

NORDSTROM TRIED FOR HIS LIFE.

For Killing John Peterson after Attempting to Rob Him.

JURY FAILED TO AGREE

Ten for Murder in the First Degree and Two for Murder in Second Degree.

Adolf N. Nordstrom was placed on trial for his life on Friday, charged with the murder of John Peterson in the first degree, and the trial caused considerable interest, for the court room was packed as soon as a jury had been selected. This took part of the day, and at the noon hour ten jurors had been accepted, which exhausted the April venire. Sheriff Crenshaw was instructed to summon more jurors, and it did not take long to fill the jury box with the two remaining jurors. Twenty six jurors were examined before the necessary number were obtained, and those accepted were:

W. Schollmeyer, W. H. Hoskins, Ed. Kellow, W. E. Noyes, F. S. Foster, John Rees, W. L. Provost, Frank A. Bester, C. F. Burton, John M. Bodie, M. Abplanalp and H. E. Weston.

District Attorney, J. H. McNary, assisted by his deputy, W. H. Cooper conducted the prosecution, and the prisoner was ably defended by attorneys T. H. Goyno and A. W. Severance.

The State opened its case by Attorney Cooper stating that the prosecution would prove that Nordstrom had killed Peterson for his money.

Attorney Goyno, for the defence, stated that they would prove that there had been trouble with Bulgarians, that Nordstrom and others had spent a great deal of money for liquor, and that Nordstrom had made arrangements to work on the steamer Argo. When Nordstrom left this city he took along a revolver because he was afraid of threats, and it being wet at the time, he went into the house to get some whiskey. It was while Peterson was searching for whiskey that Nordstrom attempted to take a few dollars of Peterson's money. Nordstrom saw that he was discovered and he tried to disabuse Peterson's mind that he attempted to steal from him. The attorney did not deny the killing, but attributed it to drink.

The first witness called by the State was Dr. W. C. Hawk, the coroner who held an inquest on the body of Peterson, and he testified that he had found the body below the house, which was on the road and had four rooms in it. The body was on the low land about 200 yards from the house. The face was downward in a pool of water, with a coat over the head. Peterson was wounded on both sides of the head, clear through the skull, either of which would have caused death, but not necessary immediately. He could not live long after such wounds. He thought Peterson was about 55 years of age and had some gray hair.

Emel Larsen said he had lived here about six years and knew both Peterson and Nordstrom. They were friends. He remembered the day the body was found. Last saw Peterson on Sunday at four o'clock. He did not know what Nordstrom did on Monday, who left town that day. He knew that Peterson had several sums of money, about \$200 in all. He saw it in his hand once, which contained some \$20 gold pieces and silver and the rest in bills. Nordstrom knew about this money on Saturday. He had made arrangements to leave with Peterson. He first missed Peterson on Monday and tried to find him, and as he could not and found that Nordstrom had left town he notified the Sheriff.

In cross examination witness stated that he quit work on account of trouble. He had had no trouble and did not know that anyone had jumped onto Hagglund. Witness testified going to Bay City on Saturday and to Tillamook City on Sunday. In the latter town they obtained several bottles of whiskey and had some nymph beer at Billy Stephens', and taking whiskey back to camp with them, which they drank together when they got home. Peterson did not come to town and did not have any trouble. Two Bulgarians came to camp but they did not say a word. He told them to go back. He met Captain Anderson at Bay City and he advised Nordstrom to go to work. He did not hear Nordstrom make any remarks about taking Peterson's money. He did not know how much money Nordstrom had spent for whiskey between Saturday and Sunday. He thought from \$6 to \$10. They had spent between them \$25 and \$30 for whiskey.

Fred Hagglund knew Nordstrom and Peterson about six months. He was in Peterson's cabin who had some money—gold silver and bills. When Nordstrom was paid off he had about \$24.

J. H. Kodad testified that he had cashed a check for Peterson on Sunday, Feb. 28, for \$88.50, and paid him in green backs. Hagglund and Nordstrom were in the room at the time. Nordstrom asked him to cash his check, but did not have the money. His father had sent the cabin.

George E. Hall, who is employed by the railroad contractors, stated that he

had paid Peterson on Dec. 20, \$88.90 by check; Jan. 20, \$99.25 by check; Feb. 20, \$89; Feb. 28, \$28.50. He thought about \$268. Nordstrom was present when he paid the last check. Nordstrom's check was for \$7 or \$8 and he was present when he paid out checks amounting to about \$2,000.

Alva Emery knew Nordstrom by sight. He saw him leave Tillamook City about 8:30 on the Sunday night, and as he was doing so he dropped a revolver. Witness picked it up once and gave it to Nordstrom who placed it in his pocket. Witness identified the revolver in court, but did not know the color of handle.

D. E. Dawson met Nordstrom on Monday, March 1st, about ten o'clock, when he wanted to know about the stage lines. He stood and talked to him, and Nordstrom wanted to know if there was a stage to Nehalem. He returned about half past eleven and asked him if he would take him to the railway, the price being agreed upon was \$30. About twelve o'clock Nordstrom came back and he drove out, Nordstrom said he had some things and they went to Charley Lundquist's. He went to the barn and got some things, including a shotgun and a rifle. They reached Mason's that evening and stayed there over night, and receiving word from Sheriff Crenshaw he arrested Nordstrom. He found the revolver west of the house about 100 yards from where the body was found. It was in the brush and to the left of the pass from the house. He gave the gun to the sheriff.

Sheriff Crenshaw being called testified that Hagglund and Larsen came to his house about midnight and he asked them their business. They said they had a friend by the name of Peterson who was missing. They thought something had happened to Peterson. Finding that Nordstrom had left town he tried to wire Dawson at Three Rivers, and after trying for over an hour to locate Dawson he sent Henry Dawson to overtake his brother and instructed them to arrest and bring Nordstrom back. Early in the morning the Sheriff, with Hagglund and Larsen, searched for Peterson in the neighborhood of the cabin. Failing to find Peterson Hagglund and Larsen returned to the house, while the witness continued the search, when he found Peterson in a pool of water with his face down and a coat over his head. He discharged a couple of shots from his revolver to cause an alarm, but as no one came down he went up to the house and reported what he had found. He notified the Coroner and went back to town to await the arrival of Nordstrom. He took Nordstrom to the scene of the crime, and when they arrived there a large crowd had gathered. Nordstrom was nervous. He made no inducements or threats to Nordstrom. He told Nordstrom he was the Sheriff and that he had the evidence that he was positive that he had killed Peterson, when Nordstrom said "I guess I am up against it." He told the prisoner that what evidence he gave at the coroner's inquest would be used against him, but he would protect him against violence from the crowd. The witness did not think there was any danger of that. He had several armed deputies ready for any emergency. The Sheriff told Nordstrom that he was satisfied that he had committed the crime. He made an examination of the house, which had four rooms. In one room he found blood stains, several pieces of the butt end of a revolver and two cartridges. Blood marks were on the pillow and on the wall. Witness told Nordstrom that anything he might say in a confession would be used against him, and when the prosecution undertook to question him about this the defence interfered and objected to it as it had been obtained from Nordstrom when he was in fear.

District Attorney McNary said he would withdraw his question and not put the confession in as evidence for fear that it might jeopardize the case if it was taken to the supreme court, as he said he had plenty of evidence to prove the guilt of the prisoner without it.

The witness then related examining Nordstrom's things, and found a coat in a sack which had on the inside of the cuffs blood stains, Dawson had taken a watch and \$189.35 from Nordstrom when he was arrested, and amongst the things were a rifle and a shotgun.

Dawson was recalled and testified to turning the money over to the sheriff.

C. Wallin said a letter had been handed him to read by Sheriff Crenshaw which was written by Nordstrom addressed to his sister in Sweden, part of the contents was to the effect that Nordstrom told his sister that he had been drinking, had knocked a man over the head with a revolver and the man had died. He mailed the letter.

John Aschim, who also read the letter, corroborated the previous witness in regard to the contents of the letter.

Sheriff Crenshaw was recalled and was asked what he did with the money that was turned over to him who said he had given it to Peterson's brother. The defence then questioned the sheriff about the conversation that took place between the murderer and Peterson's brother. He took Peterson's brother into the jail and introduced him, who asked Nordstrom if he was the man who killed his brother. Nordstrom admitted killing Peterson's brother. He was then asked why and what he had done it for, when Nordstrom admitted that it was for his money.

This closed the case for the prosecution and the defence called Dr. W. T. Williamson, a specialist in nervous diseases and insanity, and the only thing drawn out was the effect that alcohol had upon person of different temperament and physique.

Mr. McNary objected to some of the statements in regard to drunkenness, and claimed that the law made no excuse for drunkenness.

Emel Larsen was recalled by the defence and was asked about the weight of Peterson, when he replied that he was a large man weighing about 170.

The court adjourned for the day at this point, and next morning the prisoner went on the stand in his own defence.

Adolf N. Nordstrom testified that he was 25 years of age and was born in Sweden. The defence made him relate his history from the time that he left home at the age of 15, who from that time had followed the sea, going to most all parts of the world, and related the association he had mixed with, stating that it was customary for sailors to drink while on shore, but not at sea. He had been drinking at Astoria and came to Tillamook because it was a dry county. Previous to that had made two trips on the Condor. He obtained work on the railroad from Peterson, because he was hard up, and related the trouble the men had with the Bulgarians and to his trying to get work on the Argo from Captain Anderson, who told him to go aboard. Nordstrom could not go then, as he did not have his check nor his clothes. Witness related the circumstances of Peterson, Hagglund, Larson and himself drinking on Saturday and Sunday, and where they obtained it in this city. Sunday evening he went to the livery barn to get a rig to take him to Bay City, so that he could go on the Argo, but could only get a saddle horse. It commenced to rain and he got wet. He said he rode by the cabin first and put his horse in a shed, and went into the house to look for a bottle of beer. Peterson was laying there. He did not know whether he was asleep, as it was dark. It was then that it came into his mind to take a few dollars. When he went in Peterson woke up and at the same time Nordstrom went out, and mounted his horse, and as he went under a tree his hat was knocked off. He rode away about 200 yards and made fast his horse. He went back to the house and met Peterson on the outside with his hat. He asked him where he was going. Peterson said some one had been there and tried to rob him. He did not know at that time whether Peterson knew it was his hat. Told him he intended going to Bay City and Peterson wanted to go along. He looked for his hat and so did Nordstrom. Peterson said he knew who had been in there. They went in and Peterson sat down on the bed. Revolver was sticking out of his pocket and he took it along because of the trouble. He took it from a sack at Billy Stephens, and lost it twice out of his pocket in the city. Peterson spoke about the money Nordstrom owed him, which he promised to pay when he returned on the Argo. Then he told Peterson about meeting a man on horse back who had lost his hat, for he did not know that Peterson was figuring on it that it was the witness. Peterson thought it was Mr. Hall's horse. Nordstrom asked Peterson if he knew who it was that had been there, when the latter answer "It was you; you son of a bitch," and made a move towards Peterson. He took the revolver from his pocket and hit him on the head. He knew he was up against it. Peterson was too heavy to carry. He took his horse and went back to the stable, and as there was no one there he took a dollar out of his pocket and laid it down to pay for the horse. He went to Billy Stephens. Did not know which road to take. Bought another bottle of whiskey. He did not know where to go. He was scared and took a bottle of whiskey along.

Cross-examined by Mr. McNary, the witness stated that he had only \$7 or \$8 when he came to Tillamook, and had earned \$25 on the railroad. His sack contained a rifle, revolver and shot gun. He said he bought the shot gun in Astoria. When asked if he did not steal it, Nordstrom said that another man took his. He made up his mind to take money from Peterson after he got into the house, and he took the money from Peterson after he had murdered him in the cabin. He did not know how many times he struck Peterson. Asked whether Peterson was not alive when he dragged him outside and making a gurgling noise. Witness denied that he hit him then. After striking Peterson he did not stop until he had finished the job, and did not quit before everything was done. He knew he was dead, and he robbed him in the cabin. He did not know the amount of the money he took from Peterson. When asked the name of the parties who sold him the whiskey he smilingly said it was a man by the name of Langby, meaning Langworthy. Nordstrom was then asked whether this was not the first time that he had made any claim that Peterson made a move toward him, and if it was not true that Peterson was leaning back in the corner of the bunk when he struck him. Nordstrom positively denied making any such statement at the inquest.

At this stage the prisoner assumed a defiant attitude, and in a loud voice

"I'd like to know if anyone had any right to read my letters."

Mr. McNary then questioned him about the letter, and he admitted that he had told his sister that he was drunk and had hit a man in the head and that he had died, and Nordstrom also admitted in cross examination to the conversation that took place between Peterson's brother in the jail that he had killed Peterson for the purpose of robbing him.

N. Pentreath, editor of the Herald, and Fred C. Baker, editor of the Headlight, were put on the stand in rebuttal. Both testified that Nordstrom made the statement at the coroner's inquest that Peterson was lying back in the bunk when he struck him and Peterson's head struck the wall as he did so, the blood spitting on the wall.

This closed the case as far as testimony was concerned, when Deputy District Cooper commenced the argument for the State, who asked for a verdict in the first degree, and was followed by Attorney Goyno.

When the court reconvened in the afternoon, Attorney Severance made a strong sympathetic plea for the prisoner's life, and although his remarks were some what outside of the case it had the desired effect upon the jurors, for it moved some of them to tears.

The case was closed by Mr. McNary, who argued that it was such a plain case of cold blooded murder that the jury should bring in a verdict of murder in the first degree.

Judge Galloway's charge to the jury was fair, and it was three o'clock when the jurors commenced their deliberations. At the noon hour it was thought that it would not take long for the jury to deliberate and bring in a first degree verdict, but this was soon dispelled, as the jury could not agree, and after remaining locked up all Saturday night and all day Sunday, soon after midnight Judge Galloway called the jury into court and dismissed it.

There were ten jurymen for murder in the first degree and two for murder in the second degree, viz: W. E. Noyes and C. F. Burton.

Notice.

Notice is hereby given, that the County Court of Tillamook County, Oregon, will receive bids for the construction of a Ceptic Tank, to be located on the property now owned by the Tillamook Lumber and Manufacturing Co., near the outlet of the said sewer now leading from the court house.

Said Ceptic Tank to be constructed of cement and bidder to submit plans and dimensions of tank with bid.

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