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WEATHER FORECAST.

Fair tonight and Thursday.

VOL. 20.

PENDLETON

OREGON, WEDNESDAY, APRIL 24, 1907.

NO. 5960

WHO DID M'MANUS THINK HE SHOT?

Only a Portion of the Evidence is Direct That He Knew He Had Killed Estes.

SOME SUPPOSED HE THOUGHT HE HAD KILLED M'ARTY.

Latter Was Arrested a Few Days Prior to Killing, Charged With Robbing McManus, Who Claimed Repeatedly That He Had Done So—Officer Waters Testified Mrs. McCarty Had McManus' Watch, Ostensibly as Security for Room Rent in Idle Hour Lodging House.

Because of illness on the part of Dyke Mumford, one of the state's witnesses, an adjournment of court was necessary this afternoon and the McManus case will not be taken up again until 9 o'clock tomorrow morning.

At 11:30 this morning the state desired to place Mumford on the stand, but as he was not present the noon recess was taken with instruction to meet again at 1 o'clock. At that time District Attorney Phelps reported Mumford to be so ill that his physician did not consider it safe for him to appear in court, though he could probably do so tomorrow morning. Mr. Phelps also said that the state had a few more witnesses and that he desired all of them to follow Mumford on the stand. As the defense also wished several hours in which to prepare their testimony, Judge Bean declared a recess until tomorrow morning. The members of the jury were assigned to the care of the hall-ways under former instructions. They will not be allowed to separate or talk with other parties except upon permission from the court and the attorneys.

In the cross-examination of the state's witnesses Colonel Raley acted for the defense today in place of Judge Fee, who had previously filled the role of inquirer.

The long, blue-barreled revolver which caused so much trepidation when introduced in evidence yesterday while loaded, and which called forth so much admulatory advice from the judge and counsel, and much side-stepping and nervousness when it was familiarly handled by Orville Coffman while identifying it as the weapon which he had taken from McManus, was finally disposed of when court opened this morning. Judge Bean, without warning to the attorneys in the case, boldly advanced and grasped the weapon and ejected all the loaded shells, with but feeble remonstrance on the part of Judge Fee. A sigh of relief went up from those in close proximity to the reporters' table as the feeling of impending doom was removed, and the first witness was called.

Bert Wilson.
The prosecution proceeded by calling Bert Wilson, who testified that he was in the saloon business and that at the request of Coffman he assisted in the placing of the prisoner in the city recorder's office. The valuable part of the testimony of the witness was in the statement of the conversation of McManus while on the way to the jail. Wilson was positive that the defendant had repeatedly stated that he had killed Bob Estes, claiming that Estes had robbed him of money. All preceding witnesses had testified that McManus had only stated that some one had robbed him, and this was the first witness who heard and swore that McManus charged the robbery to Estes.

On cross-examination by Colonel Raley, Wilson testified that McManus said that Estes had robbed him twice and was attempting to rob him again, but that he was prepared for him.

E. F. Averill.
E. F. Averill, city editor of the Tribune, next took the witness stand. His knowledge of the case came from the conversation he heard McManus make, shortly after the shooting, in the recorder's office.

"Bert Huffman and I," testified Averill, "went into the office together and Huffman said, 'What have you done, Mac?' 'I have shot the son of a—' He had robbed me twice and was trying to rob me again.' 'McManus,' continued the witness, 'said he would tell all about it, and said that a man had robbed him of his watch and about \$50.'"

Averill then testified that McManus said that he came to town and was standing on a corner and that one of his friends came up and asked him to go have some oysters with him. That it was while talking to this friend that this man, who had robbed him first, butted in; that the third party then followed him around all afternoon and that they finally went into a saloon together and McManus bought him a drink and the party then tried to rob him.

"McManus in his conversation did not mention the name of the man whom he claimed had robbed him, but made the statement, 'I have killed the son of a—', and hope he dies, and I am willing to answer for anything that I did," related the witness. Averill thought that McManus was intoxicated and said that he was excited and did not talk very distinctly.

McCarty in Lime Light.
The state now called several witnesses who testified in regard to a certain Mike McCarty. They showed that McCarty had been frequently with McManus and was a rough character and was arrested charged with robbing McManus on Sunday night preceding the night of the homicide, but that no information was filed against him.

Will Sturgis.
Will Sturgis opened a new line of evidence by stating that he was in the State saloon with McCarty when McManus came in and that they all had a drink together. That he knew but little about McCarty. He had only heard that McCarty had been in trouble over misdemeanors.

Joe Parkes.
Justice Parkes, justice of the peace, told how McManus had come before him and wanted McCarty arrested for robbing him. Mr. Parkes advised him to go before the district attorney and make complaint. This, the justice said, the defendant did not want to do. McManus might have been there twice for the same purpose, said Parkes, but he was not certain.

He said that McManus was up to his office with F. I. Waters, the night watchman, on Monday preceding the murder, which occurred on Saturday. That McManus made the statement that it was McCarty who robbed him.

F. I. Waters.
F. I. Waters then took the stand and told the jury that McManus came to him and said that McCarty was trying to rob him. Waters said that he went up stairs Sunday night in the Idle Hour rooming house, and found McManus in bed. He searched his clothes and found but 10 cents. While he was going up stairs he saw McCarty stick his head out of the window, so he went into his room. He said that McCarty was one of the suspicious characters about town and that his room was near that of the defendant. While in the room of McCarty Mrs. McCarty came in with the watch which belonged to McManus and when asked where she got it, said it had been put up as security for room rent.

The night officer arrested McCarty and held him in jail until sometime Tuesday evening. This was on Sunday night about 1 or 2 o'clock, the

(Continued on page 5.)

FREEWATER AND MILTON STATION

ONE STRUCTURE FOR THE TROLLEY LINE BUSINESS.

Will Be Centrally Located, to Be Easy of Access to People of Both Burges—Bowman Springs Will Be Purchased for City Purposes. Water Supply to Be Supplemented by Tapping the Walla Walla River.

Milton, April 24.—The Walla Walla Traction company, which is operating an electric line from Walla Walla to Milton and Freewater, will at once commence work on its passenger and freight depot for Milton and Freewater, one building to serve the two cities, and it will be located about midway between them in North Milton, near Russell and Ward streets. Another similar structure will be erected later in the southern part of the city, and will probably be used for the better accommodation of the farmers shipping over this line from that part of town.

To Purchase Bowman Springs.
At a meeting of the city council it was decided to purchase Bowman Springs, so that Milton's water system will be extended to the springs a little more than a mile above the city. A reservoir will be constructed into which the springs will run, and the Walla Walla river will be tapped beyond for an auxiliary supply at the height of the irrigation season. Milton will in the future have pure spring water for city use.

The Columbia River District conference of the Free Methodist church is being held this week at Spokane, presided over by Rev. B. R. Jones of Jackson, Mich., assisted by the Spokane pastor, Rev. O. F. De Foe.

ROOSEVELT RESPONDED TO LABOR LEADERS' DEMANDS

Makes Reply to Their Indignant Protests About His Strictures Concerning Moyer Et Al

Gompers Side Steps—Other Federalists are Indignant—Employers' Association Officials Generally Are Pleased—Roosevelt Manages to Evade Direct Expression Concerning the "Desirability" as Citizens Because They May Belong to Labor Unions—"Moyer and Haywood Representative of Apologists for Bloodshed and Violence."

Washington, April 24.—Gompers is the first labor leader of the country to read the president's letter regarding Moyer, Haywood and Pettibone and said:

"It is a remarkable document. I am not in a position to make a statement now while the discussion is at its heat." He believes the letter of the president is his final word on the subject. No labor delegation is likely to be received by Roosevelt to further discuss the question.

Mixed Opinions in Kansas City.
Kansas City, April 24.—W. W. Stotts, president of the Allied Printing Trades council of this city, said: "The Roosevelt letter has established a precedent extremely unfair to organized labor."

J. P. Prescott, president of the Employers' association says: "The president is right where he said labor should eliminate undesirable citizens."

B. C. Brady, organizer for the International Typographical union, says: "I believe the president will not oppose organized labor. He condemns the men for their personal actions, not affiliations. He is entitled to his opinion. He is too broad minded to condemn a man before he is tried."

Capitalists Will Not Talk.
Chicago, April 24.—Capitalists when approached for their views regarding the Roosevelt letter today refrain from expressing opinions.

John Fitzpatrick, president of the Chicago Federation of Labor, said: "Our resolutions previously sent to the president express our opinion, which is unchanged. Roosevelt may criticize Harriman and Debs. They are at liberty. Roosevelt should not indiscriminately criticize men on trial for their lives."

Colorado Man's Expression.
Chicago, April 24.—Edward Besette, vice president of the Colorado Federation of Labor, this morning said: "I would rather trust the future of the country to men like the defendants than to the gentlemen in the White House with the big teeth and big stick for the laborites, but a big mitt for the corporations during campaigns."

Railroaders Are Satisfied.
Washington, April 24.—S. B. Hammer, chief conductor of the Order of Railway Conductors in West Virginia, and E. M. Graham, attorney for the order, discussed the Moyer-Haywood case with the president today. The president reviewed the situation with them and demanded the defendants be brought to trial like any other prisoners. The visitors expressed entire approval of the president's course.

"Insult to Organized Labor."
Denver, April 24.—John M. E. Neill, editor of the Miners' Magazine, says: "The president's letter is an insult to organized labor all over the country. It tears from Roosevelt's face the mask of hypocrisy and shows him as an ally of Standard Oil, whose magnates yearn for the official murder of the defendants."

Roosevelt Prejudges.
St. Paul, April 24.—G. C. Collins, president of the State Federation of Labor, says: "Roosevelt judges before the trial and convicts on hearsay evidence. He assassinates citizens' character without regard to

facts. Debs, Moyer, Haywood and Pettibone are not undesirable until proven so."

"Overstepped the Mark."
Omaha, April 24.—Dahlman, the cowboy mayor, says: "Every man is regarded as innocent until proven guilty. I think the president overstepped the mark here as he has before. His remarks are certain to be detrimental to the defendants."

St. Paul Man Also Prejudges.
St. Paul, April 24.—The consensus of opinion of four of the biggest wholesale merchants of this city is that Roosevelt is justified and to be congratulated on the stand taken. Albert Lindeke said: "The defendants deserve no more than a fair trial. There is no reason why the president should not answer bitterly those trying to defeat justice."

Full Text of Roosevelt's Sideslip.
Washington, April 24.—In a letter addressed to Honore Jackson of Chicago, chairman of the Cook county Moyer-Haywood conference, was made public last night, in which President Roosevelt replies to the criticisms of his recent letter in which he referred to Moyer and Haywood and the officials of the Western Federation of Miners, charged with implication in the Steunenberg murder, as "undesirable citizens."

The president says he regrets that any body of men should so far forget their duty to their country as to, by formation of societies or in other ways endeavor to influence justice and coerce a court or jury; that they, not he, are trying to influence justice and he condemns what he calls their flagrant impropriety in the matter. He says he indicated no opinion as to the guilt of the arrested persons, but it was a simple absurdity to assume that because a man is on trial he is free from criticism as to his manner of life.

Does Not Withdraw.
He says he might as well be accused of trying to influence the suits against Harriman, some of whose friends had also criticized him. He said that Moyer and Haywood stand as representatives of those men who have done as much to discredit labor movements as the worst speculative financiers or the most unscrupulous employers of labor and debauchers of legislatures have done to discredit capitalists and fair dealing business men.

He says that Moyer and Haywood stand as representatives of those who habitually appear as guilty of indictment, or apology for bloodshed and violence.

He added that he is profoundly indifferent to the condemnations of him for his criticism of the undesirable type of citizens, regardless of the power of either labor or capital.

NAT HALL UNDER ARREST.

Man Who Killed Enland With Red Hot Iron.

La Grande, April 24.—Nat Hall, charged with the murder of one Enland, at the Indiana mines last Wednesday, is now lodged in the county jail in this city. Sheriff Childers arrived last evening from Baker City with his prisoner and to say that Hall is suffering mental agony is stating it mildly. Ever since the death of Enland, which occurred Saturday noon, Hall has been stricken with conscientious grief.

At present the story for the ground for attack is that Enland, who had

charge of the Burleigh drills at the Indiana mines, kept up an incessant word battle over the inefficiency of the work done by Blacksmith Hall. Drills were never sharpened satisfactorily and, in fact, every piece of work done by Hall was generously criticized by Enland. The rumors go on to say it was in a fit of anger brought on by aggravated word assaults that Hall seized a hot drill from the fire and struck Enland over the skull, causing his death in three days.

SPRING TERMS PUBLIC SCHOOL.

Contracts for Five Schools of Three Months Each.

At this time of the year many of the country schools in this county commence upon their spring terms. In some instances three months in the spring is the only school taught, while in many cases three months, school is held in the fall and the same length of term in the spring. The following new contracts have just been filed with Superintendent Frank K. Wells:

H. D. D. Whittaker, to teach for three months in district 64; salary, \$55 per month.

George Hansell, to teach for three months in district 63; salary, \$40 per month.

Miss Ellen Canfield, to teach for three months in district 34; salary, \$50 per month.

Miss Ida Hendrickson, to teach for three months in district 95; salary, \$45 per month.

Miss Rosa Lee, to teach for three months in district 21; salary, \$50 per month.

CONTEMPT CASE AT BOISE.

Yost Is Accused of Tampering With Jury in Moyer Case.

Boise, April 24.—In the district court this morning W. M. Yost appeared in answer to a citation to show cause why he should not be held for contempt. The citation is based on an affidavit by Juror Wagner of the regular panel, who said Yost tried to discuss the Moyer-Haywood case with him, and tried to draw out an opinion. The defendant was represented by Nugent and Miller, the federation's attorneys, who filed a motion to quash the affidavit on the ground that it did not contain any offense. The court took the latter under advisement.

Body of Woman Picked Up.

Ludington, Mich., April 24.—The body of a young woman wearing a life preserver marked Arcadia, was picked up three miles off shore this morning. She was evidently the cook of the ill-fated steamer.

Raymond Team Runs Away.

This afternoon a short runaway occurred on Webb street when the fine black team belonging to Fred Raymond became frightened at the W. & C. R. train and started to dash down the street. At the corner of Webb and Garden street the team and surrey collided with a telephone post and the horses were forced to stop. No one was injured by the accident, though the surrey was damaged somewhat.

HERMISTON TO INCORPORATE

TWO SQUARE MILES WILL ALLOW FOR EXPANSION.

Rapid Growth of the Town Makes Incorporation an Essential of Progress—Increase in School Population Almost Exactly 1000 Per Cent During Past Year, Drawing Heavy Per Cent School Money.

Hermiston, April 24.—There is a movement on foot here to incorporate the town one mile wide and two miles long. At a meeting of the Hermiston Commercial club held last evening this matter was discussed, and it is the intention of the citizens to push the matter right through. Another meeting has been set for this purpose.

Hermiston is growing so rapidly that it is considerably handicapped because it is not incorporated at this time, and the residents of this place feel that it cannot be done too soon for the general welfare of all concerned.

Astounding School Growth.

Because of Hermiston's rapid growth in the last year the school district there was enabled to draw money at the last apportionment upon the enumeration taken this year. By the terms of the state law a district draws money upon the number of children shown by the enumeration of the preceding year, excepting where the increase has been 100 per cent or more. Last year Hermiston reported but six pupils of school age and this year the enumeration was 59, thus making a tremendous gain.

Consequently the district was able to secure several hundred dollars extra school money and in accordance with the law Superintendent Welles allowed the same.

WOULD MACADAM SOME 31 BLOCKS

Resolution to That Effect Will Be Presented in Council Tonight by Renn.

SPECIFICATIONS AND TERRITORY GIVEN BELOW

Thirty-Six Feet of the Center of Each Street to Be Paved, Gutters and Curbing Not to Be Imposed—Scheme Will Be Carried Out Unless Sufficient Number of Legal Remonstrants Protest Within 10 Days—Estimates Are That Macadam Will Not Cost More Than \$40 Per 50-Foot Frontage.

Plans for the macadamizing of the residence streets of the city have now been worked out by the council and tonight Councilman Renn, chairman of the streets committee, will introduce resolutions calling for the improvement of 31 blocks during the coming spring. There is little doubt but that the resolutions will be adopted by the council and the proposition will then be carried out at once unless a sufficient remonstrance be made by the property owners involved.

By the terms of the resolutions now drawn, East Court street is to be macadamized from Mill street to the Byers' mill race, a distance of eight blocks. West Webb street is to be macadamized from the O. R. & N. railroad track to the western terminus of the street, a distance of 11 blocks. West Alta street is to be macadamized from the east line of Garden street to the west line of Chestnut street, a distance of 13 blocks.

The specifications given in the resolutions call for the improvement of the streets for a distance of 13 feet on each side of the center line of the street. Macadam is to be used, being placed nine inches deep at the center of the street and six inches deep at the outer edge. No curbs are to be constructed, the macadam joining directly with the earthen strip along the side.

Good, But Cheap.

"We have considered the matter very carefully," declared Councilman Renn this morning, "and I believe that the plan now in view will furnish a good, substantial street for the residence sections and yet be cheap enough so that no objections can be made by the property owners. While it is impossible to state just what the improvement will cost, it will be in the neighborhood of \$40 for each 50 feet of frontage. I hope that no remonstrances will be started and that the council will be able to proceed at once to advertise for bids and let the contracts.

In selecting the blocks to be paved the councilmen have also tried to avoid obstacles. According to Mr. Renn it is the purpose of the council to take up the matter of more paving as soon as the new charter has been adopted. It is proposed to pave several blocks on West Court street, and also for a block on West Alta. The paving of Webb street offers a serious problem because of the W. & C. R. track.

Under the present charter the council may pass a resolution proposing to improve certain streets or sections thereof and if a remonstrance is not received within 10 days it may let the contract for the work and acquire a lien upon the abutting property to cover the expense of the improvement.

Three Girls Killed.

Millville, N. J., April 24.—Three girls employed in the glass factory of T. C. Wheaton & company were killed today by the collapse of a smoke-stack.

Chicago Wheat Market.

Chicago, April 24.—Wheat opened 78 7-8, closed 79; corn opened 43 1/2, closed 43 7-8; oats opened 44, closed 43 3-4.

Two states—Kansas and California—at the last sessions of their legislatures passed bills which are now laws, prohibiting secret societies in high schools.

I. W. A. Will Meet Saturday.

Hon. C. A. Barrett, president of the Inland Wheatgrowers' association, has called a meeting of that organization for Saturday, April 27. The meeting will be held in the Commercial rooms. The purpose of the meeting is to take up the stock which was subscribed for some time ago.

FISHMAN & PETERS HAVE SOLD LAUNDRY

By a deal that was concluded today the Pendleton Steam laundry has been sold by Fishman & Peters to H. H. Nolen, of Carroll, Iowa. The new proprietor will take charge of the business in the immediate future and with his son, R. E. Nolen, will conduct it hereafter. Charles Fishman, senior partner in the old firm, has not decided what he will do in the future, but in all probability will leave Pendleton about June 1. Will Peters, the other member of the old firm, is intending to go into the ice business in Portland, where he has an uncle so engaged.

Two years ago on April 1, Messrs. Fishman & Peters bought the Pendleton laundry from Joe Hoch and have conducted a very successful business since that time. By the terms of the trade made with Mr. Nolen, the latter secures all of the laundry plant, together with the business, present help and good will of the establishment. Both Mr. Nolen and son have been extensively engaged in the laundry business in Iowa and consequently are experienced men in the business. They came west for the purpose of finding a new location and feel that they have done well in securing the Pendleton laundry.