

WESTON HAS NEW CHANCE FOR FREEDOM

REVERSAL GIVEN IN FAMOUS CASE

OPINION DUE SOON

Trial For Death of Hermit Rancher Most Sensational Ever Held in Deschutes County—Evidence Largely Circumstantial

Either dismissal or retrial for A. J. Weston, convicted here a year ago in circuit court of the second degree murder of Robert H. Krug, hermit rancher near Sisters, will come as the result of the supreme court opinion which has been filed this week. News of this development in the most sensational case ever tried in Deschutes county came this morning when N. G. Wallace of Prineville, one of Weston's attorneys, received from Salem a telegram filed November 22, and delayed by the storm.

State vs. Weston reversed and remanded; Opinion follows. " was the brief message announcing that the man who has just completed his first year of a life term in the penitentiary will have another chance to regain his freedom. Wallace had no information as to whether the case was remanded for a retrial, or with instructions for dismissal.

Mrs. A. J. Moore, of this city, daughter of Weston, expressed her delight when interviewed this morning, but was unable to add any information to that received by her father's lawyer. State's attorneys were unable to throw any further light on the question.

Trial Expensive
Weston's trial, held at the November term in 1920, was the most expensive as well as the most sensational ever conducted here, five days being used in the hearing in which dozens of witnesses testified.

Circumstances were obtained largely through a "case of circumstantial evidence" supplementing admissions of witnesses which state's witnesses declared he had made to them. According to the latter class of testimony, Weston had tortured Krug in the endeavor to make the aged man disclose the hiding place of his money and, failing, had killed him and set fire to the house. Krug's body, charred virtually beyond recognition, was found in the ruins of his home on the morning of March 24, 1919. The coroner's jury returned an open verdict, and the arrest came a year and one-half later following painstaking investigations by Sheriff S. E. Roberts.

In the trial which came only a short time after the arrest, testimony given by George Stillwell and Joe Wilson, who had worked with Weston at the Wilson sawmill near Sisters, was considered largely responsible for the conviction.

CHRISTMAS SEAL DAY DESIGNATED

December 1 Will Mark Beginning of Use of Seals to Aid in Fight Against Tuberculosis.

December 1 is Christmas seal day, and on and after that date all packages and envelopes will be expected to bear one or more of the little one cent stickers, the sale of which aids in financing the campaign against tuberculosis in Oregon.

Mrs. A. H. Oliver, in charge of the campaign for seal sales in Deschutes county, stated today that on Monday a committee composed of Mrs. Horace Richards, chairman, Mrs. W. R. Speck, Mrs. J. D. Donovan, Mrs. D. G. McPherson, Mrs. John B. Heyburn, Mrs. H. C. Ferris, Mrs. T. H. Foley, Mrs. Ralph Spencer, Mrs. F. E. Studobaker, Mrs. E. O. Stadler, Mrs. E. J. Catlow, and Mrs. David Kelley, will call upon business and professional men in Bend to aid in reaching Deschutes county's quota, approximately \$500. No children under 18 years of age will be asked to take part in the campaign.

May Lose Hand As Result Of Shotgun Wound

Gay Davis, rancher of near Bend, may lose the use of his left hand as a result of a shotgun wound which he was carrying in his wagon falling to the floor and being discharged while on the road near the city. A motorist picked him up and brought him to Bend. He was weak from loss of blood. The hand was mangled to such an extent that it is believed that amputation may be necessary.

BOARD PASSES SCHOOL BUDGET

TAX LEVY OF \$124,930.15 TO BE VOTED ON AT SPECIAL SCHOOL ELECTION DECEMBER 17 AT HIGH SCHOOL.

The school budget of \$124,930.15, the tax levy to be voted on December 17, at the high school building was passed by the board without a dissenting vote at a special meeting at the high school building today. Objections were voiced by three members of the city council, H. E. Nordeen, N. H. Gilbert and C. J. Leverett, and by Mrs. W. P. Myers, president of the Parents' association. Leverett said that it would be a mistake to pay off all of last year's debt of \$46,359 at this time, it being dangerous to have too much credit, citing the example of the sheep and cattle raisers.

PAPERS COME FROM OUTSIDE

STAGE DRIVER BRINGS PORTLAND AND SAN FRANCISCO PUBLICATIONS AND 150 TELEGRAMS FROM KLAMATH.

Uncertainty as to how long the Klamath Falls route may remain open was expressed this morning by G. A. Johnson, driver of the stage which last night brought to Bend the first Portland and San Francisco newspapers which have been received here in six days, and over 150 telegrams for local people, the first personal word anyone had received in an equal period.

"It is impossible to tell at one end of the line what conditions will be at the other end," said Johnson. "Almost anything may occur to stop communication to the south. So far, there has been little snow, and the roads have been passable although sloppy."

GOOSE HUNTER GETS OWL AS ONLY GAME

A large owl which R. M. Smith shot for a goose was brought into Bend last night by Smith and A. J. Goggans, following a hunting trip in the vicinity of Houston lake made in company with Byron Royce. It was the net result of the hunt. Goggans told the story today of his companion's pot shot at a large bird seen in the top of a Juniper tree, while Smith gave credit to Goggans. From reliable sources of information it was learned that Smith made the bag.

LEGION BASKETBALL MEN WILL PRACTICE

Basketball aspirants who are members of the American Legion will meet at the gymnasium at 8 o'clock Monday evening for practice, announces W. R. Van Vleet, who is to be in charge of the team. The ex-service men are planning to put a fast quintet in the field against teams which are being organized among the business men and at the mills.

COUNCIL MAKES NO CHANGES IN BUDGET TOTALS

OBJECTIONS FAIL TO MATERIALIZE

WOULD END BETTING

Vagrancy Ordinance and License Canceling Right May Be Invoked by City Fathers to Halt Open Gambling

Only two persons who were not city officials attended last night's special council meeting at which the city budget for the coming year, to be voted on December 7, was set at \$67,950. Those who were there could be in no sense considered as objectors to any feature of the budget, although some questions were asked as to the library appropriation. Councilman Leverett was absent, on account of illness.

That over half of the budget to be voted is for paying off debts and interest on debts of a previous year or for a sinking fund for the future, was stated by Councilman Baker.

J. D. Davidson and O. C. Henkle were appointed election judges, and J. F. Arnold and Ashley Forrest were named as clerks for the election. Other arrangements were put in charge of the election committee, of which Baker is chairman.

Gambling Scored
Two possible means of curtailing the amount of gambling declared to be going on in Bend were discussed at the special meeting of the council, with definite action left to the following regular meeting. The means discussed were the revocation of licenses of pool and card rooms in which gambling is carried on, and in enforcement of vagrant laws. The matter was brought up by Councilman Gilbert, who stated that wide open gambling was being conducted in several of the card rooms. Many of the gamblers are professionals who have no visible legal means of support, and may be prosecuted on that ground, he declared.

After City Attorney C. S. Benson had pointed out the difficulties of that procedure, the revocation of licenses was brought up, and favored by all members of the council present. J. S. Innes gave his opinion that it would be necessary to revoke only one license. He stated that conditions are as Gilbert had described them.

Councilman Nordeen said he would like to see pool halls and card rooms closed on Sunday, but that matter was carried no further. Nordeen said

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CAMP MADE ON METOLIUS RIVER BY FREMONT ON HISTORIC TRIP

Checking of the longitude and latitude given by Captain Fremont from his observations taken on this date 78 years ago would show that he camped six miles east of a point on the Metolius river two miles above the junction with the Deschutes. His descriptions, however, indicate that he must have been on the Metolius itself. Probability that one of his instruments may have been slightly out of adjustment is shown by the fact that later observations farther along the line show the same apparent error.

November 26.—The morning was cloudy and misty, and but a few stars visible. During the night, water froze in the tents, and at sunrise the thermometer was at 20 degrees. Left camp at 10 o'clock, the road leading along tributaries of the Tinianens and being, so far, very good. We turned to the right at a fork of the trail, ascending by a steep ascent along a spur to the dividing grounds between this stream and the waters of Fall river. The creeks we had passed were timbered principally with oak and other deciduous trees. Snow lies everywhere here on the ground, and we had a slight fall during the morning; but towards noon the gray sky yielded to a bright sun. This morning we had a grand view of St. Helens and Regnier; the latter appearing of a conical form, and very lofty, leading the eye far up into the sky. The line of the timbered country is very distinctly marked here, the bare hills making with it a remarkable contrast. The summit of the ridge commanded a fine view of the Tiah prairie, and the stream running through it, which is a tributary of the Fall river, the chasm of which is visible to the right. A steep descent of a mountain hill brought us down into the valley, and we encamped on the stream after dark, guided by the light of fires, which some naked Indians belonging to a village on the opposite side were kindling for us on the bank. This is a large branch of the Fall river. There was a broad band of thick ice some 15 feet wide on either bank, and the river current is swift and bold. The night was cold and clear, and we made our astronomical observation this evening with the thermometer at 20 degrees.

In anticipation of coming hardship, and to spare our horses, there was much walking done today; and Mr. Fitzpatrick and myself made the day's journey on foot. Somewhere near the mouth of this stream, are the falls from which the river takes its name.
November 27.—A fine view of Mt. Helens and Regnier; the latter ap-

Telephone Line To The Dalles Now Being Used

Telephone communication to The Dalles, but no further, has been resumed today as a result of repair work on the lines between Madras and Shaniko and between Prineville and Shaniko, the telephone company announced.

SNOW PREVENTS EUGENE DRIVE

AUTOISTS REACH WINDY POINT, THEN TRY SANTIAM PASS, COMING TO WITHIN MILE OF THE SUMMIT.

Eighteen inches of snow which had fallen yesterday morning blocked progress after Ernest Dick, and J. L. Van Huffel of the Central Oregon Motor Co. had driven their Ford car equipped with the Dick six speed transmission device to Windy point on the McKenzie Pass road, Dick reported this morning. The trip had been started with the intention of making Eugene to bring back papers and outside news.

Only seven or eight inches of old snow remained on the road, and residents of Sisters informed the autoists that this was due to the fact that rain had fallen continuously during the early part of the week. The drive to Windy point was made through a blinding snowstorm.

Undeterred by their failure, Dick and Van Huffel tried the Santiam Pass, and were within a mile of the summit when snow forced them to stop. On the Santiam route they found less new snow than on the McKenzie, and no old snow.

They returned to Bend at 8 o'clock last night.

BEGIN REHEARSAL OF "OFFICER 665"

First Practice Sunday at American Legion Building—All Parts Not Yet Filled.

Rehearsals of "Officer 665" B. A. A. C. players' second offering, will begin tomorrow afternoon at 2 o'clock, in the American Legion building although all members of the cast have not been named. The date for presentation has not been set.

Among those who will take part are Bill Williams, Leroy Fox, George Pauly, Emil Benz, Mrs. Margaret Bozorth and Miss Irene Bechen. There are three parts yet to be filled.

ENGINES BUCK ICY DRIFTS ON CANYON LINES

MAY RELEASE TRAIN BY SUNDAY

MAIN LINE CLEARED

O-W. Trains Detour Over S. P. & S.—Rotary Plow Attempts Trip Up Canyon—Wire Communication Expected by Sunday

(Special Correspondence)

SOUTH JUNCTION, Nov. 26.—Under a leaden and snow filled sky, half a hundred tired men are digging doggedly away at the pack of ice that still imprisons the stalled train No. 102, which has been locked in the ice since last Sunday. Moderating weather yesterday afternoon permitted the use of the engines in bucking the ice drifts, and engines Nos. 463 and 355 began a grim contest with the elements.

Engine No. 463 bucked center for a gain of one yard and on her next attempt gained seven yards. A third trial resulted in no gain. She next attempted an end run, but was cleverly blocked by a husky iceberg and stopped without gain.

Engine Held For Downs
It being discovered that she had suffered a concussion of the pilot, she was temporarily removed from the game. Engine 355 then took up the burden of the offense, but after three crossbucks was held for downs. Although she kicked backwards, she was unable to advance. Half a mile of frozen drifts still separate the stalled train from its rescuers, and under present conditions, it will not be released until Sunday.

Reports from Fallbridge indicate that the S. P. & S. main line is now cleared and trains running normally. O-W. trains are detouring over the S. P. & S. A rotary plow started from Fallbridge yesterday and cleared the line to Mile Post 15, but broke two propeller blades and is being repaired before resuming the attack. As near as is known, 70 miles of drifts are still to be overcome, and it is doubtful if service will be resumed before Monday or Tuesday.

Seek Wire Connection
Ten miles south of the stalled train F. E. Studobaker and Jack Wright are trying to establish wire communication northward to Fallbridge. The telegraph line has been restored to South Junction. They have a crew of 11 men, and expect to reach Kaskella by tomorrow. A through wire to Fallbridge should then be in operation by Sunday night.

"Studie" is somewhat hindered by a pair of piers of the Ford variety, washed on him by Jack Wright, which hampers his style, but he is still in action. J. T. Hardy is wielding a wicked shovel on the ice, and if he maintains his present gait, should be decorated for his work.

SALE OF LIQUOR TO BOY ALLEGED

Joseph Seifert Arrested by City Officers After Dick Bloom is Found With Bottle

Charged with selling liquor, Joseph Seifert of the Cascade hotel was arrested yesterday afternoon by Officers Russell Gilbert and Willard Houston, following an alleged admission by 18 year old Dick Bloom that Seifert had given him a bottle of moonshine in exchange for \$3. Bloom had taken about one swallow when he was seen and the bottle seized by Gilbert who was on duty outside night dance, the officer reported. Forty per cent alcoholic content was reported after an analysis of a sample of the contents of the bottle had been made.

Hearing was to be held this afternoon in recorder's court for Seifert, who is represented by W. P. Myers. The hearing was to be before a jury.

Seifert is attempting to establish an alibi in police court this afternoon. The prosecution rested at 3:30 o'clock. Charles Carroll, first witness for the defense, testified that he was with Seifert at a dance during the time in question.

FIRST RADIO NEWS GIVEN BY BULLETIN

VESSELS WARNED OF RENEWED STORM

SHIP MAY BE LOST

Tug Sea Eagle and Schooner Missing, Coast Stations Report—Seward and Austin Will Try Sending This Evening.

For the first time in the history of Bend, the wireless telegraph was successfully used in news gathering here last night when C. G. Seward, of the Elite Studio, and Carl Austin, who have been working the better part of the week in the preparation of equipment, completed their installation and received the crackling message of dots and dashes which told of the probable loss of the tug Sea Eagle, last seen a week ago. The radio men, both of years' experience, heard warnings sent out by naval stations along the coast of impending stormy weather, and picked up messages not available for news from a Japanese ship far out on the Pacific.

Because of the stormy weather, and the number of warnings and ship reports being flashed through the ether, communication was extremely difficult and there was no opportunity to send. The air was thick with radiograms from early in the evening until 3 o'clock this morning.

Ships May be Lost
"Keep good lookout for tug Sea Eagle which is disabled off Oregon coast. Last seen standing off Coos Bay Saturday nineteenth waiting smooth water to enter," was the request sent out from Marshfield and repeated by many stations and ships along the coast. It was the first bit of wireless news to be received here for the use of a local paper.

Later in the evening a similar warning was dotted and dashed intimating the loss of a schooner, the name of which could not be picked up, which was last seen standing off Columbia bar. Deck wreckage found indicated that the schooner has failed to resist the attack of the waves.

Because of the speed used in installation, a defect in the apparatus developed last night while the operators were at work in their station on Bond street, resulting during the morning, in inability to hear messages plainly enough for transcription. A careful overhauling of the instruments is being made today, however, and an attempt will be made tonight to communicate with coast points as well as to receive.

BALL PLAYER BUYS POOL HALL SHARE

E. H. Kennedy, a professional ball player for 9 years, playing outfield for the Joplin, Mo., team last year, and L. N. Rouse of Bend, have purchased the Metropolitan pool hall and cigar counter, from Stants and Hauck, the present proprietors. The new owners will take possession immediately. Henkle & Haines handled the deal.

HOW THEY VIEW THE WEATHER

In Madras—"With mild weather prevailing and the sun shining as it does only in this wonderful Central Oregon it is difficult to believe that our way out is cluttered up with six feet of snow."—Madras Pioneer.
In Silver Lake—"From what we have been able to learn from meager reports, it seems that all of Central Oregon has escaped the brunt of the storm. When we have weather out of the ordinary, the conditions are worse in other places. It was ever thus."—Silver Lake Leader.