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JUDGE BURNETT'S COURT DOINGS

Harry L. Young, the Man of Many Wives Gets Two Years.

The Circuit Court met at 9 o'clock September 26, an hour earlier than usual in order to take up the case of Sears vs. Frank Quenel, William Langley and Fabian Quenel which was an action on a promissory note. This defendant had interposed a plea making it necessary to try the matter before Judge Galloway. Judge Burnett held that under the circumstances of the pleadings he was not able to hear this case.

In the case of W. F. Treanor vs. G. L. Schryder et al, it seems that the pleadings were in the same shape as in the first case and the matter also went over to be heard before Judge Galloway.

Henry Otto Miller, of McMinnville, was made a citizen, after showing to the court that he met all of the requirements.

In the case of the city of Newberg vs. S. B. Allen, which was an appeal brought by Allen from the recorder's court of Newberg for peddling the case, after argument, was dismissed on motion of C. W. Corby. Judge Burnett held that the amount involved would not justify a hearing in this court.

In the case of D. Otto vs. Geo. Wenger, which was an action for damages for cutting a fence on account of the claim made by Mr. Wenger that it was a County Road, it was ordered by the court, with the consent of the attorneys on both sides, that the case should be continued for the term.

Several cases against L. S. Frakes; P. A. Frakes and R. J. Frakes, who formerly owned the Hotel Royal, of Yamhill, were continued, as were also several cases against S. W. Iler, of Willamina. The cases against Iler and against the Frakes were actions for money.

The forenoon session opened with a good attendance to hear the trial of Carl P. Fuchs, indicted for the sale of intoxicating liquors. This case had been tried in the Justice Court and then taken before Judge Galloway and later taken before Judge Burnett. It will be remembered that the jury at the March term of Court failed to agree by a vote of nine to three in favor of conviction. It was difficult to secure a jury and the entire panel was exhausted before 3 o'clock, so that the court ordered more jurors to be called in and adjourned until Tuesday morning, in the mean time taking up matters that could be handled without a jury.

On Tuesday morning a jury was finally secured and in the afternoon the matter was submitted to the jury. The jury was out all that afternoon and night and without sleep, and was unable to agree, standing for a time at six to six for acquittal.

On Wednesday afternoon, the District Attorney moved that the case be dismissed on the ground that a conviction is impossible. This case has cost the county not less than \$300.

The second case to be tried by a jury was that of E. B. Barthrop vs. J. E. Campbell and wife of Sheridan. The plaintiff, appearing by their attorney, W. O. Sims, claimed a settlement between the plaintiff and defendants for the sum of \$267. It seems that the only question was if a settlement had been made, and as the matter was easily disputed and the evidence pointed the other way, the jury quickly brought in a verdict for the defendants, which was opened on Wednesday morning. R. L. Conner appeared for the defendants.

On Wednesday, the case of city of McMinnville vs. Frederick G.

Howenstien et al was taken up. This is a suit brought by the city for the purpose of condemning certain land owned by Mr. Howenstien for the use of the city and its watersystem. After selecting a jury it was moved by the attorneys that the jurors view the premises, which was done. The jurors left in the morning in conveyances and took in the sights for the rest of the day, whereupon the court dismissed other jurors from attendance for that day. Geo. G. Bingham and R. L. Conner appearing for the city and McCain & Vinton appearing for Mr. Howenstien.

In the case of Mary A. Brown against Harry L. Young for damages on the ground of double marriage. A demurrer was argued by B. A. Kliks for the defendant and R. L. Conner and McCain & Vinton for the plaintiff. The defendant claims that there can be no recovery for damages for various legal reasons, while the attorneys for the plaintiff argued that by reason of having robbed her of her home, the disgrace and mental suffering thereon which she has gone through, that she is entitled to \$1500 damages. After hearing the argument in the morning Judge Burnett requested further time to decide the matter.

The Grand Jury brought in a number of indictments at about 2:30 P.M. Wednesday and which were quickly disposed of. The first indictment was against Elery Townsend and Thomas Shortridge, both of Sheridan for mischief in injuring an automobile at the garage at Sheridan and the defendants promptly entered a plea of guilty and were fined \$50 each.

In the case against H. L. Young for double marriage, a plea of guilty, was promptly entered by his attorney, B. A. Kliks and after a very good showing on the part of Mr. Young's first wife, a question by Judge Burnett evidently made the Judge believe that Mr. Young's experience in the matrimonial line had been plenty without going through any formality of a divorce and that he seems to be in some way in "ca-hoots" and a member of the famous Young family. After thinking the matter over, Judge Burnett imposed a sentence of two years.

In the case of Frank Riggan, of Yamhill, for larceny; Mr. Riggan asked for an attorney and the court appointed B. A. Kliks, who immediately entered a plea of guilty and asked that sentence be imposed. Judge Burnett sentenced him to a indeterminate term in the penitentiary. The Grand Jury also brought an indictment against John Belt, of Willamina, for the violation of the local option law. His plea of not guilty was promptly entered through his attorneys, McCain & Vinton, and the defendant, being related to Judge Burnett, by marriage, the case was continued until the March term of court, the bail being fixed in the sum of \$300.

On Thursday morning testimony was taken in the case of the city of McMinnville vs. Frederick G. Howenstien et al, to determine the value of the land belonging to Mr. Howenstien and which the city desired to use for water purposes. This case took all morning and the jury returned about 1:30 P.M. bringing in a verdict of \$200 as the value of the land. This case has been before the courts for two years and the expenses of the case in the Supreme Court alone were far more than the value of the land.

The next case called was the most important on the docket, being the case of The State of Oregon against C. P. Chamberlain on the charge of rape committed upon his 13-year-old daughter. This case took all of Thursday afternoon and all of Friday, the jury bringing in a verdict of "not guilty" at 7:30 P.M., after having been out only

about one hour and fifteen minutes. The defence claimed that it was a "put up job." The testimony offered by the state, while fair in certain respects, was bitterly attacked by B. A. Kliks, appearing for Mr. Chamberlain and showed many loop-holes and impossibilities in the story told, and it was also shown that Chamberlain is an exemplary man. The verdict seems to be popular. The following were the jurors: M. O. Martin, Wm. DeHaven, Fred Sitton, of McMinnville; W. R. Brown, of Amity; H. J. Hadley, of Sheridan; Archie Parrot, of Dundee; N. C. Christenson, Geo. Christenson and Frank Hornbeck, of Newberg; Norris G. Russell, of Yamhill and Fred Withee and Frank R. Wilson of the Hopewell district. The prosecution was conducted by R. L. Conner, of McMinnville, and Mr. Winslow, of Salem, while the defence was conducted by B. A. Kliks. The court room was crowded during the entire trial.

The case of Trolgott Werth vs. John Richter was the next one called. This was an attempt to recover \$50 claimed to be due on the alleged sale of a horse. The defence claimed the horse was bought for the defendant and the plaintiff tried to add \$50 to the purchase price. The trial of this case occupied the time of the court all morning of Saturday and the jury found for the defendant.

After the verdict of "not guilty" in the Chamberlain criminal case, it seems to have disheartened the witnesses against him, and a settlement in the civil cases were easily secured. G. B. Stebbins and wife were star witnesses against Chamberlain and Chamberlain sued Stebbins. among others, for carrying away certain grain. When court convened at nine o'clock Saturday morning, Stebbins promptly turned the grain over to Chamberlain and the case was dismissed. Chamberlain is smiles all over after the glorious victories.

In the case of Mary A. Brown against Harry L. Young, a settlement, was made on Wednesday afternoon by which Mrs. Brown was paid \$3500 and the real property turned back to Mr. Young, who made a deed for it to his lawful wife.

This was one of the longest terms of court held in McMinnville in years, although when it is considered that court meets but twice a year, this makes only nine days of court work for the entire year. It is a good testimonial to the peaceable condition of the citizens of Yamhill County. Heretofore, court lasted only from two to three days.

Another interesting feature was the attempted jail work by Frank Riggan Friday night last, by sawing through one of the bars to make his escape when Sheriff Henderson discovered him and put him into a steel cell where he is now confined until taken to Salem. The bar was actually sawed through with a small pocket knife. Riggan, while confined in jail two or three years ago, cut the bars then and made his escape. He is only 23 years old, small and very thin, but is a very hardened criminal with no hope of reformation.

Marriage Licences.

Rose Hall, age 22 years to Lyle Jones, age 35 years.
Anna B. Alsops, age 45 yrs. to Eugene E. Smith, age 33 yrs.
Susan Harnden, age 60 yrs. to Edwin A. Smith, age 60 yrs.
Orpha M. Newby, age 19 yrs. to Arthur R. Glandon, age 24 yrs.
Eva Comic, age 18 yrs. to James Walsh, age 24 yrs.
Helen E. McCullough, age 18 yrs. to Walter H. Fuller, age 28 yrs.
Anna May Stewart, age 18 yrs. to LeRoy Brock, age 23 yrs.
Ethie Snodgrass, age 23 yrs. to Hoser D. Giddings, age 37 yrs.

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