

Smith-Petch Murder Case.

W. Smith Found Guilty of Murder in the First Degree.

Smith Cheats the Gallows by Committing Suicide.

Full Account of the Trial.

The Smith trial has ended and, as we promised last week, we give our readers an account of the trial. To give you the testimony of all the witnesses would require more space than could be given in this column; hence the testimony of each is condensed so as to give the most important points, following is the

Testimony:

Step-son of deceased: Step-son of deceased, 40 years of age; had known Smith since 1878; Smith worked for father considerable; trouble between the father began about land claimed by prisoner; one year later deceased obtained possession of the land; Smith was arrested on July 13th, 1882; August 17th went to North Yamhill after deceased, in a number of wagons, and returning drove on bridge, where a plank was disturbed; he and the horse were on the bridge when the horse fell and when thirty feet beyond the bridge a shot was fired; the wagon was hurt and was falling out; Smith caught her clothing, but could not prevent her falling; she fell and the wagon passed diagonally across her breast; I stopped the team and got out; heard a second shot and saw a man running; returning to deceased, a third shot; team was frightened and went and tied to a tree, returning to deceased found her dead; identified her clothing as that worn by deceased on the day she was shot; in the sight of the jury I brought over the husband of deceased, who left the room, in tears; Upwards of three and a half was occupied in questioning by prosecution.

Prisoner worked during the fall and winter of 1878: He began the following May. Here follows a long list of questions and answers, about the same as by prosecution.

Saw and handled body of deceased after shooting: examined the scene; the tragedy and made measurements; found found a cartridge shell and handed him.

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Mrs. Haworth: Saw Jos. Petch and deceased pass along the road a few moments before the fatal shot was fired; lived about a quarter of a mile from bridge; heard shots but supposed it was hunters shooting.

Mrs. Haworth: The same as his wife.

Miss Rogers: Corroborated the testimony of the Messrs. Raymond, with whom she was on her way to the coast.

Miss Rogers: Saw Joseph Petch in Tillamook July 12th, 1882.

Frank Hoberg: Same as Rogers.

John Emery: On the 14th of July 1882 my wife and I were standing at gate at our home when a bullet struck the fence near my wife's elbow. My wife said "There he goes, it's Smith."

James Green: Knew a great deal about the case, but contradicted, flat-footed his testimony given before the coroner's jury; consequently his evidence was of light weight.

John Emery: Examined the scene of the murder and in experimenting found that a person could be shot at the point in the road where Mr. Petch was shot, from the hole in the bridge.

P. P. Gates: Had experimented at the bridge with the same result.

Capt. Handley, surveyor: Made survey and diagram of scene of murder.

Dr. Boyd: Made post mortem examination and recovered the bullet; recovered the bullet in a shattered condition. Bullet shown witness and recognized by him.

Dr. Calbreath: Assisted at inquest and explained to jury, with skull, the route of the bullet and its resistance to it.

N. P. Robinson, Jr.: Found camp in the mountains.

Thos. Maloney: Assisted in capturing prisoner; was shown numerous articles of clothing and a hunter's camping outfit, that were recognized by him.

Richard Allen: Testimony about the same as Maloney's.

Frank Housworth: Recognized clothing sold to Mrs. Smith the first of last August and found on prisoner when captured.

L. T. Barin: Produced land office decision and other papers relating to the Smith and Petch land suits, together with letters purporting to be from prisoner about his land claim.

E. P. McCormac, clerk of the board of land commissioners: was present at a contest between Mrs. Smith and Mr. Petch before said board on the 10th of July 1882.

G. W. Sappington, postmaster at North Yamhill: procured a postal order application, signed by the prisoner.

H. M. Daniel: advised the prisoner to leave the country so that his wife would become the head of the family and gain the school fund.

Jesse Dixon, jailer: carried a letter from the prisoner to James Olds; did not read it; did not recognize the letter shown witness; James Olds recognized the letter as a request for money and signed by G. W. Smith.

Lillie Bennett: testified that some little girls found letters in a letter box by the road side and gave them to witness. Witness gave them to teacher, and the teacher sent the letters to Petch's by prisoner's little girls.

Joseph Petch: recalled—Identified letters shown witness and handed to deceased by prisoner's little girls.

Thos. Wilkinson: corroborated Hardwick testimony in regard to mossain tracks.

Dr. Boyd: testified that she taught school at the Petch neighborhood at the time of the murder; letter boxes are placed along the roadside on Tillamook road; North Yamhill is nearest postoffice; the mail carrier drops mail in those letter boxes for citizens living in vicinity of the road; some of witness' school children found two letters in Mr. Bennett's box and handed them to witness, one addressed to Anna Hall and one to John Petch; gave them to prisoner's little girls to deliver to Mr. Petch.

Andrew Shuck: found a camp in the mountains; found an ax and board written upon in ink; "Petch, you will find me at the mine; bring the flour when you come."

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wronged or swindled by Smith cheating the government, and I hear you are not citizens of the government, Spits and robbers are too plain in this case. All can see it, and the whole country are down on you for it. Repent, sir, and look at your own faults. Others can see them if you can't. No one but yourselves have found out that Smith's character was so dangerous, and it is believed that if your past record was brought before the public that it would put Smith's in the shade. A man that dare not own anything, and will injure and maim a poor man's stock, and then take shelter from the law for damages behind his wife's petticoats, has not much character to boast of, and for a further cloak to such work as that to pretend to be very pious and go out to preach. 'Tisn't so, to them, we can all see it. Self righteous is a great fault.

Dr. Calbreath: Exhibited corresponding bones to those broken. He believed he had found all the fatal bullet. The Dr. weighed the bullet in the presence of the jury, and found that it weighed 129 1/2 grains.

Dr. Hall: In his opinion a rifle ball fired at the distance of sixty feet would go thro' six heads. In cross examination said it was possible for it to have lodged in where it was found.

Dr. E. M. Gouther: Knew of a rifle ball passing through a plank an inch thick, a man's body, bed clothing and the roof of Isaac Barson, a gunsmith; had fired a Winchester rifle, and the bullet had penetrated fir timber to the depth of six inches.

J. T. Hembree: Gave a number of instances of shooting through the bodies of animals; there were no wounds in a deer's body that were large enough to stop a rifle ball a short distance.

G. W. Davis: testified that a rifle bullet goes clear through a deer's body more often than through a man's.

M. Swick: "What he had shot nearly thro' a four-inch scapula."

Noah Robinson: Killed a deer with the prisoner's gun at the distance of 150 yards. Two bullets had passed diagonally through the deer from the ham to the shoulder, breaking the shoulder.

Geo. Higgins: stated that the murder was committed on his place.

Luke Morris: testified that his lead pencil fit closely in the bullet hole in the fence made by the ball that was fired at deceased in July.

A. P. Fletcher and T. A. Turner: testified that the Winchester was a powerful shooting gun.

J. C. Cooper, county surveyor: Made a measurement of the scene of the murder; that the road was not straight, and were moved back on the bridge to where the body fell.

The object of the above testimony was to prove that the ball found in the neck of deceased was not fired from Smith's rifle.

John Maddox: Mail carrier from Tillamook to North Yamhill, passed the scene of the murder on Monday, July 16th, 1882. He saw the road was not straight, and was moved back on the bridge to where the body fell.

T. J. Harris, Deputy Sheriff: Was at the scene of murder the following Sunday; swept the corduroy looking for bullet marks, as Jos. Petch had told witness that one shot had been fired in the corduroy in the head of deceased; found no bullet marks in corduroy. The cartridge shells found in the bridge were peculiarly marked by the rifle and did not mark shells.

S. M. Coker: corroborated Morris and Harris' testimony.

D. I. Coker: Shells looked by the sheriff soon after the shooting looked as though they had been fired six months before.

Lee Langhlin: Same as deputy sheriff Harris in search for bullet in corduroy.

G. W. Sappington, same.

E. P. Fower: Identified bullet was found within two inches of a blood spot; found no bullet marks in corduroy; experimented by shooting and the marks were easily found.

Mat Cain: same.

Bert Bower: Passed the bridge about 4 o'clock on the afternoon of murder; saw nothing wrong with bridge; saw a strange man near the bridge; knew prisoner.

John Perkins: Prisoner's reputation as a citizen was good.

Lee Langhlin: Merchant at North Yamhill; prisoner was a law abiding citizen; his reputation was good.

Wm. Ball: Saw mill owner; had dealings with prisoner; was an honest man.

G. W. Sappington: Corroborated Langhlin and Ball.

A number of other witnesses testified to the good character, and the defence closed.

In rebuttal testimony, G. L. Parker and J. C. Cooper, old veterans, told of instances where men in battle had been torn all to pieces in other cases at a shorter range than had been struck with the same size ball with sight injury.

Dr. Poppleton, Portland Adams and Denary Walker: related instances of like character, showing that you do not know what will be the result of a shot fired from a rifle.

This closed the testimony.

The argument for the State was opened by District Attorney Holmes. He stated that this was an extraordinary case; that it was necessarily circumstantial, but that while it was so the circumstances pointed to G. W. Smith as being the guilty party. Mr. Holmes was followed by Hons. W. D. Fenton and N. L. Butler, for the defence, each speaking for upwards of an hour, making many strong points in favor of their client. Once during Mr. Fenton's speech was the only time during the trial that there had been any perceptible change in the prisoner's countenance, and that was when Mr. Fenton referred to the final separation between Smith and his two little girls, at which time tears came to the eyes of the prisoner. James McCain closed for the State, making a strong and telling speech.

At 6:30 o'clock the Judge read his charge, which was a very fair and impartial one to the jury, and they retired for deliberation. The jury were out until 8:50 o'clock Saturday evening when they brought in a verdict of guilty of murder in the first degree.—The day set for fixing sentence was Tuesday, Oct. 2nd.

Before being remanded to jail, the prisoner was allowed a few moments' talk with his wife and children, and bade them good bye for the last time. G. W. Smith, though convicted of murder, knew that he would

ESCAPE THE GALLOWES.

He was remanded to his cell at 9 o'clock. At about 9:30 he told a fellow prisoner—Rogers—that he intended to take morphine; told him to get some for him; he did so, and gave it to his wife, that it might be buried beside his little babe that died while he was in the mountains; also that the sheriff turned over to W. D. Fenton his pistol, gun and \$31.75 in money, to do with as he chose. Rogers thought him to be jesting; nor did he think differently until he was awakened by Smith's heavy breathing about 1 o'clock. The alarm was given at once, and Drs. Littlefield and Calbreath were summoned, and did all in their power to revive him, but to no purpose. The deadly drug had too deep a hold upon its victim; had performed its mission well, and he breathed his last at 8:30 o'clock Sunday morning. Smith had the morphine concealed in the lapels of his coat. The coroner's jury returned a verdict in accordance with the above facts.

Through the courtesy of jailer Dixon we were allowed to see the corpse, and as he laid cold in death he looked as though he had been dead many a few hours before except a pallor had overspread his countenance, and his face was considerably swollen. As we gazed upon the lifeless form of this doomed man our thoughts are led back over the horrible murder, the scene, the circumstances connected with it, to the anguish of the heart-broken husband when his wife was torn so ruthlessly from him; of the wife and fatherless children of this man lying before us, 'tis indeed a sad picture. But

for all this, though we believe G. W. Smith to have committed the crime for which he was convicted we can but exclaim "Peace to his ashes."

His remains were buried in the cemetery near North Yamhill, on Monday.

OUR PEER-JUD.

Secure your winter's wood.

Roads, in splendid condition.

Interesting matter crowded out.

Go to Es and N. Hendrick's for Millinery.

Go to Coker's, at Lafayette, for Timothy Seed.

School bags, only 25 cents each, at Russ & Foster's.

Wright & Hemstock's steam saw is at work in town.

The Petch murder trial costs Yamhill county \$500 per day.

Hon. D. O. Durham accompanied the Pioneers' excursion.

Coker, of Lafayette, keeps many different kinds of plows.

Those letters written by G. W. Smith, convicted him.

The number of pupils at the new College increases daily.

Mr. Alfred Smith, of Moore's Valley, came in to see us last Saturday.

See those Heating stoves, Cook stoves and Ranges at Manning's.

Don't put off settling your account with the REPORTER, any longer.

Custer Post, Grand Army Republic, intend giving a ball on Thanksgiving.

The Misses Hendrick have their Millinery Opening to-day and to-morrow.

Mrs. A. East started on Saturday last for the east, to make a three months visit.

Uncle-George Bangasser is another pioneer that accompanied the excursion.

Go to Rogers & Todd's for your School Books, Stationery of all kinds etc., etc.

Coker, of Lafayette, keeps the best stock of hardware on the west side of Portland.

Mr. J. C. Cooper will please accept our acknowledgements for favors, during the week.

A shoe was picked up in the road near this place, a few days since, and left at this office.

Zephyrus, 10 cents an ounce. Kensington crewels, Saxony yarn, etc., at Russ & Foster's.

For your Hardware, Stoves and Tinware you can get bedrock prices at Manning's or Cash.

Slates, Blank Books, Copy Books, Blotters and all kind of School Supplies at Rogers & Todd's.

Don't buy a lantern until you have seen the very latest improved at Manning's; they beat the world.

Our young friend, C. J. Skinner and a friend of his have gone to make their home at Monteseo, W. T.

Rev. J. R. W. Sellwood will hold service at the Episcopal Church next Sunday—morning and evening.

An old rotten and broken plank in Hain creek bridge, on the Lafayette road, should be replaced, at once.

Mrs. C. G. Rowell, of Dallas, came down and paid her daughter, Mrs. A. V. R. Snyder, a visit over Sunday.

And still the approach to the North Yamhill bridge, settles. Is it the intention of the supervisors to let 'er go?

W. W. Wright and family left on Monday's train for their old home in Ohio. They will have a good time.

The REPORTER is under obligations to Sheriff Colford for courtesies shown its representatives, during the Smith trial.

When you go to Lafayette, don't fail to call and see Coker, on the corner, if you want hardware; if not, call anyway.

Court is grinding rapidly along. Business will be brought to a close this week. Proceedings in another column.

It costs only \$150 per month to issue the REPORTER. But how is this small expense to be met if you don't pay up? Do you see?

We had the pleasure of meeting Hon. L. T. Barin, the gentlemanly Register of the Land Office, Oregon City, at Lafayette, last week.

Mr. F. M. Blake, the rustling, wide-awake traveling correspondent of the Oregonian, was in town Tuesday morning and came in to see us.

"Uncle" Billy Rogers brought us a potato top that had a dozen or more thrifty looking potatoes growing in it—looking curious enough.

Remember the foot race between Martin and Pendrag, next Saturday. It will be the most interesting race ever run in Yamhill county.

Any one wishing to purchase a good farm will find it to their advantage to call at the store of B. F. Hartman for particulars. 25-1

Robison & Baker have a supply of Book Stretches that are just the thing for children to carry their books to school in. Go and get one.

Aren't those pretty little "pud nud-dles" up in front of the Post Office.—The town authorities ought to fence 'em up for fear they may be disturbed.

Mr. Tom Willis, of Happy valley, came in to see us last Friday and brought us a half bushel of fine apples, for which he will accept many thanks.

El Underwood has just finished up a year of pulling the ribbons over the big Nescutia Mill team; has quit and will go up into Eastern Oregon to look him up a home.

We received a pleasant call on Monday from Mr. Gallentine, brother of our townsman, W. P., who, with his wife and one son have come to make Oregon their home.

The second half-term at McMinnville College begins on next Wednesday, Oct. 10th. Quite a large number have expressed their intention to enter the school at that time.

Some of the nicest potatoes we have seen this year, were brought to this office one day last week, from the "Fullerton farm" by Mr. Charles H. Cook. There are three varieties, Early Rose, Peerless and Snowflake. There are seven of which will weigh twenty-one pounds or an average of three pounds each. Who can beat it?

The Mechanics Fair commences one week from to-day.

Mr. G. D. Carlin and Louis Garrison came down from their home near Eugene City, to see their mother Mrs. Carlin, who has been so ill. The boys report good times in Lane county.

Dr. Boyd's neat little apothecary room shines forth in true business like style with its brand new stock of drugs and medicines. Call and see it. South door Garrison's building, D street.

NOTICE!—The store of R. Jacobson & Co. at Sheridan, will be closed on Thursday, Oct. 11th, till 6 p. m. on account of Jewish New Year. Parties wishing to purchase goods will please call before that day.

George Willis, Sr. brings us a branch off a black walnut tree that contains about two dozen fine walnuts, and as Mr. Willis expresses it "There's not a walnut there in all Oregon that can beat that."

We should have mentioned last week the pleasant call we received from Mrs. C. A. Wallace and her daughter, Cora; Mrs. A. L. Newgard and her daughter, Nora, and Miss Nora Hendrick, who came in to see our press grind out the news.

Messrs. J. C. Caswell and Bert Keys took a drive up to Amity one night last week, and just as they were entering town, one of the wheels of the hack dropped into a ditch, and over they went. Nobody hurt and damage to hack, slight.

Please come in and settle your accounts. I have waited long and patiently on you, and now the time has come when I have to pay my accounts and I have to have the money you owe me to do it with. I mean you, and you and you.

Our friend, G. L. Rowland, of North Yamhill, has a son-in-law named Frank York; and they tell us that this man Frank York has swelled up too large for his clothes since the 16th of August, all because on that date Mrs. York presented him with a fine daughter.

To say that a twig fifteen inches long contains 28 good-sized apples, seems like a pretty good-sized tale; but 'tis true. This specimen was brought in by Mr. S. F. Stagers, and is of the "Old Kentuck" variety. And what is more curious is that this twig was taken from a large tree that contained not another apple. Can any one beat this.

Our old pioneer friends left on Monday, bound upon having a good time. Many of them intend "taking in" New York, and we expect that in their rounds they will have an opportunity of making many a dollar, as many of our eastern cousins would give a good round sum to see the webs on the feet or moss on the backs of an Oregonian.

At a regular meeting of Custer Post Band, Monday evening, October 1st, 1882, the following officers were re-elected for the ensuing six months: G. W. Snyder, President; A. B. Baker, Secretary; Wm. F. Bangasser, Treasurer; A. V. R. Snyder, Leader. A report of the Secretary and Treasurer shows the Band to be in a prosperous condition.

One day last week, while Mr. and Mrs. Brock were away from their home for a short time, some sneak thief entered the house and took seven or eight dollars in silver from a purse left by Mrs. Brock. It is to be regretted that we have a person in the community who will stoop to thefts when ever a person leaves the house for a few moments. It should also teach our people to securely fasten their doors and windows, when going away.

The Shakespearean Reading Club, after a vacation of some months, resumed exercises on Monday last. Its regular meetings are held at Odd Fellows' Hall on Monday evening of each week. Its membership embraces some of the brightest talent of our town, and we are glad to learn of a growing interest in the institution. All those who take a pride in the advancement of intellectual culture are cordially invited to become members of the Club.

Row on a Train.

Yesterday morning, as the McMinnville express stopped at North Yamhill, a number of young men who had been at a dance all night got aboard the train. They were in a state of intoxication bordering on the bestial, and soon became involved in a brawl among themselves which amounted to almost a riot. For a time Conductor Bogart and the train men were unable to keep them quiet or suppress their foul language. One of the party, named Philip Walker, flourished a pistol, which Vint Snelling, a brakeman, succeeded in taking away from the madly Yamhiller. Gustavus Serogren, in his efforts to quiet the men and prevent their making fools and criminals of themselves, was drawn into the fray and considerably scraped about the head and face. Mr. Serogren was not intoxicated and had nothing to do with the affair except as a peacemaker. There was considerable hitting and striking, but the contestants were in such a mud-din state that but little damage was done, and they did not appear to care whether they hit or missed. Conductor Bogart succeeded in ejecting the crowd at Wapato station.—Sunday's Standard.