# DAILY EVENING EDITION

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# DAILY EVENINGEDITION

WEATHER FOREGAST

Rain or snow tonight and Tuesday; fresh southerly breeze.

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PENDLETON, OREGON, MONDAY, JANUARY 22, 1906.

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# DAVIS TRIAL IN PROGRESS

Nine Jurors Chosen, Followed by Adjournment to Empanel a New List.

JURORS QUIZZED ABOUT

POLITICS AND LODGES.

Reconvening of Court in the After-Contested Fight,

#### The Jury.

Peter Geiss, Milton. Joseph Cunha, Butter Creek. John W. Keen, Athena. E. E. La Hue, Pendleton. John Wyrick, Helix. Ed Brehm, Alba.

Kenneth McRae, Pendleton, A. G. Buholts, Hogue. E. Cargill, Pendieton. L. Warren, McKay.

C. Hemphill, Pilot Rock.

This morning began the trial of C. P. Davis, ex-deputy sheriff, who is charged with the crime of larceny by bailee, and the 11 men named avobe have been selected to sit in judgment upon the case brought by the state of Oregon against the deefndant.

At 9 o'clock this morning circuit court convened with Judge Eilis up-on the bench. At that time the defendant was present, and took a seat between Colonel Raley and Judge Fee, who are his defenders in the legal battle that is to decide his guilt or innocence of the charge against him. Also, he was accompanied by his son, Ben K. Davis, and by his daughter.

At the other end of the semi-circular table District Attorney Pheips and partner, John McCourt, who are to conduct the case for the state, took their positions.

After the jury box had been filled with the first panel, Judge Fee outlined the case and the examination of jurors commenced.

Contrary to expectations, the selection of the jury proceeded rapidly, considering the nature of the and the widespread publicity that has been given it. Within an hour four jurymen, Peter Geiss, Joseph Cunha, W. Keen and E. E. LaHue had been selected. During that time three were excused, L. C. Rothrock and S H. Hopkins, for cause, and Frank Sloan, peremptorily by the attorneys for the defense.

John Wyrick, of Helix, was nex called, and although he was a Knight of Pythias and had heard considerable about the case he evidently im- permanent funds will be placed in the pressed both sides as being timber for an honest juror and was accepted.

William Brown was then called. but was challenged peremptorily by Judge Fee for the defendant. Ed Brehm, the Alba stockman and farm- from the permanent school fund. er, fared better. After being questioned regarding his lodge affiliations, which brought forth the fact that he had applied for admission in the Odd Fellows, he was asked as to his politices. This question was put by John McCourt and was instantly objected by Judge Fee as being incompetent. However, the court ruled that the question was a proper one, and in reply Mr. Brehm said he was a demo-

He was accepted. Kenneth McRae, the next examined. stated that while he had read accounts of the case in both Pendleton papers, his mind had not been influenced as to the guilt or innocence of Davis, and he was accepted.

G. W. Proebstel, of Weston, who was next called, was challenged for cause by Judge Fee because he had talked with William Blakeley regarding the case and had formed an opin Also G. W. Hansell was challenged for cause by the defense for the reason that he had already arrived

### ............... Battleship Blew Up.

London, Jan. 22.-A dispatch London, Jan. 22.—A dispatch • from Rio de Janeiro says the • Brazilian battleship Aquidaban 💠

at an opinion in the case A. G. Buholts, of Hogue precinct

was next examined and was accepted. During the questioning it was disclos ed that he is an Odd Fellow and a

Charles Simon, of McKay creek, the next to be examined, was peremptorlly challenged, after having first been objected to by the defense on the ground that he was a taxpayer and consequently an interested party, which objection was overruled. George Banister, of Athena, was al-

so challenged peremptorily after the same objection had been made and

D. E. Cargill, of Pendleton, was finally accepted after lengthy question-ing by both sides. Daniel Bowman was excused by the prosecution, and as it was then 12 o'clock, an adjourn-ment was taken until 1:30.

In the selection of a jury Judge Fee questioned the prospective jurors for the defense, while John McCarrie \*Inquiry Also Made of Prospective for the defense, while John McCourt
Jurors as to Whether They Have conducted the examination for the Families, With a View to Ascertaining Whether the Presence of the Defendant's Family in Court Would Influence Them—Original Panel Was Exhausted Shortly After the received concerning the case and the sources of the same. Most of the noon-Every Indication of a Pro- jurors were asked by the defense if tracted and Stubbornly and Ably they were members of the Knights of Pythias. When the same was answered affirmatively, it was asked if the fact that Sheriff Taylor or Joe Blakely were also members would in-fluence them in reaching their verdict. For the prosecution the jurors were asked if they were Odd Fellows, of which order the defendant is a member. However, it was invariably the declaration of the juror that lodge affiliations would not influence them in such a case. Also, the matrimonial affairs of the jurors were in-quired into by Attorney McCourt, and frequently jurors were asked if they would be influenced by the fact that the defendant is a married man and may have members of his family in the court room durng the trial. in each instance the juror felt himself steeled against such influences

(Continued on page 8.)

STATE TREASURER WILL

DIVIDE THE STATE FUNDS.

Now on Deposit in Lord's Capital National Bank of Olympia-About rights. One-Half the State's Funds Will Be Placed With Banking Institutions in nent Fund

Olympia, Wash., Jan. 22.-Approxinately half the state funds taken out of C. J. Lord's Capital National bank in this city and distributed in depositories selected by the state treasurer in other parts of the state. This may partially break up the monoply of state funds enjoyed by C. L. Lord for many years.

State deposits run from \$750,000 to \$1.250,000, about one-half of which as a rule, are permanent funds. outside banks. The state cash now I about \$800,000. Of this \$300,000 belongs to permanent funds, bu: amount is unusually small now, owing to heavy loans having been

# To Disabuse Public Mind.

Asked the reason for the propos change, and to what extent it would be carried out, Treasurer Mills said My chief reason is to disabuse the public mind of a belief which has been created principally by campaign orators that the state treasurer is absolutely controlled by a single financial institution.

"As far as I am concerned, such tatements are and always have been without foundation, and while they do not worry me in the least, I consider it only fair to the people who elected me that their minds be disabused of a wrong impression, so far as it concerns me.

"In this connection I might add that every institution receiving a deposit isfactory surely bond.

"The current funds, which fluctuate so greatly and out of which all expenses of the state and its various institutions are paid, will be kept on de-posit in Olympia. I consider this absolutely necessary in order to properly conduct the business of the state."

# Killed by Snowslide

James Moriarity, aged 68, killed at the Boulder mill, 10 miles was blown up in port today and above here, yesterday about 19 o'clock in the morning, while shoveling snow from the mill roof. While working flames reached the magazines, at one corner of the roof he started Later it transpires that the explosion of a boiler caused the fire which afterward reached the magazines. -Boise Statesman.

### MURDER AND SUICIDE AT BOISE

Bolse, Idaho, Jan. 22 .- Henry Neuebaumer, a wealthy returned 4 Maska miner, shot Ollie Powell, a sweetheart who had rejected him; 💠 Lafayette Gray, his successful rival, and the mother and sister of 4 Gray, in front of the Gray residence, at 9 o'clock this morning, and 4

immediately afterward blew out his own brains.

Neuebaumer had supplied money and clothes and educated the Powell girl. He made a strike at Dawson and was to have been  $\Phi$  married last November. The night before the wedding she ran away  $\Phi$  with Gray, the pair coming to Bolse. Neuebaumer followed and a  $\Phi$  tragedy was prevented then by the police. He returned to Alaska.  $\Phi$ came back to Boise Wednesday.

All the victims of the tragedy will die except Ollie Powell, who ounded in the left arm

# IMMUNITY WAS PROMISED

Attorneys for Indicted Pack- Telegraph and Telephone ers Make No Attempt to Prove Their Innocence.

COMMISSIONER GARFIELD UNSPARINGLY DENOUNCED.

Counsel for the Defense Eulogize James A. Garfield, sr., Lambast His Son and Arraign the Government Officials Concerned in the Prosecution-Counsel for the Defense Went to School to the Martyred President-Acknowledge That the Evidence Obtained by Pretext by Commissioner Garfield is Incriminating, But That it Is Privileged

Matter.

Chicago, Jan. 22,-"God forbid that should be here to prosecute citizens of the United States in the manner of this prosecution." fervently exclaimed ward it is nearly as bad. Transportathe Cudahy Packing company, before the federal court, in the trial of the beef cases this morning. Pointing his finger at Garfield he continued in the same vein, eulogizing the commissioner's father, shaming the son and arraigning the government for compeling men to testify and then seeking to make criminals of them by depriving them of their constitutional

Cowen said he first learned doctrine of compulsion from Garfield's father, to whom he went to school Other Portions of the State, and Hereafter a Surety Bond for Hand-las a boy. He learned then that when a command is given and it is backed but no one was hurt. ling Funds Will Be Required-The by competent authority, it must be Change is in Relation to the Perma-pent Fund. delta was armed with such authority when he sent an agent to Cudahy commands to lay his business secrets bare and promising immunity and declared the government had no right to indict any defendants upon evidence thus secured.

He said the packers please to operthat pledge as an injunction against the government. Former Judge Hynes, one of the packers' counsel, characterized Garfield as

# FUNSTON WON'T GO.

General Constant Williams to Be in Charge of Philippine Brigade.

Brigadier General Frederick Funswill not go to the Philippines, as has been rumored among army people of this city, but will keep his present alive. He thinks the boat was blown Francisco is now in Vancouver, Wash., and who any weather she might encounter. is entitled to the preferment, will be placed in command of one of the hrigades which will soon be formed in the islands with a view to their possible utilization in connection with movement which may be brought against China.

The war department has officially announced that a strong anti-foreign feeling is gradually growing in China and predicts that the time is not far off when the nations will be called upon again to defend their interests. With this view in mind it has been decided to form two brigades in Luzon as soon as the extra troops arrive, for maneuvers as brigades, in 1 General Funston, it was reported, was to have charge of one of these brigades. It was the intention of the war department to send General Funston, but the orders have recently been changed and General Williams will be sent in

# CHICAGO WHEAT MARKET.

Quotations From the Greatest Wheat

Center in the World. Chicago, Jan. 22.—Wheat closed today at 87 1-2; corn at 45 2-8, and oats at 32 1-2.

Dr. Gilbert H. Ritenour sold a onemile west of Yakima tract one

# EAST IS IN THE GRASP OF STORM

Wires Are Down With the Weight of Sleet and Snow.

COMMUNICATIONS ARE

GENERALLY STOPPED.

Transportation Demoralized-Travel on All Elevated Lines at a Standstill Until the Storm Abates-Many Accidents and Minor Injuries, But No Loss of Life Is Yet Reported-Collisions on Railroads and Ferries, and Intense Cold Everywhere-Business Generally Demoralized-Sixteen Degrees Below in Nebraska and rapidly melting. the Worst Yet to Come.

Chicago, Jan. 22.-This city is praclically isolated by a sleet storm. All the son of our martyred president telephone and telegraph wires are down. Communications east and south are broken entirely and to the west

The elevated trains entirely stopped during the early hours, and the surface lines are hardly adequate to handle the throngs seeking to reach the business districts,

There have been a number of ac-cidents. A crowded suburban train on the Chicago & Western Indiana was hit by a switch engine and many in-

New York Befogged.

New York, Jan. 22.-This city and the entire east is enveloped in fog. There have been several collisions on the elevated tracks and by ferry boats

#### s Demoralized. St. Paul, Jan. 22.-Trains are from

one to 24 hours late, east and west Mercury is nine below and growing colder. Business is demoralized. Intense Cold in Nebraska.

Lincoln, Neb., Jan. 22.-Sixteen beow zero and all over the state growing colder, with a gale from the north.

CREW MAY YET BE ALIVE. Drifting on the Open Seas, But Well

Provisioned. Victoria, B. C., Jan. 22.—Second Mate Edwards of the lost ship King David, is of the opinion that Chief Officer Wollstein and the six men who went in a small boat to seek aid nearly a month ago, may still be out to sea, but being well stocked with Call. General Constant Williams, who provisions, was in good shape to stand

# TO SURVEY AN ISLAND.

County Surveyor J. W. Kimbrell Will Assist the Government in its Work on Columbia River.

County Surveyor J. W. Kimbrell will go to the Columbia river opposite Switzler's island tomorrow, after finishing the survey of a county road in the Butter creek district, for the purpose of assisting the government engineers in surveying an island in the Columbia river, near Switzler's Island.

The island in question is on the north side of the channel of the river miliar with all lines in that district, he has been asked by the government curate survey of the island can be made, since the water has destroyed Hakodate, which says: all corners and stakes ever placed upon it.

Attorney General Moody has rendered an opinion for Secretary Wilson. holding that it will be lawful for the head of the department of agriculture to publish the names of dealers who sell adulterated seed. The question arose because the secretary of cupants was killed. a silde, which buried him beneath five feet of snow. The accident was not discovered until noon, and it required three more hours to dig the body out. By that time life had become extinct.

Boise Statesman.

who sell adulterated seed. The question arose because the secretary of the clubbed the gun and struck three more hours to dig the body out. By that time life had become extinct.

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who sell adulterated seed. The question arose because the secretary of the clubbed the gun and struck agriculture had an impression that if he did publish such names he 17 sea otter skins last season, some being valued at upward of \$1000 each.

### FOR BRIBING A MAYOR.

Agent of Barber Asphalt Company in Serious Trouble.

Fred T. Sherman has been arrestor in Seattle charged with having bribed George T. Wright, mayor of Tacoma, \$6000 being the sum in question, says Tacoma dispatch.

Sherman has been employed by both the Barber and the Independent Asphalt companies, and the bribery is alleged to have occurred during the issuance of extensive paving con-tracts in Tacoma recently.

A citizen's committee investigated and Sherman was their informant. The committee caused a grand jury to be called, but refused to present ev when the county attorney declined to promise immunity to wit-

On Sherman's own statements, is not to be prosecuted. Wright denies having received money. Sher-man was brought to Tacoma this afternoon, and is being held under a \$5,-

### BOWLING GAME TONIGHT.

Telephone Employes Will Be Matched Against Students From Business College.

The first of a series of bowling games will be played at the Brunswick bowling parlors tonight, between the employes of the telephone construction crew and the students of Pendleton Business college.

Both teams are in good condition and a first-class game is expected. Other games will be played following this one and a regular tournament will perhaps be organized, to take place at the Brunswick parlors.

### Snow Is Melting.

P. H. Russel, who resides about 10 miles south of the city is here today on a trading trip. He says the chi-nook wind is blowing all over that portion of the county and the snow is

To Secure a Divorce.

An action to secure a divorce has been brought by J. L. Lindsey of this city against Lizzie V. Lindsey.

FOUR FEET HAS FALLEN

IN TWENTY-FOUR HOURS.

the Rotary in Operation—Because of years. ow Sheeds and Snow Fences associa-Feet of Snow Has Fallen at Kamela torily, -Flanger Is Being Operated Today.

The westbound O. R. & N. passenger train due here at 8:50 this morning was delayed four hours by snow on the Telocaset hills, east of Union Four feet of snow has fallen in that vicinity in the past 24 hours, and a freight train was stalled for a number of hours on the hill, the passenger train being caught behind the freight.

This is the heaviest snow recorded for that portion of the O. R. & N. for over 20 years. Formerly when the road was new it was difficult to keep it open on account of the heavy snowfall on the Telocaset hill, but of late years very little snow has fallen in that district, and all the snow sheds and most of the snow fences have been removed.

There is but five feet of snow at Kamela, on the summit of the Blue mountains, and the extraordinary fall on the Telocaset hill is a new problem on the mountains. The rotary snow plow has been run over the road, and the flanger will be run eastward from La Grande today to clear the track.

# TO RAID SEAL ROOKERIES

Japanese Schooner Planned Making a Rich Haul.

Advices have been received of an attempted raid made upon the seal rookeries of Copper Island, now have won four intercollegiate debates, guarded by Japanese patrols, by a so that the contest this year will be and as Mr. Kimbrell is perfectly fa- Japanese sealing schooner, with sev- especially interesting. It will probaeral American sealers in her crew, says a disputch from Victoria, B. C. May. engineer to assist in the work of sur- William Dewett, formerly of San veying and locating it exactly on the Francisco, one of the Yankees, was + + government plats. It will be necessary to locate corners on the Wash-shore. News of the raid, which failington side of the river before an ac- ed to achieve its object to loot the rookeries, is given in a letter from +

"One of the schooners tried to raid + hunting in the mountains west + Copper rookeries, but could not make | +

The writer also stated that Dewett. . though shot three times, jumped over- + fight with a badly wounded and +

# BEGIN WORK MAY 1, 1906

Expected to Complete East Umatilla Irrigation Project by April 1 1907.

SPECIFICATIONS ARE

NOW FIRST PUBLISHED.

Headgate on the River Will Be One Mile Above Echo, and Main Canal Will Be 22 Miles in Length, and 15 Feet Wide and Carry Six Feet of Water-Dam Will Be 600 Feet Long on the Bottom, 2000 Feet on Top and 97 Feet High-Probable That Small Contracts Will Be Let to Lecal Bidders-Will Cost the Full \$1,000,600 Appropriated.

Within the next 60 days the reclanation department will advertise for bids for the construction of the east Umatilia government irrigation project, and work on the project will be-

gin about May 1, 1996, with a view to completing it on April 1, 1997. The main canal will be 22 miles in length, the headgate to be one mile above Echo, where a bed rock dam will be built across the Umatilla river. The canal will be 15 feet wide on the bottom and will carry a volume of water six feet in depth. The canal will be so built that the slope of the walls will be one foot slope to each two feet in height of the wall, and will be built throughout on a most

permanent and scientific plan.
The main reservoir is located exactly eight miles north of Echo, where a dam consisting of 600,000 cubic feet were married in this city in 1802, and material will be constructed. The recervoir dam will be 600 feet long on the bottom and 200 feet long on top, with a concrete core through the center. The highest point of the dam will be 97 feet above the bottom of

the reesrvoir. It is estimated that it will require It is estimated that it will require almost the entire appropriation of \$1,000,000 to place the project in readiness for use. It is not known if ony local contractors will bid on any portion of the work or not, but it is thought that this will be the case. The bids to be published by the gov-crament will give the features of the work in detail, and it is probable that small contracts will be let to local Heaviest Fall That Has Come in 20 people in the vicinity of Echo who Years-Has Stalled Trains and Set have done ditch work for a number

of Dearth of Snow for Years Past scribed to the Umatilia Water Users' Have All Been Removed-But Five curing stock is progressing satisfac-

# ARRANGING DEBATES.

Whitman and the University of Idaho

Choosing Questions, The president of the debate council received a communication from the University of Idaho yesterday, stating that they would accept the proposition recently made them by Whitman in regard to the intercollegiate debate between the two colleges this year. says the Boise Statesman wanted to submit the question for debate again this year, although she did last year. This was on account of the heavy schedule of debates which Idnho is handling this year.

Whitman offered to submit to them either the dispensary question or the railroad rate question, the one which Idaho will debate in their triangular debate with the Universities of Washington and Oregon. The latter question was selected.

This is also the question which Whitman will debate with the Pacific university of Forest Grove, Or. Whitman now has a team of three seniors at work on this question in preparation for the second intercollegiate debate with that institution. Thus both Idaho and Whitman will have had the benefit of experience in an intercollegiate debate on the railway rate question before meeting for their contest

in Walla Walla,
In the past Whitman and Idaho bly occur late in April, or early in

# Killed in Fight With Panther

Goldson, a sawmill owner, white of here yesterday, was accihis own rifle in a hand-to-hand