

Lebanon Express.

VOL VII

LEBANON, OREGON, MAY 5, 1893.

NO 10

TERMS OF SUBSCRIPTION.

One year (if paid in advance, \$1.50 per year.)	\$2.00
Six months	1.00
Three months	.50
Single copies	10c

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Morg Wassom's Trial.

The Jury's Verdict 'Murder in the Second Degree.'

Sentenced to a Life Term in the Penitentiary—Taken to Salem Wednesday.

Joseph Kelso, the first witness on behalf of the state, testified as follows: Live at Lebanon. Have no occupation at present time. Know locality where Grubb was killed. Have been in the building several times. (Map or plat of inside of building where the killing was done was shown witness; said it was correct.) Described in detail distances between various objects in room. Walk in front of saloon is eight feet wide. Was not present at the killing. Went there before the body was removed. Worked in saloon about a month. Do not make a living altogether by gambling.

Dr. J. A. Lamberson testified: Am a physician. Was acquainted with Grubb. Room about 180 feet from saloon. Was called to examine body of deceased. Witness described the point where he found the body of deceased. Was called there at 2:10 a. m. Examined body and found life extinct. Sent for Parker, partner of deceased. Found gun-shot wound at right of left nipple. Bullet went into chest cavity about 7 1/2 inches. Bullet affected the aorta and maybe heart. Immediate effect of such wound would be fainting. Such a wound would be fatal. Examined the body at the coroner's request. Found no other wound. Doors of saloon about twenty inches wide. I went after Kelso. Told Steele to watch body while I went after Kelso. Told Kelso that Grubb was dead. Went after Geo. Rice, the recorder. Examined pulse and put my ear to Grubb's heart. Found him dead. Deceased had no coat on; had vest on, but it was open.

W. H. Carroll testified: Live in San Francisco. Was at Lebanon in February. Spent the evening of February 27 at Grubb's saloon. Was there when he was shot. Was in rear end. Was playing there with Mossholder and Grubb. Was there until 2 o'clock a. m. Played until half past 2. Saw Mr. Wassom when he came in. Wassom asked Grubb to drink with him. Grubb at first refused, but finally said he would drink. All filled our glasses, when he went out. At once he came back, and I excused myself for drinking in his absence. Went back to stove. Heard Wassom say to Grubb that he had heard that Grubb had said he had thrown him (wassom) out of the house. Grubb said he had not said so. Grubb said to Wassom, "Put on your gun; I am not afraid of it." Wassom said, "If you are not afraid, come out doors." Grubb approached Wassom and the latter bucked out of the room, with Grubb following with his hand stretched out as if to take hold of the pistol. Heard the shot just after they got out of doors. "Some minutes after went out and found Grubb lying on the walk on his back dead. Mr. Wassom had his pistol in his hand by his side. Heard report of pistol just as the parties got outside. Wassom went out of door first. Could not say that they had hold of each other as they went out of the door. Grubb did not speak after the shot. Grubb was perfectly sober. He was in a pleasant humor. Was present when the Dr. examined the pockets. Was not close enough to pistol to identify it. Grubb asked me to shake hands with Wassom. Grubb took two drinks while he was there. After I took my drink I went back to the stove. Could just see Wassom's back when he asked Grubb about his having said that he had put him (wassom) out of the house. Heard report of pistol just as they passed out the door. Heard a groan just after the shot. Thought Grubb was choking Wassom.

Grubb made a quick grab for the pistol just as they came to the door. Grubb kept advancing on Wassom until they got out the door. Picked up the hat near Grubb's feet and threw it into the saloon. Think Grubb was more than six feet tall. Felt his pulse and heart when I first went to the body. Mossholder and I went out to front door shortly after the shooting. Dr. came and examined the body and said the man was dead. May have been eight or ten persons in the saloon during the time I was there. Grubb did not breathe after I reached his body. Did not say before the coroner's jury that I did not see the parties at the time of the shot.

J. Mossholder testified: Live in Lebanon. Was at Grubb's saloon on Feb. 28. Mr. Bilyeu and Mr. Rice were there during the night. Mr. Wassom came into the saloon about 3 o'clock a. m. I was in back part of room near the stove when he came in. Carroll was standing by the little desk. Wassom asked Grubb to drink with him. They poured out their drinks. Wassom asked who Carroll was. Grubb said it was Mr. Carroll, the drummer. Wassom said ask him to drink. Grubb introduced Carroll to Wassom. Carroll also drank. Wassom said to Grubb that he had said he had thrown him (wassom) out of his house. Grubb said he did not say it. Grubb started round the counter, and I then saw Wassom pull out his pistol. Grubb told Wassom to put up his pistol, as he was not afraid of it. Wassom told him to come out then. Grubb followed Wassom out the front door. Wassom went out backwards. Heard shot just as they went through the door. Heard groan just after the shot. Thought someone was being choked. Went out at the front door with Carroll just after the shooting. Found Grubb dead on sidewalk. Went after Dr. Lamberson. Was away but a few minutes. He lives on same block. Went back to body alone. Wassom said it was Bill Elkins that told him what Grubb said about throwing him (wassom) out of the saloon. Have been acquainted with Grubb about a year and a half. Sat in saloon seeing them playing cards. Do not know how many had been in during the evening. Bilyeu and Rice were the last to go out before Wassom came in. Could not see Grubb and Carroll when they were talking at the counter and while I was at the stove. Saw Wassom come in. He was close to the bar. Do not know about how long the counter in the saloon was. Wassom went out before taking his drink and then came back and asked me to drink with him. I did so, and then Grubb asked me to step back to the stove, as Wassom wanted to talk to him. After the shot was fired Carroll and I went out at the back door. Stayed there about ten minutes and then went back into the saloon and went out front door and found Grubb dead. As they backed out the door I saw Grubb reach out to get hold of Wassom's gun. Do not know that Grubb got hold of the pistol. Wassom fired the shot in the house just inside of the door. Saw flash just inside the door. The parties were both inside the door when the shot was fired. Carroll was near the stove. He could not see so well as me. Did not see Grubb fall. Heard struggle after they went out the door like someone choking. Saw Grubb on walk. Saw his hat. Saw Carroll pick up the hat. Neither one of us straightened his leg until after the Dr. came. Saw no one feel his pulse. Hardy came to my house on the morning after the killing and asked me for a full statement of the facts of the killing. Did not tell Hardy and Brown that "I was in this case and was going to testify for what was in it." Told him that I would testify in the court and he could come and hear what I had to say. Never had any talk with Carroll about what my testimony would be.

F. W. Morgan testified: Live in Lebanon. Am constable. Was last February. Arrested Wassom at his father's. He was upstairs in a bedroom by bed. Found a revolver on stand near his bed. (Here revolver was shown witness, which he identified as the one he found in the room.) Coat and vest were on chair and pants near the chair. All chambers of pistol were loaded but one when I found it. Gave the pistol to the justice. Had no conversation with defendant about the pistol.

J. C. Mayer testified: Live in Lebanon. Was in saloon business on Feb. 28th last. Was in saloon from noon until half past 2 o'clock a. m. Wassom and Gentry were in my saloon until half past 2. Wassom wanted me and Dave Gentry to go to Grubb's and take a drink. Told him he had had trouble there and he should not go there. Wassom went to Grubb's, but Gentry and I did not go. Gentry was somewhat intoxicated. Heard the pistol shot. First saw Wassom about 10 o'clock that night in my saloon. He and some others were playing cards. Did not bear Wassom say anything about Grubb that night. Wassom was in an ordinary humor that evening. He took ten or a dozen drinks at the bar. He talked intelligently. We went by Grubb's because Wassom went that way. It was on his road home. Wassom, about three or four months before the shooting, said that if Grubb ever treated him again that way (about ordering him out of the house) he would get the worst of it. Saw a pistol in Wassom's outside coat pocket about 2 o'clock the night of the shooting. Wassom quit playing at my saloon about 12 o'clock. Wassom and I shook dice from 12 to 2 o'clock. Wassom wore a black sack coat that night.

James Sharp testified: Have lived in Lebanon three years. Knew Grubb. Know defendant. Was barkeeper for Guy & Mayer. Had talk with Wassom in that saloon last September. He said that Grubb could not throw him out of his saloon; if he did he would never throw another one out.

Lewis Crandall testified: Live in Lebanon. Was acquainted with Grubb. Have been in Grubb's saloon. Saw Wassom in Grubb's saloon in May last. Wassom and Grubb had a little misunderstanding about a game. Grubb said he did not want to have any trouble with him and that if he could not do right to go out of his saloon. Wassom went out.

F. M. Steele was called, but gave nothing additional.

Rev. H. Oberg was called. The defense objected to him giving any testimony in the case on the grounds that any confessions made to him by the prisoner were of the nature of professional communications between minister and communicant.

The court took a recess until 7:15 in the evening in which to consider the objection.

The court decided that the testimony of Rev. Oberg should be rejected.

This was the last witness called in behalf of the prosecution in the direct examination.

Joseph Warwick, examined on behalf of the defense, testified: Am acquainted with defendant and Mr. Grubb in his life time. Had talk with Grubb the last of August or Sept. 1st. Grubb said, as Wassom passed, "I smell something. It does me good to hate that man." I told him that Wassom was a man who went heeled and that he (Grubb) had better leave him alone. Grubb said that if Wassom attempted to use that pistol he would take it away from him and break his skull with it. Some time after that Wassom and I went into Grubb's saloon. Grubb said to me that that was the first time Wassom had been in his saloon for six months. He said Wassom had better stay away from there, as he had it in for him.

A. M. Richardson testified: Was acquainted with Grubb and Wassom. Had talk with Grubb about middle of September. Grubb said Wassom was a d—mean s— of s— and if ever he had a chance he would hurt him d—bad. He said in speaking about boxing, that if Wassom ever got up before him he would smash him. This talk was in Grubb's saloon.

E. A. Trueblood testified: Was acquainted with Grubb and Wassom. Had talk with Grubb on the 18th of last June. Grubb said he wished that he was a single man. If he was he or that s— of b— (wassom) would die before they slept. At another time he said Wassom was a sneak; they all had him sized up as the wrong kind of a man. He said he was loaded for Wassom at any time he would open the ring. I live in Washington. Was subpoenaed at Pendleton. Came there to be subpoenaed. Came here last Friday. Came the same time that Richardson did.

D. Shepherd testified for the defense: Was acquainted with Grubb in his life time. Not much acquainted with deft. Heard Grubb say one time in Lebanon "there goes a man (referring to Wassom) that I have some lead laid up for and when I get the chance I will put it into him. This was a month or six weeks after last Christmas. Do not know the man with whom Grubb was talking when he made that statement. Said nothing to Grubb or the other man. Stood near them about 15 or 20 minutes. Did not talk with them. First told this to some detective who was working up the case. Think I did not talk to deft's counsel about the matter.

C. Arnett testified: Lived in Lebanon since 1885. Am acquainted with deft and deceased. Heard Grubb say in September that if Wassom did not stay out of his place he would smash his head into a jelly. He said he did not want him in or his money. Grubb said if Wassom did not keep out of his residence he would kill him.

A. Tenny testified: Was acquainted with Grubb and deft. Heard Grubb say last January (think it was January) that he knew he and Wassom must have trouble. Said if he and Wassom remained in Lebanon the trouble would come. He said he was satisfied that Wassom went armed; but he was not afraid of armed men when he could get in reach of them. This occurred in Grubb's saloon. This was the first time that I had heard of a difficulty between Grubb and Wassom. Don't think any one else heard the conversation.

Dr. Lamberson testified: Examined the wound in deceased. Effect would be death in a very short time if not immediately. Immediate effect would be fainting. He might fall backward or he might step forward and sit down; but if he lingered he might be found on his face.

Prof. Michener testified: Was at my room in Lebanon two blocks—between 100 feet—from Grubb's saloon on Feb. 28th. Knew both deft and Grubb by sight. Heard the pistol shot at about 3 o'clock. Just before that I heard two men quarreling. It was in the direction of Grubb's. Think it about a block less 100 feet from Grubb's. One man talked loud, the other a low tone. One said, "I say you did too. Could not tell what the other man said. Am principal of Lebanon public school. Have my room at Mr. Menzies. Heard a man pass along the streets about ten seconds after pistol shot. In half an hour heard two other men pass.

Geo. E. Hardy testified: Am telegraph operator in Lebanon. Saw Mossholder at his home next morning after killing. Brown was present. Mossholder said "I am in this case and will testify for what there is in it." He did not say that he would be in court and I could hear it. He said he had already said too much. I wanted to get a statement from him for the associated press. He did not say that he would get pay for testifying. Did not threaten to publish him for not telling him about the matter.

Wm. Brown testified: Was present at Mossholder's on the morning of the 28th Feb. in presence of Geo. Hardy and Mossholder. Mossholder said "I am in this case and will testify for what there is in it." Went then with Mr. Hardy and went away with him.

J. C. Bilyeu testified: Was at Grubb's saloon on the 27th day of Feb. last. Mr. Grubb and the drummer, Mr. Rice, Mr. Mossholder, Mr. Lewis and Mr. Dave Gentry. Saw Gentry there at two o'clock.

Chas. Walton testified: Saw deft at Guy's saloon on Feb. 27th at 12 o'clock. He was playing cards. Game ended at about one. All took a drink. I went home between one and two o'clock.

A. Davis testified: Saw deft on the evening of Feb. 27th at Guy & Mayer's saloon. Deft, myself and others were playing cards. Game ended a few minutes after one. We all went to bar and drank. I then went home. Left Mayer, Wassom and Gentry at the saloon a little after one. Think LaForte went out when I did at front door. Saw Walton start home. Told him good night.

J. L. Cowan testified: Am acquainted with deft. Have known him for 20 years. His reputation as a peaceable man in Lebanon was good. I would know. I have never heard that he was not a peaceable man when drinking until recently. Have heard some Lebanon people here at this trial say his reputation as a peaceable man when drunk was not good. I have a business in Lebanon and frequently go there.

C. B. Montague testified: Know deft. Have known him over 20 years. Live in Lebanon. Deft lives close to Lebanon. Know deft's reputation as a peaceable man. It was good. Heard about a quarrel he had with some one. Have not heard his reputation as a quarrelsome man discussed prior to the killing. Have heard it said since the killing that he was quarrelsome.

J. K. Charlton testified: Live in Lebanon. Lived there since August last. Know deft. Have known him 15 or 20 years. He is a peaceable man, so far as I know. Have heard a number say since the killing that he is a quarrelsome man when drinking.

E. Bosner testified: Reside at Lebanon. Have known deft about seven years. His general reputation for being a peaceable man prior to the killing was good. Did not hear much talk about his reputation.

M. Hickman testified: Reside at Lebanon. Have lived there since 1875. His general reputation for being a peaceable man prior to the killing was good. Am a member of the gospel. Have heard some say he was quarrelsome when drinking.

B. Burtenshaw testified: Live in Lebanon. Have known deft 18 or 20 years. He was respected by all so far as I know. Do not belong to the same church as deft's father. Lately have heard some say that he is quarrelsome when drinking.

J. H. Johnson testified: Reside at Lebanon. Lived there and around there many years. Deft's general reputation as being a peaceable man prior to the killing was good.

Morgan Wassom, defendant, testified: Am deft. Live at Lebanon. Lived there 27 years. On night of 27th of Feb. last was at Mr. Guy's saloon. Went about 9 o'clock.

(Continued on last page.)

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