other dress sale approaches the stunning values presented in this, our greatest \$10 dress offering. Comparison of its fashions and qualities will substantiate such a deliberate statement—

—You can have no reason for paying more until you inspect this remarkable lot. There are 84 in the lot. Crepe de chine, taffeta, Poret twill, krepe knit and mignonette. Colors senna, chinese blue, lavender, lilac, gray, apricot, tan, Nile, navy, black, brown and combinations.

VALUES TO \$25 Sizes 16 to 44

Dropstitch Mignonette Dresses, Sizes 36 to 52, \$19.75

The New

Victor Console

\$115.00

\$5.00 Cash—\$2.00 a Week "No Interest"

This new console model is another Victor triumph and is one of the most attractive machines ever produced. They are entirely new and made to fit every home and every purse. Other models at \$180.00, \$200.00 and \$250.00.

Choose Your New Carriage Here

A Small Deposit Delivers It

The new and lower prices on baby carriages should certainly be good news for mothers who desire for the baby the handsomest carriage on the street. There are many rich, new color effects in the attractive models offered in our showing.

- A special reed hood sulky that folds conveniently and with very roomy body at \$22.75
- Lloyd loom woven carriages in a splendid new body design at \$29.75
- Genuine reed carriage with corduroy lining and curtains, roll reed hood, special at \$39.50
- Reed sulky with hood, comfortable springs, easy folding, special at \$14.35
- Our special genuine reed carriage in ivory or grey enamel, corduroy lined, reversible gear at \$45.00
- \$37.75 small reed carriage in ivory, special at \$29.75

A Sale of

Chamber Furniture

Offering Over 200 Pieces at Big Reduction in Price

Beds, dressers, chiffoniers, dressing tables in walnut, ivory or mahogany finishes carry special price tags this week which show splendid reductions.

If you have an odd piece to buy for your chamber, you can save, and save largely, on your purchase.

New 9x12

Axminster Rugs

\$45.00

Particularly good rugs at this price. Your choice of 12 new patterns in wonderful colorings and combinations.

9x12 Extra Heavy

Wool Wilton Rugs

\$10.00 Cash—\$8.00 a Month

These rugs range in price from \$85.00 to \$97.50 and you have your choice of 24 splendid new patterns for selection. The designs are new, the color combinations are new, and the rugs the best we have offered at these prices.

Draperies Materials

The use of proper draperies is now recognized more than ever as an absolutely essential feature of properly furnishing the home. The entire color harmony of the room is dependent largely upon the draperies, and these must be selected with care.

- 65c Madras in cream with rose, pink, blue and yellow designs, yard at 53c
- 36-inch plain silks in blue, rose, yellow, gold or lavender, special, yard at 69c
- 50-inch plain Sundours for living room drapes, special, yard at 98c

