

TWO JURIES SAY KENNEDY IS GUILTY

Both Juries Out at Same Time Yesterday Considering Evidence Against Him.

WALTER A. MARKS SUDDENLY CHANGES PLEA TO GUILTY

Both Defendants Will Receive Sentence Saturday; Henry on Trial Today.

For the first time in the history of Linn county and perhaps of the entire state, two juries were out yesterday afternoon at the same time considering evidence in cases against the same defendant and both juries returned verdicts of guilty.

The cases in question were the two cases of the State of Oregon vs. Den Kennedy, both of which were appealed from the justice court and both of which were tried before Judge P. R. Kelly yesterday.

The jury in the first case against Kennedy, which charged him with selling intoxicating liquor to James Fradenburg of this city, retired to the jury room at 1:25 o'clock yesterday afternoon and returned a verdict of guilty at 5:15, a few minutes after the second jury had retired to consider the evidence in the remaining case against Kennedy, charging him with selling intoxicating liquor to Tony R. Mitoff of this city.

This jury returned a verdict of guilty at 6:55 o'clock after being out nearly two hours.

This jury was composed of: John H. Rebban, Brownsville; Vardy E. Shelton, Seio; L. B. Laper, Tangent; John B. Miller, Waterloo; Frank Hubbard, Shedd; Charles A. Bates, Shelburn; Frank Skipton, Albany; Delbert Brown, Albany; C. L. Shaw, Albany; R. E. Crasford, Albany; and W. A. Ledbetter, Albany.

District Attorney Gale S. Hill and his chief deputy, Dan Johnston of this city, represented the state in both cases against Kennedy who was defended by J. J. Whitney of this city. Judge Kelly fixed the time for sentencing Kennedy in both cases at 9 o'clock next Saturday morning.

This morning at 9 o'clock the two cases of Oregon vs. Walter A. Marks of this city, for selling liquor in violation of the local option law, were announced as ready for trial and preparations were being made to draw a jury, when the defendant held a consultation with his attorney, Judge Whitney, who announced that his client desired to change his plea from "not guilty" to "guilty."

Judge Kelly accepted the plea of guilty and fixed Saturday morning at 9 o'clock as the time for passing sentence on Marks.

Marks, who has been engaged in business with Kennedy at the corner of First and Baker streets at the place commonly known as "The Frog," was charged in two different complaints with selling intoxicating liquor to M. F. McDonald.

The complaints stated that the sale was made on October 25, 1912. District Attorney Hill and Deputy District Attorney Johnston represented the state and J. J. Whitney, the defendant.

Following the disposal of the cases of Oregon vs. Marks, the two cases of Oregon vs. E. D. Henry of Harrisburg were called. One of the cases against Henry charges him with selling intoxicating liquor in violation of the local option law to Claude Hardesty and the other one charges him with conducting a nuisance in the city of Harrisburg.

The following jury was drawn this morning to hear the evidence in the first case: D. W. King, Holley; P. H. Hargett, Harrisburg; Vardy E. Shelton, Seio; William Cox, Grayfordville; W. R. Ray, Linn; Henry Shank, Seio; Charles A. Bates, Shelburn; Martin Crabtree, Santiam; W. T. Hassler, Seio; Lee J. Gainer, Lacombe; L. B. Laper, Tangent; and W. L. Kizer, Albany. District Attorney Hill and Deputy Dan Johnston appear for the state and J. J. Whitney for the defendant. The first case against Henry will probably go to the jury shortly after noon today.

E. D. Henry of Harrisburg who was this morning found guilty of selling intoxicating liquor in violation of the local option law will be sentenced Saturday morning at 9 o'clock. The case charging with conducting a nuisance at Harrisburg is being tried this afternoon.

BOY SCOUTS PASS EXAMS HELD HERE YESTERDAY

An examination which was held at the local Y. M. C. A. yesterday afternoon resulted in five Albany boys successfully passing the test required to become a tenderfoot scout, one of the divisions of the Boy Scouts' army. Those who passed were Vernon Henderson, Harold Irvine, Pearson Conrad, Newland Conrad and Verne Briggs.

Howard H. Green, of Hood River, left for home after attending one of the short courses at the O. A. C. He is a former schoolmate of Kenneth Merrill at Reed City, Mich., and was considerably surprised to learn that Kenneth, about his age, is a married man.

PROFESSOR J. B. HORNER URGES BETTER ROADS

Predicts That Appian Way Will Someday Be Constructed Between Albany and Corvallis.

Declaring that there must be an Appian way connecting Albany and Corvallis, Professor J. B. Horner of the Oregon Agricultural College, last night made a strong address in Corvallis on the subject "Walks in Rome." We reprint a portion of the address from the Gazette-Times.

In the presence of an audience that filled the Presbyterian church last night, Prof. J. B. Horner presented his illustrated lecture on "Walks in Rome." The list of pictures covered the principal ruins and points of interest in Rome, and added variety to a talk delivered in Prof. Horner's always acceptable style. The presentation compassed more than many people get from a lengthy visit at the Italian city.

"The Appian Way was so useful in drawing trade from southern Italy to Rome that another way was built to the north, so as to connect Rome with the northern interests of Italy; and so on until the great roads of Italy centered at Rome. No matter where you might find a great road, you could follow that same road to the heart of Rome. Hence all good roads led to Rome. The lesson that we learn from Rome's experience in road building is that there should be numerous Appian ways connecting Corvallis as a commercial and educational center to points on every side of us in the state. Jefferson, Washington, Monroe, Second and Third streets are Appian ways already, and there will be more Appian ways in the city clustered as the heart of the valley. But there must also be Appian ways drawing Albany and Corvallis closer together, also Appian ways connecting Irish Bend, Monroe, Bellfountain, Peoria, Philomath, Alsea, Kings Valley, Wells and other points."

EVANGELIST JOHN LEWTAS PLEASES ALBANY RESIDENTS

Tacoma Minister Tells of Bible Lands Through Which He Has Traveled Much.

The evangelistic meetings now being held at the First Methodist church are attracting large crowds and much interest is being manifested in the work.

Excellent music has been provided for the meetings and the sermons and talks of Rev. John Lewtas of Tacoma who is in charge of the evangelistic services are greatly appreciated, as are his vivid word pictures of the Bible lands which he has visited and to which he has given years of study.

Tonight Evangelist Lewtas will present an especially important theme and the residents of this city are cordially invited to attend the services.

BENEDICTS PLAN BIG BANQUET SPREAD SATURDAY

One Hundred and Fifty Members of Local Lodge Expected to Attend Annual Event.

With preparations practically completed, the Benedict's banquet which will be held at the Elk's temple Saturday night promises to be the most elaborate affair of its kind ever held in the history of Albany.

Covers will be laid for one hundred and fifty guests and the preparation of the spread will be under the direction of Charles Neeley, the veteran chef of the Elk's club. While the program has not been announced, J. J. Collins who is chairman of the committee, is working out the plans for the entertainment and has already secured Wilson's orchestra and other musical numbers for the occasion. The committee which has general charge of the arrangements is composed of the following members of the local lodge: Fred Dawson, J. J. Collins, John Shea, Fred Schultz, A. L. Simpson and A. W. Bowersox.

TEXAS MAN ENGAGES IN REAL ESTATE BUSINESS

Arriving less than a month ago from Texas, D. C. McClure yesterday closed the deal for the purchase of the interest of N. D. Pratt in the Curtis Real Estate Company.

The business will now be conducted under the firm name of Cowley & McClure in the same location occupied by the old firm. McClure made a trip to the Willamette valley several years ago and was so well impressed with the country that he concluded to make his home here at some future date. He says that it is a matter of much regret to him that he did not purchase some real estate on his first visit.

News on This Page is From Daily Issue of WEDNESDAY, FEB. 5, 1913.

HENRY'S MEMORY FAILS SUDDENLY

Defendant in Liquor Case Just Couldn't Remember Anything in Court This Morning.

TRIAL STOPPED AND EXPERT STENOGRAPHER SENT FOR

Mental Faculties of Witness Return Quickly When Trial Is Resumed; Guilty.

The case of Oregon vs. E. D. Henry of Harrisburg who was indicted recently by the grand jury for selling intoxicating liquors to Claude Hardesty in violation of the local option laws was given to the jury this morning shortly after 11 o'clock and after being out nearly an hour a verdict of guilty was returned.

When Hardesty was placed upon the witness stand this morning to testify in behalf of the state, his memory suddenly failed him and the prosecuting attorney, Gale S. Hill of this city, used every effort in order to get Hardesty to relate what he had testified to before the grand jury recently.

The efforts of the district attorney and his deputy were of no avail—the witness could not remember a thing, his memory was a blank, and he wouldn't say positively that Henry was the man who sold him the liquor.

The district attorney, knowing what Hardesty had previously related to the grand jury, informed Hardesty that he was making himself liable to perjury and then the trial was stopped. Judge Kelly and District Attorney Hill sending out after an expert stenographer to take down the testimony. When C. D. Raugh, the local expert court reporter arrived at the courthouse a few minutes later the trial was resumed and to good behoof, Hardesty's memory was found to be working perfectly.

Important bits of testimony poured forth from his mouth without interruption, like water from a faucet. Hardesty was absolutely positive that Henry was the man who sold him the liquor at Harrisburg and he was equally as positive in his testimony during the remainder of the trial.

Bert Davis, the piano tuner, this morning left on a tour of the neighboring towns.

Miss Emma Thrift went to Salem for a few days' visit.

Mrs. Dr. Sievers, of Sunrise, and mother, left this morning for Portland, the latter on her way to her home at Baker City, after a visit here of several months.

W. E. Olin and family this morning returned to Mill City, where Mr. Olin is working in one of the logging camps of the Hammond Lumber Co. On account of snow the camp has been idle for awhile.

J. F. Robinson, of Portland, returned home this morning after a visit with his daughter, Mrs. Litter.

ACKERMAN PLEAD GUILTY TO SELLING LIQUOR TODAY

Failed to Appear for Trial on Monday and Bonds Were Forfeited by Court.

Ed Ackerman of Shedd who failed to appear in court at this city last Monday when the case of charging him with selling intoxicating liquor in violation of the local option law was called and whose bonds at that time were declared forfeited by the court, appeared in court this afternoon and pleaded guilty to the charge. Through some misunderstanding Ackerman failed to appear for trial last Monday and his cash bond of \$250 was forfeited by the court. He came to Albany today on his own accord and pleaded guilty to the charge for which he had been recently indicted by the grand jury.

THE CORVALLIS PRINTING COMPANY WAS ROBBED

The Corvallis Republican has the following to say in regard to a robbery which occurred in that city:

The Corvallis Printing company has twice been visited by a light fingered crook. December 31 the cash drawer was touched for \$7.50 but the loss secured no publicity as the local papers could hardly credit the statement that a printing concern had \$7.50 all at once. January 1st, the loss was 15 cents, a more plausible amount.

Mr. Dubrille is convinced that he could name the party who has thus attacked himself, uncollected, to the company's payroll, but as yet lacks sufficient evidence to warrant an arrest.

D. C. McClure, recently of Michigan, has bought the interest of N. D. Pratt in the Curtis Real Estate office, and will be associated with Mr. Cowley in the business.

MRS. TRACY MAKES ANNUAL REPORT

Secretary Civic Improvement Club Gives Interesting Facts and Figures.

CLUB HAS FUND FOR AIDING VICTIMS OF TUBERCULOSIS

Members of Organization Have Aided Materially in Social and Commercial Progress.

According to the annual report of Mrs. Levi E. Tracy, secretary of the Civic Improvement club of this city, the number of members of the club for which federation dues are paid to January 1, 1913, is 50; the number of regular meetings held was 9; the number of quorum meetings held without a quorum, 3; the number of board meetings, 16.

The secretary's and treasurer's reports balance. By check from former treasurer \$109.41; receipts from apple fair and dues, \$18.50; total, \$127.91. This amount did not come to the secretary, but appears in the treasurer's report.

The money received by the secretary from all sources was \$593.54; balance in bank, \$81.78; total receipts, \$675.32. Bills ordered paid, \$281.64; note at First National Bank, \$374.00; cash in hand, \$81.78.

All bills are paid and 204 postcards are on hand. The secretary's annual report is signed by Mrs. J. K. Weatherford, president; Mrs. R. C. Hunt, treasurer; Mrs. Levi E. Tracy, secretary; and Mrs. H. A. Nelson, chairman of the executive board.

Club Has Tuberculosis Committee.

In 1911, the president of the Civic Improvement club appointed a committee consisting of Mrs. Levi Tracy, Mrs. R. C. Hunt and Miss Flora Mason to conduct a sale of Red Cross Sticks the proceeds of which were to be used toward procuring health for white-slave victims who might not have the means to take care of themselves.

This sale netted the sum of \$81.00, which sum stands to the credit of the local committee for use at their discretion and they desire to use it for the cause for which it was raised.

If there is anyone in Albany suffering from the white plague and financially unable to care for themselves, they are requested to notify any one of the committee above named. While the fund is on deposit with the state committee at Portland, it was sent to this city with the understanding that it was to be used for the benefit of white plague sufferers in Albany, where the money was all raised.

The Civic Improvement club of this city has not only been active along philanthropic lines during the past year but has also been prominently identified with the commercial and social progress of the city as well, and has already made a reputation as being one of the strongest organizations of its kind in the entire state.

ASH WEDNESDAY OBSERVED HERE TODAY AT ST. MARY'S

Lenten Season Opens Today and Continues Until Easter Sunday, March 23.

Today is Ash Wednesday which marks the opening of the Lenten season and the day was observed in Albany this morning at St. Mary's Catholic church by the blessing and conferring of ashes.

A service will be held at 7:30 o'clock this evening when the first of a series of Lenten services will be given. During Lent, services will be held daily at St. Mary's church, the morning service at 8 o'clock and evening services on Wednesdays, Fridays and Sundays at 7:30 o'clock.

"The Sacrament of Penance" will be the subject for the mid-week sermon and "The Passion of Christ" for the Sunday service. The public is cordially invited to attend these services.

For the next 40 days penitential services will be held daily, especially in Episcopal and Catholic churches, to commemorate the fast of the Christ in the wilderness, for today is Ash Wednesday, the opening day of Lent. Easter day, which marks the close of Lent, falls unusually early this year, March 23 to be exact, and all dates are taken from it. Yesterday was Shrove Tuesday, a day of preparation originally, whose purpose has been lost sight of, which is more noted in England as Pancake day.

Mrs. Christensen, Christian Science healer, went to Lebanon this morning.

J. R. Metzger, the logging expert, went to Salem. It will be at least a month before he begins his annual \$100,000 foot logging trip down the raging waters of the Santiam.

Prof. Kent, of the O. A. C., and Mr. and Mrs. Underhill, of Salem, went to Lyons to speak at a big creamery meeting to be held there today.

Rev. and Mrs. Emerson will keep open house at their residence, 717 Broadalbin street, for the members of the First Christian church and their friends tomorrow, Thursday, Feb. 6th, during the hours between 2 and 5 in the afternoon and 7 and 10 o'clock in the evening.

STUART-BLOUNT WEDDING IS SOLEMNIZED TODAY

Popular Albany Young Lady Is Married to Prominent Young Travelling Man.

A pretty wedding was solemnized at 2 o'clock this afternoon at the Wood apartments on Third street, when Miss Maude C. Blount was united in marriage to Wayne H. Stewart, the Rev. Albyn Esson, formerly pastor of the First Christian church officiating. Only the immediate relatives of the young couple were in attendance at the ceremony which was a private one.

The bride is the eldest daughter of Councilman and Mrs. Fred T. Blount of this city and is a young lady of estimable character, having a host of friends in this city where she has resided all her life. She is a graduate of the Albany High school.

The groom is the traveling salesman for Lang and Company, wholesale grocers of Portland, in whose employ he has been for many years. He covers the territory from Portland to Ashland and is one of the most popular traveling men on the road today, having a host of friends in every city in the Willamette valley. He is also one of Oregon's most prominent horsemen and is a lover of horses and has officiated as judge of the races at many of the largest fairs that have been held in this state in recent years.

Mr. Stewart is held in high esteem by his employers and is a young man of splendid business judgment and ability. He has made his headquarters in this city for several years and returns to Albany every Saturday evening after his week's work. He has many friends in Albany and Linn county and their best wishes are extended to himself and bride.

The newlyweds will not take a bridal trip and will begin housekeeping immediately in their attractive and comfortably furnished rooms at the Woods Apartments on East Third street. Among those who attended the wedding ceremony this afternoon was Mrs. Del Stuart of Portland, the mother of the groom.

TACOMA MAN BUYS THE ROBINSON VARIETY STORE

New Stock and Fixtures Being Installed; New Owner Proprietor of Roseburg Store.

L. D. Summerfield, a well known Tacoma business man, has closed the deal for the purchase of the Robinson Variety store which has been operated on Lyon street for the past year by T. F. Robinson.

Mr. Summerfield owns a store of the same character at Roseburg and has had a good many years of experience in the same line of business. The store is now being remodeled, new goods and up-to-date fixtures being installed.

When opened it will be known as the Five, Ten and Fifteen Cent store, and will be managed by Mr. Summerfield, father of the owner.

PROMINENT NEBRASKA MAN MAY LOCATE HERE

Former Lieutenant Governor Was Here Two Days and Likes Hub City.

Declaring that Albany is one of the best cities he has visited on his tour of the Pacific coast, Hon. A. W. Agie, former lieutenant-governor of Nebraska, left here last night after making a thorough investigation of local conditions with the idea of making his permanent home in the Hub City.

Mr. Agie is now a resident of Ogden, Utah, but prior to locating at that place served one term as lieutenant-governor of the state of Nebraska. He now desires to locate at some point on the coast and retire from active business. He is a lawyer and is said to have accumulated a large amount of property. He left here on the southbound train for California points and stated just before leaving that he would not decide definitely upon a location until he had visited a number of places in California.

FORMER ALBANY RESIDENT VISITING FRIENDS HERE

Arriving this week from Champion, Alberta, D. A. Holman, a former resident of this city, is visiting at the home of J. W. Newman.

Mr. Holman left Albany several years ago, and expressed himself as greatly surprised with the growth and development in the Willamette Valley since his departure. He once owned the place known as the Thomas Williamson farm in the North Albany district. He will leave in a few days for Sonora, Mexico, where he will look after some real estate interests.

H. D. Burkhart, a prosperous farmer residing in the vicinity of Albany called at the Democrat office today and renewed his subscription for another year. Mr. Burkhart stated that his father was one of the first subscribers to the paper, his name being enrolled on the subscription books in the year 1865.

THE COUNTY COURT CONVENE TODAY

Fight Is on in Road District Number 19; Residents Would Open Highway.

NEW BRIDGE IS ASKED TO SPAN THE SANTIAM

Thomas Road Matter Will Come Up on Appeal for the Final Hearing This Afternoon.

Convening the January term at 9 o'clock this morning, members of the county court spent the greater portion of the forenoon session in listening to the arguments from the taxpayers of district number 19 in regard to the opening of a new road in that section of the county.

The application is made by Christopher Clem and other residents of the district and requests the opening of nearly a mile of new road 2 1/2 miles southeast of Lebanon. Nearly twenty residents of this district appeared before the county court this morning and presented the claims of the contending factions. No definite action was taken, the court taking the entire question under advisement for a few days.

The application of Thomas and others for a new road in district No. 25 will be presented to the court for final hearing in the form of an appeal from the viewers' report. This road is located in the vicinity of Jordan, and the matter will be disposed of late this afternoon.

A petition for a new wagon bridge across the Santiam river five miles this side of Mill City was filed with the court this morning and taken under advisement. The proposed bridge and road would connect the Fox valley and Marion county roads.

Mrs. Allen Cox of Camas, Washington, is visiting at the home of her parents, Mr. and Mrs. C. G. Cowles of this city.

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