

Read the advertisements in the East Oregonian. They come from the most enterprising citizens.



WEATHER FORECAST
Fair tonight and Sunday.

C. P. DAVIS IS GUILTY OF EMBEZZLING \$4200 OF COUNTY FUNDS

VERDICT FOUND AFTER 18 HOURS

Unable to Give Bail for \$7,500, Mr. Davis is for the Time Being in Jail.

SEVEN BALLOTS WERE TAKEN IN JURY ROOM.

Defendant's Attorneys File Exceptions to the Court's Instructions and Give Notice That a Motion for a New Trial Will Be Made, Based Upon the Alleged Misconduct of a Juror Who Is Said to Have Publicly Expressed Himself Before and During the Trial—History of the Jury Room Is Given, and Character and Conditions of Punishment.

In the circuit court in the state of Oregon for Umatilla county; the state of Oregon plaintiff, and C. P. Davis, defendant; verdict: We, the jury in the above entitled action, find the defendant guilty as charged in the information herein, and we find that the defendant converted to his own use and failed to pay over the sum of \$4200.

E. E. LAHUE, Foreman.

By a jury of his peers, C. P. Davis, ex-chief deputy in the sheriff's office, has been found guilty of the crime of larceny of the public funds, and he is now behind the bars of the county jail, where he was placed just before noon by Sheriff Till Taylor, the prisoner's former friend and employer, whose confidence the jury declared to have been basely betrayed.

It was a dramatic climax to the long and interesting case when, after Davis failed to secure the \$7500 bail named by Judge Ellis, he came down the court house stairs accompanied by the sheriff, and as a prisoner of the county entered the jail, which but a few months ago had been under his control.

It was a hard finish and one which men seldom care to witness. But it can be truthfully said that among the group of six or eight who stood in the office and all of whom knew the case from start to finish, there was probably not one who felt any sympathy for the convicted man.

Those in the group were not hard-hearted men, but because of things which occurred during the trial they had become so embittered against the defendant that they could show no sorrow over his conviction.

At the instance of the prisoner, one of them, though as innocent as a man can be, had been branded by the defense as being guilty of the crime which Davis committed. Two other men in the room had paid out about \$11,000 because of the prisoner's treachery, and one was left penniless thereby. Consequently it is not strange that among the little group of deputies and others present there was no friend of C. P. Davis.

Verdict at 11:16. Shortly after 11 o'clock this forenoon the bailiffs having charge of the Davis jury were notified that a verdict had been reached. Judge Ellis was at once notified and directed that the defendant and the attorneys in the case be summoned to the court room. This was done, and after all had assembled the court was called to order.

"Bring in the jury, Mr. Bailiff," directed the judge.

A minute later, as the clock on the side of the room pointed to 11:16, the jury filed into the room led by E. E. La Hue, who carried the written verdict in his hand.

After the roll had been called by County Clerk Saling, Judge Ellis turned to the 12 men and said:

"Have you arrived at a verdict, gentlemen?" "We have," responded the foreman. The paper was then handed to the clerk and by him given to the clerk. "Stand up, Mr. Davis," directed Judge Ellis, and the defendant arose and stood with his hands upon the table while the verdict was read aloud.

"Is that your verdict, gentlemen?" asked Judge Ellis of the jury, and each of the 12 answered in the affirmative.

New Trial Asked. Shortly after the verdict had been received, Judge Fee arose and addressing the court stated that he desired to take exceptions to some of the instructions given by the court, and that a motion for a new trial would be filed. This he said would be based upon misconduct on the part of a juror whom he said it was reported had publicly expressed his convictions in the case both before and during the trial.

Judge Ellis then replied that the defense would have three or four days in which to file their motion. Previous to this District Attorney Phelps had announced that some of the defendant's bondsmen had asked to be released, and he asked that a new bond be ordered. Judge Ellis then placed the same at \$7500 in place of the former bond of \$4200.

The prisoner was then remanded to the custody of the sheriff. However, his attorneys asked for the privilege of consulting with him in the attorney's room, and this was granted. At the conclusion of the interview, which is presumed to have been upon the subject of securing bail, Davis was taken below.

From One to Fifteen Years. Under the laws of Oregon the penalty for the crime of larceny of public money is fixed at imprisonment in the penitentiary for from one to 15 years, and in addition a fine of twice the amount stolen may be imposed. However, the fine may not be administered alone.

Seven Ballots Taken. Before a verdict was finally reached in the case seven ballots were taken by the jury. Upon the first one, seven men voted for conviction, two were blank, while the remaining three were for acquittal. Upon the second ballot the two blanks were changed for conviction. On a subsequent ballot one of the acquittal men changed to guilty, and upon the last vote the remaining two came over to the side of the majority.

The above is given upon the best authority, and from the same source it was learned that the three men who stood for acquittal were Messrs. Brehm, Buholtz and Cargill. Of

(Continued on page 5.)

LOCK CANAL IS RECOMMENDED

ENGINEERS ALL AGREE EXCEPTING ENDICOTT.

The Latter Favors a Sea Level Canal—Report Will Be Transmitted to Congress Next Week—Many Democratic Senators Favor Making the San Domingo Issue a Partisan One, to Which Patterson of Colorado Objects, Saying No Treaty Provision Should Be Made a Partisan Issue.

Washington, Feb. 3.—The original report of the Panama canal commission was put in the hands of Secretary Taft today, the commissioners' vote in favor of a lock canal was within one vote of being unanimous. Rear Admiral Endicott was the only member voting in favor of a sea level canal. The president will transmit the report of the commission to congress next week.

Patterson Would Not Agree.

Washington, Feb. 3.—A democratic caucus of senators was called this morning to consider the action of the party in the matter of the San Domingo treaty. Some declare the president's foreign policy is assuming such importance it must become a subject of partisan discussion. Patterson rejected this, declaring that while the country is involved in any treaty convention with a foreign nation, every senator should be left free to follow the dictates of his own judgment when it came to a question concerning the ratification of such treaty.

Caucus Against Treaty.

The democratic caucus by a two-thirds vote this afternoon adopted a resolution binding the democratic senators to vote against the San Domingo treaty.

The next session of the federal court at Walla Walla has been postponed from February 5 to February 19.

IS ROOSEVELT INCRIMINATED?

Question of Who, How and Why Immunity Was Promised in a New Phase.

PROTRACTED DEBATE OVER LYMAN EVIDENCE.

Lyman is President of a Glue Company and His Presence on the Witness Stand is Objected to by United States District Attorney Morrison—Interstate Conference on Insurance Problems Listens to an Address by Governor Beckham of Kentucky, and Engages in General Debate About Existing Evils—Committee Appointed to Propose Uniform Legislation.

Chicago, Feb. 3.—Jesse Lyman, president of a glue company, testified that Commissioner Garfield came to him and said he was fresh from a conference with the president, and declared the president did not want made public anything the packers did not want made public.

Morrison Doesn't Want Lyman.

Chicago, Feb. 3.—Jesse Lyman was called to the stand at 10:30 a. m. to testify. District Attorney Morrison objected and the whole session was taken up in discussing the admission of Lyman's testimony.

Speech by Governor Beckham. Chicago, Feb. 3.—The conference of state officials in the insurance conference were in session this morning and listened to a speech by Governor Beckham of Kentucky.

A committee of 15 was appointed to propose uniform legislation. This afternoon the delegates discussed various phases of insurance evils. They seek a remedy.

Attorney General Moody arrived in Chicago today for a conference with Morrison, presumably in the packers' case. Chief Wikke, of the secret service, arrived at the same time. Morrison says they did not come together and declares Wikke did not come to see him. There are rumors of important developments.

Three Burned to Death.

Prentice, Wis., Feb. 3.—The explosion of a lamp at the home of Grant Stewart, a laborer, this morning, destroyed the home, burned Stewart to death, a 2-year-old girl and a weak-old infant.

Four Thousand Homeless.

Washington, Feb. 3.—It is announced the fire at Panama caused \$350,000 damages and rendered 4000 homeless, including 25 Americans.

DEMOCRATS WILL MEET FEBRUARY 17.

The following address to the democrats of Umatilla county was issued by the county central committee this afternoon:

To All Democrats in Umatilla County: This county central committee has managed the campaign of 1904; has maintained the party organization and integrity; has completed the work assigned to it, and is now ready to report back to the entire democratic party in the county.

A decent regard for the rights of all members of this committee compels us to return our powers to them at an early date, so as to enable them to prepare for the next general election, formulate and publish a declaration of principles, provide for the needs of the various parts of the county, and generally exercise the right of initiative that properly belongs to the whole people. To continue our own control of the party in this county beyond this time would be a treasonable usurpation, without shadow of right or warrant of law, of rights that belong to the whole body of democrats in this county.

We believe that the primary election law now in effect is a wise measure and should be given a full and fair trial, and in order that it may be given such a trial the powers now held and exercised by the central committee should be returned to the people before the primary election, and not be retained by the central committee until after they have controlled the primaries and indirectly, though none the less surely, made the nominations.

For these and other reasons, we find it necessary to call together an assembly of democrats, such as that which gave us power. We believe that such an assembly should be as

DEBATING THE HEPBURN BILL

House of Representatives is Still Struggling With Railroad Rate Problems.

WILL INVESTIGATE SOME CALIFORNIA PROBLEMS.

Land Exchanges in the San Francisco Mountain Reserve Are Subject to Inquiry—United States District Attorney at Seattle Ordered to Investigate the Valencia Disaster—Young Commander of the Bennington, is Reprimanded by Secretary Bonaparte—The Transport Meade Will Sall February 10—Fire Left 4000 Homeless at City of Panama.

Washington, D. C., Feb. 3.—The debate on the Hepburn railroad rate bill continued in the house today.

House Wants a Land Report.

In the house a resolution was adopted calling upon Hitchcock to send to the house a full report of all land exchanges made in the San Francisco mountain reserve.

Young is Reprimanded.

Washington, Feb. 3.—A letter of reprimand was sent to Young, commander of the Bennington, by Secretary Bonaparte, and is published. The letter says: "Laxity in the observance of regulations is inexcusable, especially in the case of an officer with such a brilliant record for gallantry and efficiency, who is regarded by the young members of the service as types for their own guidance."

Will Investigate Valencia Wreck.

Washington, Feb. 3.—The department of justice has ordered the district attorney at Seattle to assist the inspectors in the investigation of the wreck of the Valencia.

Washington, Feb. 3.—Upon the recommendation of General Funston, commanding the department of California, the quartermaster general has postponed the date of sailing of the transport Meade until February 10, so the officers' baggage can be dried out.

Four Thousand Homeless.

Washington, Feb. 3.—It is announced the fire at Panama caused \$350,000 damages and rendered 4000 homeless, including 25 Americans.

ple 4, Vinson 5, Weston 69, East Weston 63, Willow Springs 10, Youkum 2, Total 1248.

A. D. STILLMAN, Chairman.
A. S. PEARSON, Secretary.

RIGID INVESTIGATION.

Every Effort to Locate Responsibility for the Wreck.

Seattle, Feb. 3.—There is no session of the investigation today, waiting for witnesses from Victoria. United States Attorney Frye states that after the sessions are ended he will compel several important witnesses to testify. He says the investigation will be made rigid and the guilt placed where it belongs.

BURLINGTON CONTRACT.

Will Build 235 Miles Between Billings and Great Falls.

Salt Lake, Feb. 3.—It is announced the Burlington's first contract for the extension from Billings to Great Falls, Mont., a distance of 235 miles, has been let to Guthrie & Co., of St. Paul. The road will tap extensive coal fields.

CHICAGO WHEAT MARKET.

Quotations From the Greatest Wheat Center in the World.

Chicago, Feb. 3.—Wheat closed today at 84 1-2; corn at 44 7-8, and oats at 39 7-8.

INVENTED NEW SICKLE.

Pearl E. Fletcher, of Ridge, Secures a Patent on His Invention.

Pearl E. Fletcher, of Ridge, in the southern part of this county, has just received a patent on an improved grass and grain sickle invented by him.

K. J. Warner, of this city, is named as owner of a half interest in the invention, which promises to be useful and practical.

The printed description of the invention as given in the patent is as follows: "This invention relates to improvements in sickle mechanism designed to be used in connection with a harvester, reaper or binder, the object being to provide a sickle blade that will be of comparatively light draft, thus requiring but little power to run it and further to employ a very thin sickle blade that may be readily sharpened with an emery wheel without removing the blade from the machine."

Judge S. A. Lowell prepared the application for patent and with Miss Mable Whitman is named as witness to the application.

HUNT HOLDINGS MAY BE CUT UP

NOW CONSISTS OF 3600 ACRES EXCELLENT LAND.

Reported That it Will Be Put Upon the Market This Season in Small Tracts—All is Highly Adapted to Intensified Culture of Every Product Grown in the Northwest—Is Divided Between Salt Grass Bottom and Sandy Loam—Mr. Hunt's Example a Valuable One for Large Holders to Emulate.

It is said that the immense holdings of G. W. Hunt at Foster, and on the Umatilla meadows, will be cut up into small tracts and placed upon the market this season.

The Hunt farm is one of the largest in that portion of Umatilla county and consists of about 3600 acres, all of which is highly adapted to all the various fruit, grain and forage crops which grow in that part of the county, under irrigation.

A small portion of the land is salt grass bottom, and the remainder is sandy loam, which with winter irrigation alone will produce from six to eight tons of alfalfa per year.

The tendency to cut up the large farms in that portion of the county, which is being highly encouraged by the systems of irrigation now under way there, is becoming more and more noticeable and it is thought that others owning large tracts of wild land will follow the example of Mr. Hunt, in the near future.

"A Noble Outcast."

A theatrical company made up of Pendleton people will present "A Noble Outcast" at the Frazer theater tomorrow night. The play is a sprightly melo-drama and is filled with dramatic situations. The company which will present it is as follows: C. A. Warrington, Clyde E. Gray, Lewis Piquette, C. Roy LeGrand, Miss Nina Maple, Miss Effie Miller and Miss Pearl Brandon.

WILL INCREASE MILL CAPACITY

Walters Will Spend Over \$16,000 on Additions and Improvements.

WILL RAISE IT FROM 100 TO 500 BARRELS PER DAY.

Scheme Made Necessary by Vast Increase in Orders, the Present Plant Being Entirely Insufficient to Meet the Continuous Demands Upon It—Has Water Power Enough Now to Run a 500-Barrel Mill Nine Months of the Year—New Turbines Will Also Be Installed—The Enlarged Plant Expected to Grind 1,000,000 Bushels of Wheat Every Year.

By the first of June, if a contract made yesterday afternoon is completed by that time, the Walters flouring mill will be equipped with an entire new set of machinery, which will increase the capacity of the mill five times over and make it one of the best mills in the northwest. Between \$16,000 and \$17,000 will be spent in making the improvement, and the force of employees will be trebled.

In speaking to the East Oregonian this morning Mr. Walters said that he has been compelled to increase the capacity of his mill in order to fill the orders that are coming in. At present the capacity of the mill is but 100 barrels per day, and when the new machinery is installed the mill will have a capacity of 500 barrels daily.

The power from the present mill race will be sufficient to operate the mill at its full capacity during nine months of the year. But during the three low water months it will be necessary to run at a reduced capacity. Along with the new milling machinery to be installed, new turbines will also be placed.

At present Mr. Walters does not plan any changes in his present buildings, and the new machinery will be placed in the present structure.

According to Mr. Walters most of his flour goes to the Portland market and to Idaho. Within the past few years the demand from both those places has greatly increased. Of the four sent to Portland, much of it is subsequently shipped to the orient.

When the new machinery is installed in the Walters mill the capacity will be such that nearly a million bushels of wheat will be made into flour annually.

The contract for the new machinery was let to the DeWolf company of Pennsylvania, the deal being made by J. S. Allender, representative of the company who has been here for several days.

WHITMAN TEAM WON.

Basket Ball Game Resulted in Score of 14 to 8.

Last night the Pendleton high school basket ball team went down before the superior strength and team work of the Whitman players. At the close of the game the score stood 14 to 8 in favor of the visitors, and all of the eight points for the home team were made by throwing fouls on the field goal being scored during the game. The game was called in the high school assembly room at 8:30, with Coach Smith, of Whitman and Glenn Goodman, of this city, as officials.

Killed an Enormous Eagle.

W. P. Rucker, who resides five miles west of the city on the Umatilla river, killed an enormous bald eagle yesterday evening, which measured over seven feet from tip to tip.

Executive Board in Session.

Indianapolis, Feb. 3.—The national executive board of the miners, is in secret session today.

Tremendous System of Graft.

Chicago, Feb. 3.—The Cook county grand jury today returned 25 indictments against John A. Linn, former clerk of the superior court, on charges of embezzlement, forgery and concealing the public records. Among the specific charges are that he squandered \$50,000 county funds with intent to defraud. It is expected that Linn's trial will uncover a huge system of grafting in this city.