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BURGLARS PLUNDER ANOTHER RESIDENCE

HOME OF J. A. DEVLIN ENTERED LAST NIGHT

Looters Secured Three Valuable Rings Lock on Door Broken to Gain Entrance—Family Was Absent at the Time.

Another burglary occurred in the city last evening, the house of J. A. Devlin on Garden street, being entered and robbed of three valuable rings and generally plundered. The house was broken into during the evening while all members of the family were away. The house had been left securely locked, but the burglar succeeded in breaking in by bursting the lock. That the house had been robbed was discovered by Mr. and Mrs. Devlin when they returned home. Clothing and other articles were found to have been disturbed and this fact aroused Mr. Devlin's suspicion. Upon investigating he found the rear door had been broken open and his next discovery was that the three rings had been stolen.

That the burglars became frightened and left before they were through is the belief of Mr. Devlin. Had they taken more time for their work they could have secured more booty.

MURDERER IS BEFORE COURT.

(Continued from Page One.)

calmly announced that he was not in favor of the death penalty. The other were then examined upon the facts in the case.

Jurors Keenly Questioned.

Attorney Will M. Peterson is conducting the examination of the jurors for the defense and he is laying great stress upon the fact that the state has to prove its case beyond a reasonable doubt, closely questioning the jurors that in the event of their being a reasonable doubt if they would give the defendant the benefit of the doubt. So far the question of circumstantial evidence has not been injected into the case by either the state or the defense, notwithstanding the fact that the state must rely almost wholly upon circumstantial evidence to prove its case.

Evidence is Circumstantial.

Circumstances alone are the only evidence connecting Arnold with the murder of Andy Riball, the crime being one of the most cold blooded and atrocious in the history of the county. No one saw the murder, no one saw the two men together near the point where the deed was committed, and there are, so far as the state has intimated, no direct facts tending to show that the murdered man had any great amount of money on his person. But it was for his money that he was murdered and the prosecution has some very strong evidence on this point. There are, it is claimed by those who are acquainted with the line of testimony which Mr. Phelps is going to introduce, men who saw the murdered man and the defendant going across the country on

horseback in the direction of the spot where the dead body was found, and men who saw the defendant come back alone, riding one horse and leading the other. Then it is claimed that the state will prove that at the time of the murder, or a few days prior thereto the defendant had no money but that immediately after the murder he took a pleasure trip through California and returned. Upon his return he was arrested and when questioned about where he got this money to take this pleasure trip he said he borrowed \$128.00 of his brother-in-law who lives at Weiser, Idaho.

No sooner had the defendant made this statement in the presence of witnesses than the sheriff of Weiser was notified to take a witness and go and interview this brother-in-law as to whether or not he had loaned Arnold the alleged \$128.00. Just what the brother-in-law said to the sheriff is not known for the prosecution has that up their sleeve and will not divulge whether the brother-in-law admitted having loaned the money or whether he denied it. That one fact is almost the death blow to the defense if the brother-in-law denies loaning Arnold the money for it is claimed that the state will be able to prove that Riball the murdered man had about this sum of money on his person when murdered.

Wilson Traps Accused.

According to gossip around the court house, the sheriff and district attorney have neatly tripped up the defendant on many points of his story. One of the neatest tricks, according to the court house gossips, was that of Deputy Sheriff Bert Wilson. At the time the body of the murdered man was discovered there were some foot prints in the wet sands of the Columbia river banks of the man who committed the murder and then gone to the river to wash his hands. Bert Wilson had a plaster cast made of the foot prints and secured good results. When Arnold was brought to the jail in Pendleton the first thing they did was to take off his shoes. Upon fitting the shoe into the plaster mould it fitted exactly, neatly and in every way except that the shoe had a steel plate on the heel which the print in the sand failed to show.

Bert Wilson was not discouraged by this. Returning to Arnold in the jail he is reported to have said: "See here, Arnold, the man who took these horses wore a shoe exactly like this, with a steel plate on the heel just like this. What have you to say about that?"

"That's dead easy," Arnold replied. "I had that steel plate put on that heel in California."

"Are you sure about that?" Wilson asked him.

"Dead sure," Arnold replied, "and I can prove it," so he proceeded to tell Wilson just when and where the steel plate was put on, the name of the man who put it on and witnesses who could swear that the plate was put on in California.

"That's nice," said Wilson, and it is doubtful if Arnold has awakened yet, for he knows nothing at all of this plaster cast of the footprint.

Arnold Deserted by Kin.

In some respects Arnold presents a pitiable figure, fighting in this court against the power of the state for his life. That he has been deserted by every one of his kinfolks seems almost

certain. His brother in law came over from Weiser with an attorney to investigate the case, stating that if there was a show for the defendant to be innocent he would give him every assistance in his power, and after a brief investigation this brother in law returned to Weiser and a day or so later Arnold received a curt note from the attorney stating that he was too busy to take up the case. It is understood that Arnold's wife has also deserted him and will have nothing further to do with him. At any rate he sits alone in the court room with only his counsel as a buffer between him and his fate.

And Arnold is worried. He is nervous, disquiet and evidently ill at ease. His eyes are continually toward the table or the corner of the room. Once in a while he lifts his shaggy, low hanging eyebrows and gives a quick, hurried glance at the judge or spectators, then returns to twisting his hands and fingers and gazing at nothing in particular.

History of Case.

The murder of which Arnold is accused had no extenuating circumstances connected with it. It was cold blooded in the extreme and atrocious beyond conception. For the few hundred dollars which he is supposed to have had in his pocket, and which he had saved from wages for labor, he was beaten over the head with an immense club, almost a fence post, his skull crushed almost to a pulp and then left to rot in the sagebrush about six miles above Umatilla. His pockets were rifled.

The circumstances connecting Arnold with the murder, so far as known about the course house, are that Arnold and the murdered man came from Boise, Idaho, to Baker, from Baker to Pendleton and from Pendleton to Echo. There, it is claimed, two horses were secured from a livery barn and Arnold and Riball went out to look at some land. That was the last seen of Riball alive. Late in the evening Arnold returned the horses to the livery barn, saying that the other fellow had gotten off up town. When arrested and confronted with these facts Arnold is claimed to have said that he got the horses and took them out to the railroad track where he had turned them over to Riball and another man and they rode off together. He waited on the railroad track until the other man returned with the horses when he, Arnold, took them to the livery barn. When asked who this other man was the only answer Arnold could give is that his name was "Louis" and he didn't know his last name, although he had seen the man several times, but couldn't remember his last name, didn't know as he had ever heard his last name.

From computations made by the sheriff and with which Arnold was confronted, according to his own statements, he must have waited on the railroad track for the return of the horses for eleven hours without anything to eat or drink.

Just what kind of a defense Arnold is going to make is not known. So far as the witnesses are concerned, he has subpoenaed but five and no one around the court house seems to know them. It is believed they are all from Idaho.

The Afternoon Session.

This afternoon Arnold's sister, Mrs. Purcell, who lives at Meacham, came down and is in the court room with the defendant. It is also understood that another sister from Idaho will arrive tonight and remain throughout the trial.

The examining of the jurors is progressing slowly and from present indications it will be at least another day before the twelve men are selected. As the jury box now lacks only two men of being filled and when it is filled, 12 having been passed for cause, both the state and defendant have the right to excuse any juror they desire, and by this peremptory excuse it is possible to empty the box again.

Juror Furnishes Amusement.

A bit of amusement was occasioned when O. M. Richmond of Helix was being examined as to his qualification. The defense passed him for cause and Mr. Phelps gave him a pretty thorough examination as to his opinions concerning capital punishment and as to whether or not he had any conscientious scruples against capital punishment. Richmond qualified and Mr. Phelps passed to the next juror and began, for the first time, questioning him as to his scruples against circumstantial evidence. He questioned the second juror closely about circumstantial evidence and was getting along nicely when Richmond interrupted, with "Here, you didn't ask me anything about that. I don't know about this circumstantial evidence business."

"That's all right," replied Mr. Phelps, "we will pass that for the time."

Richmond subsided, but it is the general opinion that he will be excused.

PACKY McFARLAND MAKES A BIG NOISE IN ENGLAND

New York—That loud noise which you hear is Packy McFarland abroad trying to get a fight out of Freddy Welsh. You all remember the Welsh-McFarland fight in Milwaukee when Packy got the decision. But since then and especially since he won the lightweight championship of England Freddy has been declaring that McFarland fouled him.

When Packy called from our shores he went with the slogan, "Welsh first—then the rest of them."

Packy has a fine program mapped out. First he wants to get a knock-out on Welsh, then he is going to Paris to pluck a few lemons; then he is coming home to annihilate Battling Nelson, the demon Dane. In the old days Packy used to be one of Nelson's training partners. Packy got so good that he says Nelson tried to knock him out every time they put on the gloves. There is certainly a breach of good feeling between Packy and the Battler.

The revenue of the commonwealth of Australia for the last financial year was \$71,750,000, a decrease of \$3,325,000.

PERSONAL MENTION

H. O. Moussu went to Echo this morning.

R. H. Wilcox left this morning for Portland.

Mrs. Lee Moorhouse left today for Portland.

L. Monerastelli left this morning for Walla Walla.

Mr. and Mrs. Leon Cohen left last evening for Portland.

Antone Nolte came over from Pasco yesterday morning.

James Thompson has returned from a months visit in Alberta.

Arthur Gibson, the contractor, left this morning for Walla Walla.

A. W. Simmons of Freewater, came down from that place yesterday.

Phillip A. Stover of Hermiston has been in the city upon a short visit.

Joe Basler was a passenger on the morning Northern Pacific train today.

William Coffman was a passenger for Hermiston on the local train today.

County Surveyor J. W. Kimbrell left on the local train this morning for Echo.

Mr. and Mrs. E. E. Elder of the Echo country were visiting in town Sunday.

Miss Mayme Rippey left this morning for Echo, where she teaches school.

Mrs. Mary Dissoy was a passenger on the local train for Portland this morning.

Robert Stanfield left on the local train this morning for the west end of the county.

Dr. E. B. Waffle has returned to Deschutes after a short visit with his parents in the city.

R. H. MacWhorter, secretary of the Interstate telephone company was a Sunday visitor in the city.

J. G. Kilpack, traveling representative for the Boys' and Girls' aid society is in the city today.

Miss Edith Still of Walla Walla returned to that city yesterday after a short visit with friends in the city.

O. M. Richmond, the well known retired farmer of the Weston country, was a visitor in the city yesterday.

Miss Josephine Cameron left this morning for her home in Heppner after a visit of a week with relatives and friends in the city.

Attorney Homer I. Watts of Athena, came down from that place yesterday to take up the trial of the Arnold case in the circuit court today.

Mr. and Mrs. S. B. Baldwin, who have been visiting in the city as the guests of Mr. and Mrs. R. H. Wilcox, left today for their home at Independence.

R. W. Munkers, car checker for the O. R. & N. in the local yards for several weeks, has resigned his position with the company and expects to leave tonight for Portland.

B. Jensen, the livestock insurance man, was over yesterday from Walla Walla, where he now maintains his headquarters, being in charge of the A. C. Ruby horses stationed in that city.

One of Private John Allen's favorite stories is about a Georgia bishop. One of the members of the bishop's church met the reverend gentleman on Sunday afternoon and was horrified to find the bishop carrying a shotgun.

"My dear bishop," he protested, "I am shocked to find you out shooting on Sunday. The apostles did not go shooting on Sunday."

"No," replied the bishop, "they did not. The shooting was very bad in Palestine and they went fishing instead."

Attention Knights.

Damon Lodge No. 4, K. of P., will meet in regular session this evening at 7:30. A. I. GADWA, C. C. R. W. FLETCHER, K. R. S.

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Busy Boston Store

WHO HAS READ "BEVERLY" WANTS TO SEE "BEVERLY"

When George Barr McCutcheon's "Beverly" is presented at the Oregon theater on February 1, local playgoers will have an opportunity of enjoying one of the most delightful romantic plays of a decade, which has been favorably received in Buffalo, Toronto, Cincinnati, Pittsburg and Chicago, and is now en route to Pacific coast cities for extended engagements.

"Beverly" is a dramatization of Mr. McCutcheon's story "Beverly of Graustark," by Robert M. Baker, who has adhered very closely to the story contained in the book with the result that he has succeeded admirably in retaining the atmosphere of the delightful little principal.

"SUNNY SOUTH MINSTRELS" WILL BE WORTH WHILE

The "Sunny South Minstrels" under the direction of Mrs. Anna Z. Crayne,

met in their first theatre rehearsal Saturday night and went through the various songs in a manner very gratifying to all concerned in the production. Frank Carruth, well known as a musical director, is assisting Mrs. Crayne and Miss Young in drilling the choruses, and local people can expect to have a musical treat dished up to them Saturday night when the resultant product of their efforts is served.

Charles Ferguson is acting in the capacity of interlocutor, and this assures an entertainment free from drags and delays, and full of ginger, life and vim from curtain rise until curtain fall. With the assistance of the end men, Mr. Ferguson will pass out some new and original jokes and it is said that some local celebrities will be made to suffer from these humorous sallies.

Bailey "shocked the senate?" and we didn't think an earthquake could do that!



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