

CURSEY IS SET FREE BY JURY

ACQUITTED ON PASSING BAD CHECKS

Jury Was Out About One Hour—Disagreement in Myers and Wilkey Case—Most Interesting Trial of the Crenshaw Label Suits.

PRINEVILLE, Dec. 8.—W. D. Cursey, the former Bend hotel man, was acquitted by the jury in Circuit Court here last week and was set free. With his wife he left immediately. The jury brought in a verdict of not guilty after being out for about an hour. He was tried on one of the three counts against him and the other two were dismissed.

There was a disagreement of the jury in the case against Myers and Wilkey of Bend on a charge of permitting gambling in their saloon. The case against B. Struble and Mrs. Grace I. Gay on a statutory offense was continued.

E. T. Butts of Bend was indicted by the grand jury for gambling and pleaded guilty. He was fined \$150. Bert Welch was indicted for burglary of the Oregon Trunk depot at Madras and pleaded guilty.

Label Case is Tried. The attorneys in the case of J. M. Crenshaw against Redmond citizens for libel got together and it came to trial on Friday. Crenshaw was the star witness for the plaintiff and for a couple of hours told his side of the matter, his testimony including several sermons. H. L. Palmer of the Spokesman was the first witness for the defense and proved himself a first class comedian on the stand. He got up and saluted the judge when the latter wanted an information, emphasized his remarks by pointing his finger at the jury and attorneys and pounded vigorously with his fists. One juror enlivened the proceedings occasionally by asking permission to put questions to the witnesses and went at it like a lawyer.

The verdict of the jury was for damages of \$4.67 for Crenshaw. He is out considerable money as he must pay all of his own court costs.

Civil Cases Disposed Of. On the civil docket one of the first cases heard was that brought by W. R. Gay of Bend against his wife and B. Struble for the recovery of personal property at the home of Struble. The jury decided in favor of the defendants.

The case of J. N. Quilberg vs. Crook County wherein the plaintiff asked for \$1800 for road work was decided for the county, the court sustaining the demurrer made by the district attorney. This case was appealed from the County Court.

J. N. Linster vs. J. J. Adams and City of Bend was continued. Henry Linster vs. Central Oregon Irrigation Co. was settled and dismissed.

State vs. E. A. Hyde et al will come up at The Dalles on demurrer. This is a land matter growing out of the land fraud cases of some years ago.

J. L. Combs vs. E. A. Griffin et al was continued.

Wirtz to Be Strict. During the term District Attorney Wirtz announced that a closer scrutiny of divorce matters would be exercised by his office than has been the custom heretofore. In the past it has been the rule for the district attorney (at the request of any attorney having a divorce case), voluntarily to accept service of the summons and waive any further appearance on the part of the State of Oregon.

"The law makes the state a party to all divorce matters and requires service of summons to be made upon the district attorney," said Mr. Wirtz. "It is his duty to exercise vigilance in preventing collusion among divorce litigants, to attend the sittings of the referee and if necessary examine witnesses or put in a defense to the cause, if he deems it proper, and hereafter I will not accept service of summons or waive appearance on the part of the state of Oregon."

"When the district attorney resided at The Dalles and only appeared in this jurisdiction at court time, it was, in many cases, not convenient to serve him, and attorneys in the county fell into the habit of waiting until court met, then asking him to waive appearance in a large number of cases where opportunity did not present itself for any examination of them on account of his other duties at the time."

"But under the new system where each county has its own district attorney, residing at the county seat, service of summons upon him may be made, as the law provides, without extra expense or inconvenience to the legal profession or to the litigants themselves, and all attorneys who accept divorce business should observe this rule and see that the district attorney is properly served at least 10 days before the term of court opens."

The following divorce cases were on the calendar for this term: Marie L. Brooks vs. Loring R. Byboka, Christ Newman vs. Christ New-

man, J. Ryan vs. Mary E. Ryan, Gertrude Monical vs. Clarence Monical, Una Boyles vs. Chas. H. Boyles, Prisco Prisco vs. Columbo Prisco, Lena McPherson vs. Logan C. McPherson, Thomas Maupin vs. Mary Maupin, Frank Pratt vs. Ina Pratt, C. H. Fry vs. Ivy M. Fry, Alice McKay vs. Donald McKay, Howard Gove vs. Abbie Margaret Gove.

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