

# INDEPENDENCE ENTERPRISE

AND WEST SIDE.

TH YEAR.

INDEPENDENCE, POLK COUNTY, OREGON, AUGUST 6, 1903.

NUMBER 36

### MRS. ELLA SWINK.

Mrs. Ella Swink, winner of the first prize in our last Correspondents' Contest, is a native of Illinois, removing in early childhood with her parents to Oregon. Most of her early childhood was spent in Marion and Linn counties, and was a teacher in the schools of Linn county. She was married to R. W. Swink in '96, and a bright little daughter graces their fireside. She resided in Suver, but in '98 they removed to Parker, where her husband is at present station agent and postmaster.

Mrs. Swink is a woman of refined tastes, and is a clever business woman. Her winning first position in a contest where so many bright writers competed is a compliment of which she may well be proud.



and alienists, namely: Drs J F Calbreath, W. T. Williamson, J. T. Griffith, Harry Lane, and W. A. Cusick, asking them to thoroughly examine into the mental and physical condition of the defendant and to give me their opinion as to his responsibility, and in addition to suggest what should be done with the defendant in case they should advise and I should see fit to exercise executive clemency.

"Each of these physicians and Dr. J. D. Shaw, the prison physician as well, have complied with my request and each of them concur in the opinion that the defendant is and was at the time of the commission of the crime irresponsible, and urge executive clemency in his behalf. All of them, with the exception of Dr. W. T. Williamson, advise his retention in the Penitentiary, because of the fact that no provision has as yet been made for the confinement of the criminal insane.

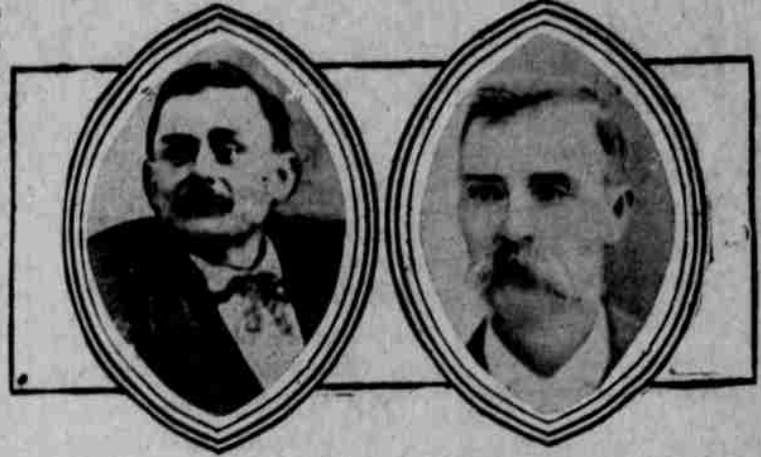
"In addition to the gentlemen named, the following physicians signed the petition addressed to me for a commutation of the sentence imposed upon the defendant, E. J. Howard, B. H. McCallon, L. M. Woods and William S. Cary.

"Arguments for and against the petition have been addressed to me by Hon. Oscar E. Hayter, representing the defendant, and Hon. J. N. Hart, representing the state.

"I have given the case most careful consideration, and have on two occasions visited the condemned man and spent a considerable time in conference with him at the prison.

"I have not much patience with the plea of insanity as a defense to a crime and ordinary would not be disposed to interfere with the verdict of jury or the sentence of a court where the defense had been presented and disposed of adversely to the defendant, but in the present case I feel that I would be a party to a judicial murder if I refuse to interfere with the imposition of the death penalty. The defendant is a physical and mental degenerate as is evidenced not only by the opinion of the physicians, but by the appearance of the man himself. A more horrible, misshapen and deformed specimen of humanity my eyes never beheld. Not only is he a hunchback, his shoulders being elevated almost as high as his head, but he has what is termed a "pigeon breast" which protrudes in front of him out beyond his chin, so that his head sets virtually between his shoulders and his breast—hardly resembling when stripped a human being—while the distance between the point of his breast and the highest point on the hump on his back is almost as great as the distance from the point of the shoulder to his hip joint. In height he is only about four feet, whilst his weight does not exceed 110 pounds. I question if he is heavy enough to dislocate his neck if he were dropped from a scaffold unless a weight be tied to his feet.

Besides all this, his limbs are deformed, and whilst he appears to be bright there is no question in my mind from the evidence before me that he was constantly haunted by the idea that the deceased was conspiring both to injure him and to



Wm. Peacock, Who Escapes Hanging, and His Victim, Alex. Kerr.

take his life. Though there was no motive for the commission of the crime, yet to him in his diseased condition of mind the taking of the life of the deceased was as necessary, and the provocation as real, as if the necessity actually existed.

"Taking the history of the life of the defendant into consideration, his deformity of body, the circumstances attending the killing of the deceased and the opinion of the physicians who have examined him, I cannot but believe that the defendant was irresponsible at the time of the commission of the crime; that he acted upon circumstances which to his mind justified the taking of human life, and even at this time he claims that he was justified, and is apparently without remorse.

"It is unfortunate that there is no provision made by the laws of this state for the confinement in a proper place of the criminal insane. The defendant ought to be confined in a proper place. His type of insanity is incurable; and in case of a commutation of his sentence he must be confined either in the prison, or in the asylum.

"After giving the defendant's case my most careful consideration I feel that it is my duty to commute the sentence of death, and because of the fact that there is no place for the proper confinement and treatment of the criminal insane and because of the recommendation of the majority of the physicians named above, whose opinions were asked in the premises, I have concluded that the defendant should be confined for life in the penitentiary of the state."

This case has had a tendency to impress upon the mind of the Governor the fact that the state is in need of a proper place for the confinement and care of the criminal insane and he has made a memorandum of the matter in order to include in his message to the Legislature the recommendation that a building be constructed, either separate or in connection to either the Insane Asylum or the Penitentiary, expressly for the confinement of the criminal insane where they can receive treatment for their malady and at the same time be under the same restrictions and discipline as the inmates of the State Prison.

In his long experience in the practice of law the Governor says that it is a notable fact that when a plea of insanity is entered in a case as a defense for the commission of a crime of more or less enormity and where there is the

slightest foundation for such a plea and the jury is satisfied that the plea is well founded, while it is plain that the defendant is guilty of the crime charged, they have only one of two things to do; find them guilty of the crime and send them to the Penitentiary, or find them insane and commit them to the Asylum, neither of which is the proper place for the confinement of the criminal insane.

### McMINNVILLE WON.

Our Boys Defeated by a Score of 5 to 3.

Sunday afternoon the McMinnville baseball team won an interesting contest from the local nine. The game was hotly contested, and belonged to either side to the last inning. The score was 5 to 3.

### Buena Vista Improvements.

Special. While not so much is heard the past few months concerning the boom of real estate and the improvement of neighboring towns, in Buena Vista the work goes on and there is a visible start towards a betterment of existing conditions.

The latest step looking towards a change in affairs is the contemplated overhauling of the Odd Fellows building in the central part of town, the lower floor of which is occupied by the cash store and postoffice, the upper portion being in service as Woodmen and Circle lodge rooms. The building is first to be leveled; then new siding will be put on, a new trussed roof added and other needed repairs made. Upstairs the two lodge rooms are to be thrown into one, making a splendid hall 32x50 feet, with the ceiling arched to 16 feet. The workmen engaged are Finch and Simmons, of Independence. We are not informed as to whether or not the exterior of the building is to be repainted, but for the general appearance of the town we hope a fresh coat of paint may be included in the work.

Buena Vista should keep up this movement of progression and guard against a reaction that would surely result in the disappearance from the map of this once beautiful village. Let the good work be encouraged. It means much to one and all.

### SWINK IS FIRST.

With a Grand Total of 8445.

### WINNERS IN THE CONTEST.

Your List of Desired Prizes for Another Contest.

Friday, July 31, at 6:00 P. M. ENTERPRISE'S Tenth Correspondents' Contest was brought to a close and when the smoke of the cleared away it was found R. W. Swink, of Parker, was the victor by over 2,000 points. During the last hour of the contest 5,000 points were placed to credit.

Grace E. Hall, the winner of the second prize, secures a picture.

N. Halleck, of Monmouth, secures the third prize, a student's lamp. A. Staats, of Airlie, is fourth, and wins a set of Ping Pong.

Wm. Frum, of Suver, stands fifth and takes as her premium a bright book.

Miss Ollie Byers will read the Home Journal this coming week, it being sixth prize.

Miss Fieback, representing Ankeny, can send the ENTERPRISE to her address for a year free of charge.

More interest was manifested in this contest than any of its predecessors, and the friendly rivalry existed to the last.

We will start a new contest at once and will ask our friends, the correspondents, to send us a list of things they think would be desirable presents. This is the policy pursued in the last contest, and it was eminently successful. We will ask the correspondents to have their say in the matter.

### DIED.

WHITEAKER.—On Friday, July 3, 1903, at 12:30 P. M., Mrs. Ada Whiteaker, of a complicated of troubles, aged 29 years, died after a few months and 25 days.

Mrs. Ada Whiteaker was a very attractive lady, and her early death was a great shock to her husband and little children. Her maiden name was Inlow, and she was mar-

ried October 12, 1898, to Geo. Whiteaker, a prosperous farmer living near Monmouth.

Funeral services were conducted from the family residence Sunday at 12:30 P. M., Rev. W. W. Edmondson, of this city, officiating. The burial occurred in the Whiteaker family burying plot.

### PEACOCK WILL NOT HANG.

The Governor Commutes Sentence to Life Imprisonment.

Pursuant to a petition, numerous signed, and the recommendations of a number of prominent physicians, Governor Chamberlain Thursday commuted the sentence of William P. Peacock from death to life imprisonment and ordered that he be confined in the Penitentiary, owing to the facilities for the care of criminal insane elsewhere. Peacock was convicted of the murder of Alex Kerr, at Parker Station, Polk county, on May 18, 1903, by shooting with a shotgun loaded with bird shot. The petition and argument of the case was heard by the Governor on Tuesday morning and taken under advisement. In passing upon the matter the Governor said:

"Application is made to me for a commutation of the death sentence of William P. Peacock, who is to be executed on the 7th proximo for killing of one Alexander S. Kerr in Polk county. The ground on which this petition is urged is the mental irresponsibility of the time of the commission of the crime.

"On the other hand a vigorous protest has been filed against exercising executive clemency by a very large number of wealthy and influential citizens of said county of every avocation in life, most of them residing in the neighborhood where the killing occurred.

"Immediately upon the presentation of this petition, having been somewhat familiar with the case from the time of the commission of the crime until the final judgment was rendered against the defendant, I addressed letters to the following physicians, eminent as physicians