

The Heppner Gazette.

Issued Every Thursday Morning

OUR CLUBBING LIST.

Heppner Gazette and Toledo Weekly Blade, one year.....	\$1 25
Heppner Gazette and Chicago Weekly Inter-Ocean, one year	1 40
Heppner Gazette and Weekly Oregonian, one year.....	2 00
Heppner Gazette and Weekly Examiner, one year, including ticket to Examiner's great drawing.....	2 00
Heppner Gazette and Young People's Weekly one year....	1 60
Heppner Gazette and Twice-a-Week St. Louis Globe Democrat	1 85
Heppner Gazette and Oregon Daily Journal, one year (regular price of the Journal \$4) both for.....	\$4.00
Six months.....	2.15
With Semi-Weekly Journal one year.....	2.00
With Weekly Journal, one year.....	2.00
Heppner Gazette and Rural Spirit, one year.....	2 00

ASA THOMSON ACQUITTED.

Prosecution Failed to Establish a Single Fact.

"I will say in this connection that I submit this case to the jury because the law requires me to do so. It is my duty when I think there is no testimony legitimately tending to support a verdict, to take the case away from the jury. You men of the jury are to determine only such questions as are submitted to you by the court. It is a legal right of jurors, as I have stated to you, to give full credence to this testimony and to find a verdict against the defendant; but I may say now with entire frankness that I do not think I can pronounce judgment on such a verdict if one should be rendered. I shall never pronounce judgment in this court that does not meet the approval of my conscience, and such a judgment would not."—Judge Bellinger in instructions to jury in Asa Thomson case yesterday at Portland.

Portland, Dec. 4.—After being out just 38 minutes this afternoon the jury brought in a verdict of acquittal in the Asa B. Thomson case. The courtroom was crowded at the time the jury was reported and upon the reading of the verdict Mr. Thomson was overwhelmed with congratulations. Later tonight when the news became known near his home in Eastern Oregon he received numerous telegrams of congratulations.

It is admitted that had the defense at any time after the prosecution closed its side of the case moved for a dismissal the motion would have been granted, and especially had the defense moved for instructions to the jury that they return a verdict of acquittal the same would have been granted by the court. The prosecution failed throughout. It did not establish a single fact which it set out to do, but it did establish some facts regarding character which it did not have any intentions of doing when the case was opened.

That any of the above motions would have been granted is plainly evident from the tenor of the court's instructions to the jury. Judge Bellinger said in part:

"I will say in this connection, that I submit this case to the jury because the law requires me to submit it to you, gentlemen. It is my duty, when I think there is no testimony legitimately tending to support a verdict to take the case away from the jury. The jury are to determine only such questions as are

submitted to them by the court. It is a legal right of a jury, as I have stated to them, to give full credence to this testimony and to find a verdict against the defendant, but I may say now, with entire frankness, that I do not think I can pronounce judgment on such a verdict if one should be rendered. I shall never pronounce judgment in this court that does not meet the approval of my conscience, and such judgment would not."

Further in his instructions to the jury the court took occasion to soundly rate Mr. Cunningham for his action in this matter, and for the bad reputation which he suffered at the hands of his enemies and friends. He spoke of Cunningham's witnesses' testimony, practically admitting perjury in the cases of Dalla O'Hara, Glen H. Saling and Ace Rayburn. This moved the court to refer to them as "shameless characters" who had sworn falsely to benefit Cunningham.

The court also instructed the jury to take into consideration the character of the two men, Cunningham and Thomson. He spoke with great favor of Mr. Thomson, but soundly denounced Cunningham for the part he had taken in the affair.

"This man Cunningham is an Irishman. So am I, but he is a disgrace to that race of people and patriots and the good mother that bore him," said T. G. Hailey in his closing argument for the defense. He launched forth in most terrific and forensic denunciation of Cunningham and Inspector Green, the principal witnesses for the prosecution. Judge Fee for the defense soundly rated Cunningham and his hired men for the part they had taken in the business.

District Attorney Hall had but little material to work on and was compelled to make the most of it up. He knew the case to be hopeless from the beginning almost, and he was greatly disappointed in the character of the men with whom he was dealing, as when before the federal grand jury there were no questions concerning the truth and veracity of Cunningham and his men, as Mr. Hall had left that matter entirely to Mr. Green, the land inspector. And it was for this that Green was so bitterly denounced by Hailey and Fee.

During last April Asa B. Thomson, a prominent farmer of Echo, was, upon the recommendation of the Oregon delegation, appointed receiver of the La Grande land office. He entered upon his duties of the office some time in April. About 12 or 13 months prior to his coming into the office Dallas O'Hara, Glenn H. Saling and Ace Rayburn had made homestead entries on land in the vicinity of Echo and Pilot Rock. These homestead entries came up for final proof shortly after Mr. Thomson went into office, or about the 16th of June, 1903. The application for final proof, they being of the commutation class, on each of these homesteads along with several others on that same date, were suspended on account of insufficient proof of residence and the homesteaders were each given 10 days in which to file amended proofs. In the three cases mentioned no amended proofs were filed.

Later in the month of July, Cunningham says that Thomson came to him and asked \$50 a quarter for insuring final passage on these homesteads. Cunningham says he refused to pay the money and subsequently went before the grand jury with the case.

That is the case about as it stood until after the trial when, according to the verdict of the jury, Mr. Thomson never asked Mr. Cunningham for \$50 a quarter

Old as the Pyramids

And as little changed by the ages, is Scrofula, than which no disease, save Consumption, is responsible for a larger mortality, and Consumption is its outgrowth.

It affects the glands, the mucous membranes, tissues and bones; causes bunches in the neck, catarrhal troubles, rickets, inflamed eyelids, sore ears, cutaneous eruptions, etc.

"I suffered from scrofula, the disease affecting the glands of my neck. I did everything I was told to do to eradicate it, but without success. I then began taking Hood's Sarsaparilla, and the swelling in my neck entirely disappeared and my skin resumed a smooth, healthy appearance. The cure was complete." MISS ANITA MITCHELL, 915 Scott St., Covington, Ky.

Hood's Sarsaparilla and Pills

Thoroughly eradicate scrofula and build up the system that has suffered from it.

although Mr. Cunningham might have said he did, but there were numerous men who swore that they didn't believe Mr. Cunningham's reputation for truth and veracity would excite envy in any one, unless it was Ananias. The other witnesses for the prosecution outside of Mr. Green, were of no reliability whatever, as they admitted to swearing falsely when they made final proof on their homesteads.

It was estimated that there were fully 100 people or more from Pendleton attending the case.

Corvallis is to have arc lights for her streets, beginning December 1.

Thirty-three consecutive performances of "Ben Hur" at San Francisco by the company now presenting it in Portland, yielded \$128,000.

Dr. J. V. Jay, of Asheville, N. C., a dope fiend, two months ago killed his three children with a hatchet. He has been sentenced to 30 years at hard labor.

A commission of scientific experts appointed by the Bohemian government, has just reported that American beer is the purest and cleanest made in the world.

A lawsuit between two gamblers over a game, has driven the city authorities of Independence to shut down all the games in the city.

\$500 Reward.

Stolen, from the Stooke & Amery Ranch Co., 12 miles east of Sprague and 17 miles south of Cheney, in Spokane county, on Thanksgiving night, Nov. 26, 1903, one light sorrel mare, white strip in face, flax mane and tail, weight about 1200 pounds, about 8 or 9 years old, very gentle and slow, branded TX on left stifle. Also a black stamped saddle with white trimmings, Spokane buck roll, narrow stirrups, brass rims, made by A. A. Kraft Co., Spokane, catalogue No. 47, being a very distinct saddle.

The Sprague Stock Protective Association offers a reward of \$500 for the arrest and conviction of the thief or thieves.

THOS. AMERY,
President.

S. C. Kinch, Sec. and Treas.,
Sprague, Wash.

BUSINESS LOCALS

and want ads of all descriptions will hereafter be published in a column by themselves.

Rates for Local Ads.

Ten cents a line for first insertion and 5 cents a line for each subsequent insertion. All notices set in breviter type.

Groceries.

T. R. Howard for fine groceries.

Howard's grocery store is a very popular place for the purchase of supplies for farmers and outfits for outing in the way of extra fine groceries. Almost everything imaginable kept in stock. It's handy where you can get anything you want.

Estray Notice.

Two 2-year-old fillies, one an iron gray, heavy built, other is dirty black, both branded figure 4 on left shoulder. Last seen near Parke's mill. \$10 reward for delivery of animals 4 miles below Hardman, in Root canyon.

GILBERT COATS,
Hardman, Or.

Heppner Transfer Co.

General Drayage and Heavy Hauling

PROMPT SERVICE

Wood and Coal

We have purchased the wood and coal business from E. E. Beaman. Leave your orders for fuel.

Miller & Co.

CRESCENT STEAM LAUNDRY

First class work guaranteed at popular prices.

EVERYTHING NEW AND UP-TO-DATE

Delivery wagon collects laundry on Monday, Tuesday, Wednesday and Thursday forenoons.

Delivers Wednesday and Thursday.

Willis & Williams, Props.

HAINES FURNITURE CO.

Successors to Wells & Co.

Oak, ash, fir and maple Bed Suites,

\$18 to \$45

The most complete line ever shown in Heppner.

Fine pillows and comforts.

All wool blankets made at Union Woolen Mills.

Nice new patterns of Floor Oilcloth at

35 and 40 cts.

Fine line Linoleums at

60 and 65 cts.

New Home Sewing Machines, the best on earth, from

\$32.50 to \$50

Organs ranging in price from

\$80, \$95 to \$1.10

Stoves, Ranges and Cooking Utensils cheap.

Crockery, Lamps and Clocks.

Wm. A. Rogers' Silverware.

Carpets, Mattings and Rugs.

Anything not carried in stock, cheerfully ordered cheaper than you can send for it.

Bruce Haines, Prop.

PALACE HOTEL

HEPPNER, OREGON

Leading Eastern Oregon Hotel

MODERN CONVENIENCES
ELECTRIC LIGHTED

Under New Management. Thoroughly Renovated and Refitted. Best Meals in the City.

PHIL METSCHAN, Jr., Prop.



Gilliam & Bisbee

LEADING HARDWARE DEALERS

The most complete and beautiful line of genuine

CHINAWARE AND GLASSWARE

Ever shown in Heppner or Morrow county

Hand painted Souvenir Plates, Water Sets. Neat designs and beautiful combinations, with decorations to please, in large assortment. Inspection of our display will interest you.

Gilliam & Bisbee

Read the Gazette's Clubbing list

Liver Pills

That's what you need; something to cure your biliousness, and regulate your bowels. You need Ayer's Pills. Vegetable, gently laxative.

Want your moustache or beard a beautiful brown or rich black? Use BUCKINGHAM'S DYE

SAWYER'S EXCELSIOR BRAND

OILED CLOTHING and SLICKERS

