

FROM SUNDAY'S DAILY

THE PROBATE COURT. ACCIDENT AND CRIME.

WILL OF THE LATE JOHN WILL WAS FILED YESTERDAY.

Administrator of the Charles M. Day Estate Ordered to Sell Real Property.

(From Daily, Feb. 26th.)

The will of John Will, who died at Hubbard, April 25, 1898, leaving an estate of the probable value of \$2,500, was yesterday probated. The instrument was executed January 20, 1896, in the presence of J. M. Lawrence and W. A. Moores.

The deceased bequeaths to his wife, Christina Will, all of his estate, both real and personal and mixed, of whatever kind, for and during the term of her natural life. In the event of the death of the widow the property is to be equally divided among the children of the deceased, or their heirs.

W. W. Will and E. W. Will, sons of the deceased, are named co-executors in the will, to serve without bonds.

The heirs-at-law of the estate are: Christina Will, widow, aged 77 years; of Hubbard; Ottilia Wolfer, daughter, aged 47 years; of Hubbard; A. H. Will, son, aged 45 years; of Healdsburg, California; Geo. C. Will, son, aged 41, of Salem; E. W. Will, son, aged 39, of Albany; Mary Will, granddaughter, aged 14, of Gaston; John Will, grandson, aged 12, of Gaston; Enoch Will, aged 10, of Gaston; Christina Will, granddaughter, aged 8, of Arizona; Charles Will, grandson, aged 6 years, of Hubbard; Clark Will, grandson, aged 6 years, of Hubbard; Julius Miller, grandson, aged 25 years, of Clackamas county; Edward Miller, grandson, aged 21, of Astoria.

In the matter of the estate of Gerhart Humpert, deceased, Thersie Humpert, the widow and administrator, yesterday petitioned the probate court for an order setting aside for her individual use the personal property of the estate, valued at \$150. The prayer of the petitioner was allowed, and unless further property is acquired by the estate, no further administrative proceedings will be had thereon, an order to that effect having been made.

L. Jacobs, of Detroit, yesterday petitioned the probate court for the appointment of an administrator for the estate of Simpson Pearson, deceased. Mr. Simpson, who died in San Francisco January 5, 1899, while visiting in that city, was possessed of real property in Marion and Linn counties of the value of \$1,500, and is indebted in the sum of about \$500. The petitioner is one of the creditors, and claims that it is necessary that the estate be administered upon. An administrator will be duly appointed.

F. W. Steusloff, administrator of the estate of Charles M. Day, deceased, yesterday petitioned the probate court for an order empowering him to dispose of the following real property: Five acres and lots 2 and 3, in block 23, Highland addition to Salem. The petition was granted, the sale to be made at public auction to the highest bidder for cash.

DELIBERATELY WALKED AWAY.

Two Trustees Betray the Confidence Placed in Them and Leave the Penitentiary.

About 8 o'clock last evening, officers at the state penitentiary discovered that two of the trustees had disappeared. The missing men are King, of Baker county, a 5-year man, and Lewis, alias Smith, of Morrow county, in for one year. There is no question but the men planned their escape together and, under cover of darkness following the supper hour last evening, succeeded in leaving the premises undetected.

King was received from Baker county July 24, 1897, under sentence of five years for rape and has been a trustee for several months.

Lewis, under the assumed name of Smith, was committed from Morrow county, October 10, 1898, for one year, having been convicted of burglary. He had been a trustee almost continuously since being received at the penitentiary and his time would have expired some time during the month of May.

There is no clue as to the men's whereabouts, but there is no doubt that they will be successfully apprehended and returned to complete their unexpired terms.

DELINQUENT TAXES.

The Roll for 1897 Has Been Completed—Amounts Uncollected.

Sheriff F. W. Durbin and his deputies have completed the delinquent tax roll of Marion county for the year 1897, and an addition of the various columns of the volume shows the following unpaid taxes:

Polls \$ 1,072.00
City 1,542.43
Special school 1,363.43
State, county and state school 7,998.25

Total \$12,976.11
The sheriff's office receives scores of callers daily, who offer to pay their 1897 taxes, unaware of the fact that the assessment roll has not reached the sheriff's office yet. It is likely that the roll will be completed by March 10th, and the collection of taxes will probably begin on that date or a few days later.

Volcanic Eruptions

Are grand, but skin eruptions rob life of joy. Bucklen's Eruptions Salve, cures them; also Old, Running and Fever Sores, Ulcers, Bolls, Pimples, Corns, Warts, Cuts, Bruises, Burns, Scalds, Chapped Hands, Chills, Best File cure on earth. Drives out Pains and Aches. Only 25 cents a box. Cure guaranteed. Sold by Dr. Stone, druggist.

Strength is exhibited in the steady pull more than in the jerk.

THREE MEN BURIED ALIVE IN A DITCH IN CALIFORNIA.

Highbinders at War in San Francisco—A Chinese Tailor Murdered—Awful Explosion.

GILROY, Cal., Feb. 25.—By the cave-in of a ditch, which was being excavated in a hill at Lion ranch today, Patrick Daly was buried alive. In trying to rescue him, George Bentley and James Fitzgerald were caught in a second landslide and were buried beneath seventeen feet of earth. It will take ten hours work to recover the bodies.

CHINESE MURDERERS.

San Francisco, Feb. 25.—Another murder tonight marked a reign of terror in Chinatown. It is believed to be directly caused by the old time feud between the rival and inimical gangs of Chinese, of whom the most bitterly antagonistic are the See Yups and the Sam Yups. As a result of this war of tongs, poor Hung was tonight shot and killed on Dupont street, by Way Yung Hung, a Chinese tailor, after six shots had been exchanged. Hung, the survivor, was shot in both hands.

SEVERAL VICTIMS.

New York, Feb. 25.—Two boys were killed, another mortally injured and several others more or less injured by a terrific explosion today in one of the mixing rooms in the building of the Nordlinger-Charlton Fireworks Co., at Graniteville, South Carolina. The dead and mortally wounded are: Harry Morgan, 15 years, and Charles Frohlein, 16 years. Robert Dolan, 16 years, was badly burned in the eyes, scalp blown off, and otherwise badly injured. The boys were employed in charging cannon crackers and sky rockets.

DAIRY AND HOG ASSOCIATION. Officers Elected at Its Meeting in La Grande.

La Grande, Or., Feb. 25.—The Farmers Institute and the Northwest Dairy & Hog Association closed their meetings tonight, after a three days' session. Following were the officers elected for the Northwest Dairy & Hog Association:

President, W. J. Spillman, Pullman; first vice-president, H. T. French, Moscow, Idaho; second vice-president, E. L. Kent, Corvallis, Oregon; secretary, M. L. Freeman, Seattle; treasurer, Jno. Smith, Spokane; executive committee, Julius Kaupisch, Portland; Turner Oliver, La Grande; Dr. Knowles, Helena; S. M. Erney, Missoula, and D. C. Elwert, Spokane.

GOMEZ MEETS BROOKE.

The Two Generals Discuss Affairs in the Isle of Cuba.

Havana, Feb. 25.—General Gomez had a private interview this morning with General Brooke, Gomez said nothing to indicate that he does not adhere to the agreement arrived at with Mr. Robert Porter for the payment and disarmament of the Cuban troops, but he submitted some considerations verbally to Brooke. Their nature was not disclosed. The interview terminated with the understanding that Gomez is to put the substance of what he said in writing by Monday next.

Is the Steam Locomotive Doomed?

Men who know say that in the next ten years steam locomotives will disappear and electric motors will supplant them. They also say that with the new motive power trains will rush alone at a minimum speed of 100 miles an hour. This will prove a blessing to those who wish to go quickly from one point to another, but no more so than Hostetter's Stomach Bitters has proved a blessing to those who wish to go quickly from sickness to health. The Bitters act at once upon stubborn cases of dyspepsia, indigestion, biliousness and liver complaint. They improve the appetite, quiet the nerves, and induce sound, refreshing sleep. The trial of a bottle will afford convincing proof. Sold at all drug stores.

COURT HOUSE JANITOR.—County Judge G. P. Terrell announced yesterday that E. A. Graham, for many years one of the assistant janitors at the capitol, had been selected as day janitor at the court house, to take the place of George Clymer, who resigned, and will return to his farm in the Waldo hills. Mr. Graham will begin his duties on March 1st, at which time Mr. Clymer retires.

THE HOMELIEST MAN IN SALEM

As well as the handsomest, and others are invited to call on any druggist and get free a trial bottle of Kemp's Balsam for the Throat and Lungs, a remedy that is guaranteed to cure and relieve all Chronic and Acute Coughs, Asthma, Bronchitis and Consumption. Price 25c and 50c.

In its advanced and chronic form a cold in the head is known as Nasal Catarrh and is the recognized source of other diseases. Having stood the test of continued successful use, Ely's Cream Balm is recognized as a specific for membranous diseases in the nasal passages, and you make a great mistake in not resorting to this treatment in your own case. To test it a trial size for 10 cents or the large for 50 cents is mailed by Ely Brothers, 59 Warren street, New York. Druggists keep it.

ONE DOLLAR AND A HALF.—Gets one dozen, best enamel cabinet photos, and one larger picture to frame, by cutting out this adv. and presenting it to the Pickering Co., this month, groups, bust, or babies. Salem's Leading Photographers, ground floor studio, No. 245 Commercial street.

The last treadmill has disappeared from English prisons.

FIRST TRIAL ON

The Jury Completed At Last.

A Startling Statement by Mr. Hayden.

Mr. Tilton Ford Is Subpoenaed as a Witness—Speech by Counsel for Defendant.

(From Daily, Feb. 26th.)

The examination of witnesses in the case of the state vs. S. T. Richardson, indicted on three charges of altering election records in Marion county, was begun in the circuit court yesterday about 11 a. m., the jury having been completed an hour previous, when C. W. Hurley, J. A. Smith, and G. A. G. Moore, were accepted and qualified as jurors. The testimony so far adduced is from seven witnesses—T. L. Ambler and T. Palmer, clerks, and M. Mickel, P. K. Johnson and Mr. Settlemier, judges of election, for Mt. Angel precinct, W. M. Bushey, a deputy county clerk, and John B. Giesy, who served as clerk of the canvassing board at the court house last June. The last named witness was excused at 3:35 p. m., and Judge Burnett then ordered an adjournment of the court until 9 a. m. Monday, remarking that it was Saturday afternoon and that a greater portion of the witnesses who lived out of the city should be permitted to be at their homes over Sunday.

The jury, as completed yesterday forenoon, is as follows:

W. D. SHAW,
W. W. ELDER,
S. W. MINTURN,
CHARLES MCCORMICK,
H. D. MANNING,
JOHN CRAIG,
ANDREW HUGHES,
HENRY WORKMAN,
L. J. MARTIN,
C. W. HURLEY,
J. A. SMITH,
G. A. G. MOORE.

Immediately following the administering of the oath to the jury District Attorney S. L. Hayden proceeded to make the following

STATEMENT OF THE CASE:

"If the court please, and gentlemen of the jury, as has been stated to you, this is a case wherein the state of Oregon is plaintiff vs. S. T. Richardson, defendant, and he is indicted for the crime of altering tally sheets at the election held in this county on the sixth day of June, last. Gentlemen, this is a long story and, in order to keep the matter from becoming confused in your minds, I want to call your attention to five dates, so you will remember these. The first date I want you to recollect before I start in to recite the evidence in this case is the 10th of June, the next date is the 12th of June, the next date is the 13th of June, the next date is the 19th of June, and the next date is the 20th of June; there are the tenth, twelfth, thirteenth, nineteenth and twentieth days of June that I want to call your particular attention to. This indictment charges a number of defendants, in which the defendant here is one, and they are accused by the grand jury of Marion county by this indictment for the crime of altering a certain election return in writing on paper—the election return of the precinct of Mt. Angel in the county of Marion, state of Oregon; it is as follows, to-wit: 'That said Richardson on the tenth day of June, 1898, in the county of Marion and state of Oregon, then and there being, did then and there wilfully, unlawfully, fraudulently and feloniously alter an election return in writing on paper, to-wit: a certain election return, otherwise designated as a tally sheet, kept, made and returned by the officers of the election duly and regularly held in and for the precinct of Mt. Angel, in the county of Marion, state of Oregon, at the general election held on the sixth day of June, A. D., 1898, under and regulated by the laws of the state of Oregon, by then and there unlawfully, wilfully, fraudulently and feloniously writing with a pen on said election return; the same being a writing on paper kept, made, and returned by the officers of said election in and for the said precinct of Mt. Angel, opposite the name of P. H. D'Arcy, a candidate for the office of circuit judge for the third judicial district in and for the state of Oregon, at said election, ten certain marks purporting to be tallies of the votes cast for the said P. H. D'Arcy at said election in said precinct for said office, the said marks so made by the said defendant as aforesaid, being ten in number, so that it was made to appear therefrom that the said P. H. D'Arcy had received ten votes at said election in said precinct at said time for said office more than he actually received, as shown upon and was made to appear on said official tally sheet as kept, made, and returned and certified by the officers of said election in and for said precinct. The said return so altered by said defendant, being the return kept, made, and returned by the officers of said election in and for said precinct. The said tally sheet so altered by said defendant being at the time of said alteration as aforesaid in the possession, custody and control of the county clerk of Marion county, state of Oregon, in his official capacity as such clerk, and being the same return delivered by the proper officers of said election for said precinct to the county clerk of said county, and said alteration of said election return then and there was so wilfully, unlawfully, fraudulently and feloniously made, with intent to injure and defraud, contrary to the statutes in such cases made and provided.'

"Now then, we will show to you, gentlemen, in this case, in the first instance that this election took place on the sixth day of June last; we will

show to you that Mr. P. H. D'Arcy was a candidate at that election for the office of circuit judge of this district. The evidence will show that this tally sheet, as kept and made and returned and certified by the officers of the precinct of Mt. Angel, was returned to the county clerk of this county shortly after the election. That that tally sheet was kept in the possession of the clerk until the canvassing board met to canvass the vote to make the general returns. That, I think, on Wednesday after the election, the canvassing board proceeded to count the vote; that the members of that canvassing board were Mr. H. T. Hayes, one of the defendants; Mr. H. A. Johnson and Mr. John B. Giesy; they were on this canvassing board. They started in to count the vote. They were in the court house; and they found on the first count of the vote that Mr. Boise was ahead of Mr. D'Arcy in this Mt. Angel precinct. They counted the vote again and they found that he still was ahead of him, I think ten votes. I think that the testimony will show that Mr. D'Arcy was there a part of the time during this count, and will show that while they were counting these votes that the precincts of Monitor and Butteville were also there; and that in Monitor Mr. Boise was ahead of him ten votes, and that in Butteville there was a tie there. That was on the first two counts, and Mr. D'Arcy was there. And in Woodburn precinct there was some discrepancy; a mistake, I believe, of one vote in the count. That is of the total, for instance, you would say the total number of tallies as figured by the judges was sixty-seven and the tally showed there was sixty-eight. Mr. D'Arcy being present at that time claimed that the sum total, the sixty-seven should control, and not the tally which was given. Now then, when the board went over these tally sheets in the first instance, and in the second instance those tally sheets were correct, they then at that time had not been molested, neither had they been tampered with: We find that on Thursday, I believe, that this canvassing board, for some reason, adjourned, and they adjourned until the 13th of June; at that time they then adjourned until the 13th. Now Friday, after this Thursday, was the 10th, on that Friday night, or the tenth day of June, Mr. J. W. Roberts, who was nightwatchman at this building, was here in the pursuit of his duties, and the county clerk, L. V. Ehlen, in company with John A. Carson, and in company with this defendant, Mr. S. T. Richardson, came to this building. The ballot boxes were then located in this attorneys' lobby room—this room right adjoining. The county clerk secured the key to this room from the night-watchman, Mr. J. W. Roberts. He and Mr. Carson and Mr. Richardson then proceeded up to this room, and they went into the room and they unlocked two or three of the ballot boxes; Woodburn was among them, Mt. Angel and Monitor. When they first went into the room, the county clerk said that this would not be a proper place to work; that was on Friday night. But I am getting a little ahead; this is kind of confused, this thing. Now then, on Friday, after this board had adjourned, Mr. S. T. Richardson met the county clerk on the street, I believe by Mr. Bush's bank, and stated to him that inasmuch as the D'Arcys had done considerable for him, that he ought to do something to help them a little, and that he would like to look over these ballots, and the county clerk told him that was all right. They then agreed to meet here at this court house, and in pursuance of that meeting they did meet here, and secured these keys, as I have just stated, and went into this room. As soon as they entered that room the clerk said that this was not a safe place to work; that the night watchman was there, and he would be sure to come in upon them. That at that time Mr. Carson, said, that he would fix that, or words to that effect. That then Mr. Carson then proceeded out of the room leaving Mr. Richardson and Mr. Ehlen in the room, and went down and saw Mr. J. W. Roberts, and asked him if he would not go and take a glass of beer. Mr. Roberts told him that he didn't drink beer. Mr. Carson then asked him if he would not go down and have a dish of oysters. Mr. Roberts consented to go, and did go with him down to Mr. Strong's restaurant to get those oysters. We will show that he was there while Mr. Craig, of the Statesman, was there; we will show that they were there by Mr. Wiprut, who was in the restaurant about that time. Now then, while Mr. Roberts was down there, while Mr. Richardson was then in this room, Mr. Richardson unlocked these boxes, as I have stated before, and taken out the ballots of Woodburn precinct, and Mr. Richardson had taken his knife and was breaking the seal of the ballots, and took them out of the envelope and unstrung some of those ballots, and left them on the table in there. Mr. Ehlen, in the meantime, had gone down to the county clerk's office. Now then, after Mr. Carson and Mr. Roberts had got their oysters—had eaten the oysters—Mr. Carson then said that he was going home. Mr. Roberts started up to the court house, and on his way up, coming up this street here (State street) he saw Mr. Ehlen going out of the court house, and going in the direction of Mr. D'Arcy's office with a bundle under his arm, going toward Mr. Richardson and D'Arcy's office, and Roberts came up to the court house from the restaurant; he came into the court house, and the lights were burning, and he turned the lights off there in the hall; he then went down stairs to the sheriff's office, I believe, and was there a few minutes, and I think, came here to get the paper, and in coming up he turned the lights on in the hallway, into this room, Mr. Richardson came out of the lobby room and stopped at the door, apparently as in the act of locking it, walked hurriedly up this room, remarking to Mr. Roberts, 'It was a very warm evening.' Mr. Richardson then left, and I think he went in the same direction. After that, a few minutes, Mr. Carson, Mr. Roberts came coming down by the Fashion stable, going in the same direction of Mr. D'Arcy & Richardson's office. Later on that night, Mr. Roberts' suspicions having become aroused, he took

his key and went into the room, to see what was there. He found the envelopes containing the precincts of Monitor, Mt. Angel, and Butteville, on the table and he found the Woodburn ballots taken out of their envelopes, the envelopes broken open, and the ballots some of them unstrung lying on the table. That is what he saw in there. Well now then to follow Roberts' testimony up to finish with that part of it, later on, I believe, that night, he saw Mr. P. H. D'Arcy coming from the direction of his office about 1 o'clock in the morning going home. After that Mr. Richardson met Mr. Roberts and invited him to go and read law with him. After that, on the following Tuesday, Mr. Roberts was standing down the street in the vicinity of Mr. D'Arcy's office and spoke to Mr. D'Arcy, asking him how he was running. Mr. D'Arcy remarked 'all right I guess,' and then finally, he said to Roberts, 'I know your face, I have seen you before, but I do not know your name.' Mr. Roberts informed him he was the nightwatchman at the court house, and Mr. D'Arcy then said to him—he says—'keep your own counsel, keep your own counsel.' That is the remark Mr. D'Arcy made. Now, then, that is the testimony of Mr. Roberts. This was on Friday, June 10th. After Mr. Ehlen went over across the street, leaving Mr. Richardson here in the room where the ballots were, he went on down the street, took a car and went home. Along about, along sometime about midnight, I think, Mr. Richardson came up to his house, called him out of bed and told him that the nightwatchman had seen him there and that those papers were scattered on the table, and he would like to have him come down and fix them up. Mr. Ehlen at that time told him that he could not come down that night, but that he would come down early in the morning, and he would meet him here at the office, I think; at the court house about 7 o'clock. And that they did meet here, and they went in the room and put the ballots and the papers back in the boxes the best they could. That is the testimony, I believe, as we will show up to date, in regard to that June 10th transaction.

"Now, mind you, after these other counts had been made by the judges, that these precincts and all these things had been arranged in alphabetical order and had been placed in the ballot boxes. Mr. Richardson remarked to the county clerk upon that Saturday morning that there was a graduating exercise of his law class, of which I believe, he is dean, at the Methodist church on that night, and that they could not work that night; they would have to postpone it until some other time. Now then that matter was postponed until Sunday, June 12th. Then, upon that day, Mr. Richardson, if I remember correctly, sent his son up—I want to get this right, I don't want to mislead this jury, I want to make this statement so that it will come in in as regular order as possible. That was on the next Saturday, on the 11th; then by pre-arrangement (let me just a moment get that date there). Now then, that went along until Sunday, the 12th, and then Mr. Ehlen was to meet—they had postponed this work on account of those graduating exercises, until the 12th, and then they had agreed to meet here on Sunday morning; that was Sunday. Mr. Ehlen came down town, came down here to the court house, and he found Mr. Richardson and Mr. J. W. Roberts here. They did not desire to do any work in this lobby room, so then they carried some of the boxes down to the county clerk's office and put them in there. Mr. Ehlen left Mr. Richardson and Mr. Roberts there, stating that he would have to go down and get some meat for their Sunday dinner. He went down, I believe, to Mr. Cross' market, and bought this meat, and while he was down there, Mr. S. T. Richardson came to him and said that Rafter was drunk and that he didn't propose to work with him, that if Jack D'Arcy didn't help him that the job would have to be left; they would have to let it go. Mr. Ehlen came back to the court house; Mr. Rafter was here and Mr. Jack D'Arcy, and then they went into the vault early that morning and were locked in the vault by the county clerk and worked in that vault until about 2 o'clock that afternoon. That when it came noon time, Mr. Ehlen told them that he wanted to take that meat home to dinner, that he would have to go. He got tired of waiting in there. That he would have to go and so they said, 'no, it won't do for you to go.' Mr. Rafter then said—(I think it was at the suggestion of Mr. D'Arcy, that Mr. Rafter take this meat to his house) so Rafter took this meat out to Ehlen's house for dinner. I think that testimony will be shown by Mrs. Ehlen. I think Ehlen's daughter saw Mr. Rafter there on that Sunday, and that she spoke to him. So then he returned to the court house and they said they were done. I think it will appear that they had a candle in there and they had some sealing wax and they were sealing up certain papers. Then when they completed the job in that room, Mr. Rafter and Mr. Ehlen went down and took dinner together. Mr. Ehlen then went home. Along about 5 o'clock that night, Mr. Richardson's son, Ellis, I believe, came out to Mr. Ehlen's house and told him that he was wanted down at Mr. D'Arcy & Richardson's office, and I think he said, 'I am not positive about that, but I think he stated, that he had instructions as to leave until Mr. Ehlen accompanied him. That he remained there for some little time; finally Ehlen and the boy went down to Mr. Richardson's office and there Mr. Richardson informed Ehlen that they would have to have those tally sheets—that is the tally sheets of Mt. Angel, of Monitor, and Woodburn, and Butteville; and they wanted those tally sheets. Now to stop there, and to go back to this canvassing board; now that was on the 12th of June that he wanted those tally sheets, now then, on Saturday before, Mr. H. T. Hayes, one of the canvassing board, had gone to Woodburn, and he had gone down to the judges of Monitor, and of Mt. Angel, and of Butteville, and told those men that he had instructions from the county clerk for them to deliver to him, the copies and the duplicates of the original tally sheets, as kept in the judges' hands. And he went to each one of those judges and told them that there had been a mistake up here, and that

he had orders for them to deliver those tally sheets to him, so that he could bring them to Salem. Now then, that was on Saturday that he started out, and he got those tally sheets, and on Sunday night, the night of the 12th, I think, Mr. Gates went to the train with him, (at Woodburn) and he had the tally sheets of these precincts there with him at that time; that he brought them to this city, and that he came to this city; and I think the testimony will show that he got off the car in the immediate vicinity of Mr. D'Arcy's office, and that he had a bundle under his arm, it was wrapped up in a newspaper—these tally sheets; he wrapped them up in a newspaper at Woodburn; that he got off there, and that Mr. Jack D'Arcy, who was walking up and down the street, and who was talking at that time to Mr. West and his wife, seeing him, hurried on, seeing Hayes—Hayes overhauled him, and they stopped there a few minutes and talked, and then they turned and started back, and went into the stairway leading up to D'Arcy & Richardson's office, and Mr. West, I think, at that time, said to Mr. D'Arcy, 'that's right, Jack; count them out if you can.' Well now, then, this afternoon of that day, that was on the 12th, this afternoon about 8 o'clock was when they wanted those original tally sheets, so Ehlen came down, and he went to Mr. Richardson & D'Arcy's office, and talked with Mr. Richardson, and he told him that he wanted these original tally sheets of these precincts. Mr. Ehlen told him it was right, and he waited until about 8 o'clock or half past 8 o'clock that night, until it got dusk; it was in the summer time and he met Mr. Charles Johnson, a policeman here, and he told Charles that he wanted him to meet him on the opera house corner about half past 8 or 9 o'clock that night, and Charles met him there. And Ehlen, in the meantime, had come up here to the county clerk's office and had wrapped up these ballots of these various precincts—they were about sixteen inches long; they had wrapped them up in a piece of newspaper, and took them down to the opera house corner and delivered these tally sheets to Mr. J. C. Johnson. Mr. J. C. Johnson, then went down, went south until he came to Mr. Lunn & Brooks' drug store, and then he turned and went east to Mr. D'Arcy & Richardson's office, and took the tally sheets—the original tally sheets—to Mr. D'Arcy & Richardson's office, and delivered those tally sheets to Mr. S. T. Richardson. Now then, Ehlen went home; he got on the car and went home.

"Now, we will pursue Mr. Johnson awhile. Mr. Johnson, when he delivered these tally sheets to Mr. Richardson, Mr. Richardson told him that he would like to see Lawrence Ehlen after awhile. Ehlen in the meantime had told Johnson that he would meet him on Bush's corner, the banker's. So Charles, after he delivered them, went to the bank, found Ehlen there and told him that Sam Richardson wanted to see him, so in a few minutes Sam came up to where Ehlen was; they talked a few minutes, and he asked Ehlen if he had any of the same kind of ink with which these tally sheets were made—that upon these tally sheets, Ehlen told him no, he says, the only place I know where you can get that ink was at Patton's, because that is Stanford's ink, and they keep it for sale. Ehlen then went home. Now, Johnson, he being a policeman, was around on the street—and he stayed up and was up all night—and along about 12 o'clock Mr. P. H. D'Arcy and Mr. John A. Carson, he saw them coming from the direction of Mr. D'Arcy & Richardson's office, and they came up to where he was on the bank corner. They then turned to the left and went into the first stairway, which leads up to Mr. Carson's office; they turned in there. That Mr. Johnson noticed a light in the office, and at 2 o'clock, along about 1 or 2 o'clock that morning the light was still burning. Pretty soon after they had come. Mr. Richardson came from the same direction; he turned the bank corner, and turned in at the same stairway. That is the testimony of Mr. J. C. Johnson.

"Now, after Ehlen had taken the car and gone to his home along that morning about 1 or 2 o'clock—that was the 13th now, it had got into the 13th, 1 or 2 o'clock—Mr. W. J. D'Arcy and Mr. W. J. Rafter came to his house and rang the door bell and told him, he says, 'here are the tally sheets, we are all through, we are done now;' that is the remark he told him, and left the tally sheets with him. That in the morning pretty early Ehlen left the tally sheets there; in the morning of the 13th he took the tally sheets—his wife saw the bundle and I think he asked him what it was, and I think he said it was the tally sheets—he saw him with this bundle and he took it out of the house and got on the car and he came down here to the office. Now, there was considerable excitement about that time, and I think N. E. Knight had been employed by some one to look into this, or was doing it anyway; he was looking into it, I don't know whether he was employed or not, but he was here that morning, sitting down stairs on the bench, and he saw Ehlen as he came in the east wing of this building; as he came in he saw him and he had this bundle wrapped up in his newspaper about 16 inches in length, and Ehlen took the thing, took them into the clerk's office. That is as far as that goes. Now, Hayes, as 9 o'clock that morning, comes in with all these other original tally sheets, with these others, Butteville and those. Ehlen, it seems, had given him an order directed to N. E. Scollard, of Woodburn precinct, to send up the Woodburn duplicate tally sheets; but Hayes claimed it included all of them, that Ehlen didn't have time to write it, or didn't know the names or something, but the order shows it was directed to Nick Scollard alone. Then Hayes comes in with these duplicate tally sheets and he delivers them to Ehlen; and then Judge Boise—he is around there, and Hayes, he makes some remark saying he had had them in his possession all the time; that he had never parted with the possession of them, and stated various things. So that goes along. Now that was on the 13th, now, mind you, upon this morning of the 13th now, Mr. P. H. D'Arcy appears before this canvassing board—they had adjourned until the 13th to

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