

### WARREN GIVEN LIQUOR BY AGENTS CLAIMS DEFENSE

Allegations of the defense counsel that Warren was given liquor by the revenue officers he is accused of killing in order to trick him into giving or selling them liquor, and the testimony supporting this allegation given by Henry Pettie, another Indian, who was with Warren on the night of the double killing, were easily the outstanding features of the trial yesterday.

The audience that crowded the court room and shuffled about in the seats became unusually quiet as the defense charged that Warren had been given a drink early in the evening by one of the members of the raiding party in a pool room, and that later the Indian had been again given booze at the dance hall by Todd and Price. A third man, also suspected of being an accomplice of the officers, shortly afterward gave Warren another drink outside the dance hall and cached the bottle, a small brown one, nearby, the defendant's attorney asserted.

**Cached Bottle Used.**  
Later in the evening Price asked Warren to get them a drink, and it was the cached bottle that the Indian brought to them and was accused for selling, said Attorney Hayter.

Supporting these allegations Pettie testified that he and Warren were given drinks by Jeff Perry, stoolpigeon for the revenue men, and that the liquor was "moonshine" which Perry had in a small brown beer bottle.

Pettie declared that although the revenue men ordered he and Warren to get into their car when Warren later gave them a small bottle of liquor, the officers did not utter a word to reveal their identity until after the scuffle in which Warren was struck on the head with a gun by Price, and not until after Warren had gone to his father's house for a gun.

**Story of Tragedy Retold.**  
In their direct examination yesterday afternoon the witnesses called by the state added little in detail to the stories of the tragedy carried in the newspapers immediately after it happened, and their accounts of the shooting and the events leading up to it were very similar. They recounted how one party of officers consisting of Price, Jeff Perry, Robert Marshall, E. W. Holden, Earl Marshall and Perry's sister had made the trip from Garibaldi and Tillamook by auto to Grand Ronde, where they met Todd and Benton Killin, revenue officer, who had arrived earlier from Portland. They were not all agreed as to exactly what led up to the transfer of a small bottle of liquor from Warren to Perry for \$2, but from that point on their stories were practically as duplicate copies of the same book.

Price, they said, after the liquor had changed hands and had been tasted, to make sure it was booze, told Warren he had made a mistake in selling it to them, that they were revenue officers, and ordered him to climb into their automobile, besides which they had been standing when the bottle changed hands. Warren, they said, refused to get into the car and struck at Price but missed him, and in the scuffle that followed Price struck Warren over the left eye with his revolver.

**Warren Runs Away.**  
Warren broke away from the officers and ran. When they saw him, they said, he was coming toward them from the direction of his father's house down the sidewalk carrying a rifle and inquiring of persons he met for the "fellow that is driving the Dodge car." Perry, according to these witnesses, first saw Warren and said:  
"Here he comes. Get under cover."  
Robert Marshall, who was with the party from Tillamook as the driver of the car in which the tragedy occurred, said that he was standing on the sidewalk where the car was parked when Warren

came up and asked for the driver of "that Dodge car." Price, Marshall testified, stepped out and said, "I am the man you are looking for," at the same time grabbing Warren's rifle with both hands. In the scuffle over the rifle it was discharged once before Warren, wrestling the gun from Price's grasp, threw the officer away several feet.

Price, said Marshall, dodged in behind the parked automobile and Warren, standing on the sidewalk in front of the radiator, fired twice along the side of the car at Price, and then moved down between the officers' car and another parked beside it toward Todd, who had taken refuge behind the auto. Marshall said there were two more flashes from the Indian's rifle and Todd pitched over. Warren then, Marshall declared, jammed the lever of his rifle a couple of times, muttered something and strode away in the direction of his father's home.

**Denies Having Gun.**  
Under cross examination Marshall admitted that Price had something in his hand when he first grabbed Warren's rifle, but whether it was a revolver, a brown bottle, or what it was he said that he could not say. Marshall said that he knew Price had a revolver in his possession.  
"Did you have a gun?" Attorney Hayter, for the defense, asked Marshall.  
"No."  
"You never had one?"  
"No, sir."  
"Did you not tell me in Garibaldi last week that both you and Perry had guns?"  
Marshall grew confused, but finally answered that he had put Perry's gun in the side pocket of the car when they started.  
Marshall had said that when Price and Warren started to scuffle over the rifle he had started for the cover of a nearby garage and was in front of the garage when the shooting started. In all, he said, there must have been 10 to 12 shots fired, maybe more. He said that he couldn't say that Price had fired at all.

**Holden's Narrative.**  
Holden, a deputy sheriff from Tillamook county, was put on the stand as the state's star witness. He said he was standing talking to Price, Perry and Marshall when Warren appeared with his rifle. In the scatter for cover Holden said he retreated to the railroad track nearby and was standing in the gravel on the side of the track nearest Warren and Price when they were scuffling over the rifle and when the first shot was fired. This shot, he said, went wild, hit the rail of the track near where he was standing, split to pieces and that many of the pieces hit him. Holden said that when he saw Price shot, he started shooting at Warren, and believed that he fired four shots, one of them striking Warren in the left hip. His delay in opening fire he attributed to difficulty in getting his

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**Stool Pigeon's Admissions.**  
Other questions put to Holden brought out the fact that a bullet fired from where Holden said Warren was standing would have hit the rail at an angle which, the defense contended, would have made it glance away from Holden instead of toward him.

From Perry, the stoolpigeon of the revenue officers, who was one of the first witnesses to be called by the state, the defense attorney soaked the information that the members of the party he was with had been drinking during the evening. He admitted that he had taken several drinks at Grand Ronde, that he had seen Price take a few drinks and that he had given away two or three drinks during the evening, but that he did not know the men to whom he gave them. He said that he took a drink out of the bottle he bought from Warren and that Price did also.

Perry said that he and his sister, and the two Marshalls were all in the party that left Garibaldi for Grand Ronde in the afternoon of September 2, and that they picked up Price in Tillamook. He said that he was then in the possession of a revolver belonging to a Mr. Langley, and that he stopped at the Zerker farm between Garibaldi and Tillamook to ask Langley if he had any objections to Perry taking the gun with him to Grand Ronde.

**Perry a Moonshiner.**  
"When you stopped at the Zer-

ker house, did you not ask Hannah Zerker to go along with you on the trip, telling her that you would pick up some liquor at the jail in Tillamook and have a good time on the road?" Mr. Hayter asked.

Perry admitted that he might have said that. He also confessed that he and Price, the revenue officer, had spent a night in the Zerker home when the family was away, but denied that they consumed more than one bottle of booze during that night.

The defense brought out that Perry had been convicted in Tillamook county for operating a still and having moonshine in his possession, had appealed the case and was out on bond at the time of his visit to Grand Ronde. When the defense attorney asked if it were not a fact that Price had told Perry that if he helped the officers get the evidence in Grand Ronde they would see that the sentence imposed on him in Tillamook county was removed, Perry admitted that such might have been the case but that he did not remember of having heard Price say that.

Mrs. Elenor Wilson, who runs a confectionery store at Grand

Chicago, Oct. 11.—Innovations which pique the fancy of young men, particularly gas engines, aviation and radio, are draining the supply of men who formerly entered the electric railway work, declared William Von Phil of New York, former president of the Market street lines, San Francisco, in a report made before the convention of the American Electrical Railway association here today.

The committee recommended that special arrangements be made with high schools, universities and other educational institutions to give part time employment to

men while they still are in school. It also recommended special classes for foreign born and other employees who are not attending schools of any kind.

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She said she had just found Mrs. Warren in the dance hall and delivered the message when the shooting began, and she rushed back down stairs and up the street to find out what it was all about. The last shot was fired, she said. She rushed up to him and asked if anyone had been shot. Instead of answering he toppled over at her feet, she declared. She further testified that he had a revolver in his left hand when he fell.

Though Walter Tooze Jr., assistant prosecutor, grilled Miss Warren in every possible way for a solid half hour, he could not make her deviate from her original story in a single detail, and there were many of them.

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