

The Daily Capital Journal

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JURY FINDS BLACK "GUILTY AS CHARGED"

THE WHOLE NORTHWEST IS VISITED BY HEAVY SNOW STORM

FLEECY MANTLE EVERYWHERE WHOLE NORTHWEST IS VISITED MERCURY JUST BELOW FREEZING

(United Press Leased Wire.)
Portland, Or., Jan. 5.—A typical Eastern snow storm is raging today. Carried by a high wind, the white flakes are sweeping through the streets, blinding pedestrians and making walking extremely difficult. In some instances traffic is interfered with. It is the worst storm of its kind that has visited this city in several years. At times buildings on the other side of the street cannot be seen.

Albany Is In It.
Albany, Or., Jan. 5.—Albany is in the grip of one of the worst snow storms seen here in years. Snow began falling early this morning, and has reached a depth of six inches. A strong north wind is blowing, and indications are for a very heavy fall.

Rain and Snow at Ashland.
Ashland, Or., Jan. 5.—Heavy rains are falling with some snow.

The weather is not very cold. Washouts are reported from the mountain towns, but west of here are either down or working poorly, and it is difficult to get an account of damage done.

Cold Wave in Washington.
(United Press Leased Wire.)
Seattle, Wash., Jan. 5.—A heavy wind, accompanied by exceedingly cold weather is reported from many parts of the state. The storm here is bad, but no material damage has been done, except for prostration of telephone and telegraph wires. North of here the weather is reported intensely cold, and there has been some suffering.

Cold at Tacoma.
(United Press Leased Wire.)
Tacoma, Wash., Jan. 5.—Following a light fall of snow and a sudden drop in temperature last evening, Tacoma today is in the grasp of the

coldest weather recorded by the local weather during the past two years. At 8 o'clock this morning the mercury stood at 21 degrees above zero. A biting wind at the rate of 30 miles an hour, is sweeping over the city from the northwest, causing much discomfort to pedestrians and displacing insecurely fastened signs and awnings. Some apprehension is felt on the waterfront, where several small craft broke from their moorings early this morning and drifted helplessly about the bay.

Logs loosened from the booms at the sawmills north of the city during the gale last night, drifted along shore, crashing into docks, steamers and miscellaneous craft anchored in the stream. Several families living in house boats near Old Town, were so badly frightened during the night by the bumping of the logs against their homes that they deserted the boats and sought shelter at the North Thirtieth street police station.

CASTRO MAY BE STUBBORN AND FAIL TO RECOVER

(United Press Leased Wire.)
Berlin, Jan. 5.—The condition of ex-President Cipriano Castro, of Venezuela, was reported as critical today. The ex-president underwent an operation yesterday, the exact nature of which was not made public. At the completion of the operation, which lasted for four hours, Castro was reported to have withstood the shock, and would recover. This morning, however, a decided change occurred. After a consultation, in which Dr. Israel and several of the foremost surgeons of Germany, participated, it was given out that the ex-president was in a precarious condition.

WANT DUTY KEPT ON ALL FOREST PRODUCTS

(United Press Leased Wire.)
Seattle, Wash., Jan. 5.—A delegation representing the lumber industry of the entire Pacific coast, made up of loggers and lumber and shingle manufacturers, will leave for Washington, D. C., this week in time to reach the national capital by January 12.

On that date they hope to meet Gifford Pinchot, chief of the United States Forestry service, who has expressed a desire to meet the repre-

FROM ONE TO TEN YEARS MAY BE BLACK'S SENTENCE

Jury Makes Short Work of Homer Black, Indicted for Shooting Dr. Robertson.—Out less Than An Hour And Are of One Mind Regardless of the Fact that the Evidence Was Largely Circumstantial.

The jury in the Black trial charged with shooting Dr. C. E. Robertson was completed yesterday afternoon, and is composed of the following good citizens of Marion county: J. P. Minch, S. H. Russell, Dolph Boyer, M. R. Desart, Joseph Smith, A. E. Feller, M. Skaffe, E. N. Starr, A. J. Patton, W. E. English and L. C. Brotherton.

After the jury had been impaneled District Attorney John H. McNary called Dr. C. E. Robertson to the stand to testify regarding the shot which nearly cost him his life.

Dr. Robertson gave a clear statement of the occurrence, and told of how he was reasonably sure that Black was the man who held the gun and the gun which was found on Black's person after his arrest was, in his judgment, the weapon which shot him. (Robertson.) He said he was walking along the dark street near the Woolen mills and was just in the act of stepping on the bridge at the intersection of Ferry and 14th streets, when a man ahead of him ordered him to hold up his hands. He then told of the position in which he stood and that of the hold-up.

C. R. Rockhill, an employe of the state house, was the unsuspected witness of the day. Rockhill had taken Dr. Smith to his State street home in a carriage. Shortly after the shooting a man passed in front of his team running swiftly down Twelfth street north.

The finding of a black overcoat near the fair grounds and two hats upon the person of Black was explained during the testimony of Rockhill. The witness told of how he was compelled to pull up his horses when the man ran in front of them, and how he was carrying a black overcoat over his shoulder at the time and wore a black hat. When Johnson and Tweedy arrested Black near the fair grounds, they found on him among other things, a white hat perfectly dry, while the black one he was then wearing was soaking wet. In the overcoat pockets there was found two 54-calibre shells identical with the shells taken from Black.

Dr. W. E. Morse testified that the shot, which passed through Dr. Robertson's body, was, from the size and character of the hole in the garment, a 45-calibre projectile.

T. A. Mapletorpe was another important witness. He resides near the scene of the shooting, and at the time heard Dr. Robertson ordered to throw up his hands; heard the doctor run, and then the shots, and the injured man's cries for help. Mapletorpe was one of the first to come to Dr. Robertson's aid.

Walter, John and William Tweedy were the next to take the stand. They related their experience during the capture of Black; how they were driving down the fair ground road and saw Black apparently hiding behind a tree along the road, and how they effected his capture.

Promptly at 9 o'clock this morning Judge Burnett called the court to order, and Sheriff Harry Minto took the stand. The testimony given by Minto mostly pertained to the conversation he had with the defendant during the time he had been in his

custody. He told the jury how he had asked Black if he knew what he was arrested for, and how Black stated he did not. Minto then told him he was arrested for shooting of Dr. Robertson on Fourteenth street that night, and what had he to say for himself. Black answered he had nothing to say. Minto then told how he asked Black whether or not he was alone when he did the job, AND BLACK SAID HE WAS, but afterward told the sheriff he did not know anything about the matter. Sheriff Minto related to the court what he found on the defendant's person in the sheriff's office, these articles being displayed to the jury. The 45-calibre gun and the shells and other articles found at the time were also put in evidence. After Attorney Condit had cross-questioned the sheriff for a few moments in relation to his conversation with Black, he was dismissed.

Night Officer Pholand was then called to the stand to corroborate Sheriff Minto's story regarding the conversation with the defendant. Pholand related to the court how he was in the cell with Minto at the time of the talk, and how Minto had asked him the foregoing questions, that Black had answered as stated by Minto.

Wm. Esch, deputy sheriff, also took the stand and told what he knew of the conversation and of his examination of the gun found on Black. His examination of the weapon brought out the facts alleged that it had been fired twice and reloaded again. Upon being asked by District Attorney McNary to relate to the court what he overheard in the conversation Esch attempted to tell how Black was asked where he bought the gun, but, upon the objection of Attorney Condit, the judge sustained him, thus rendering further conversation on that subject useless and Esch left the stand.

Lloyd Hauser, of the Salem Gun Store, was called to testify about examining the gun, and practically told the same story as was told by the preceding witness.

D. H. White, a young man employed by the Lansing Nursery Co., then took the witness box, and related to the court how he had found the overcoat lying near the fair grounds, and how he went to his work after hiding the coat, and had in his possession one of the shells taken from the overcoat pocket. Upon asking his employer as to his discovery, he was instructed to get the coat and bring it to the nursery farm, which he did. C. F. Lansing, proprietor of the nursery, corroborated White's story.

George Bryant, one of the proprietors, of the Capital City Flouring Mills, brought to light in his testimony the only new evidence of the day. He told of how he had seen a man resembling Black, to the extent that he believed it to be him, pass down by his mill on Trade street upon several occasions. When asked to identify the overcoat found near the fair grounds, Bryant was reasonably sure it was the garment worn by the man he observed passing his place of business. After the shooting of Dr.

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AUTOMATIC DOOR OPENER INVENTION

All who remember the shocking accident in Ohio, where hundreds of school children lost their lives because the fastenings to the doors could not be opened, will rejoice with us over an invention which makes such distressing casualties impossible. Mr. W. O. Witham, who lives on Nebraska and 16th streets in this city, is one of the firm of Witham Bros., who are the inventors and manufacturers of an automatic door opener, which is being introduced in many of the eastern states. Mr. Witham has received from his brother at Ottumwa, Iowa, a sample of this invention for its introducing in Oregon. The fittings are of solid brass, very simple of operation and when attached to any door, by the pressure of a small child all the bolts and locks fly open and the doors swing free.

The Witham automatic door opener is being adopted for the safety and protection of schools, hotels, churches, lodges, theaters and public buildings generally. The firm has received an order to attach this appliance to the doors of all the Catholic educational institutions in Iowa. A newspaper clipping just received tells of the automatic device being adopted by the Garrick Theatre, which advertises that it has thus arranged for the exceptional safety of their patrons. Mr. Whitman has had the invention before the Salem School Board, who are

very much pleased with the idea, and have given him an order to put them into the East School.

Testimonial from Burlington, Iowa.
Burlington, Iowa, Nov. 18, 1908.

To whom it may concern:
This is to certify that the city council has examined the mechanism and working of the Witham Door Opener and can heartily recommend it for use on the doors of all buildings where public gatherings are held, as a preventive against loss of life from closed doors.

Respectfully,
ROBERT KOPPACH,
City Clerk.

To whom it may concern:
The city of Burlington has an ordinance requiring the supervision by the fire department of the doors in our public buildings.

I have recently had occasion because of this requirement to examine into the merits of the "Witham Automatic Door Opener," and I want to unhesitatingly pronounce it a complete and successful device. I have tested its operation and find that it yields perfectly and, in my judgment, a door to which it is attached would yield promptly under any circumstances, whether in the hands of persons cool or excited, or in case of a panic.

Yours truly,
L. F. BLANK,
Chief of Fire Department, Burlington, Iowa.

DEPUTY SHERIFF KILLED HORSETHIEF

Helena, Mont., Jan. 5.—A special from Lewiston says that a desperate duel has been fought in the snow of the mountain south of the city between a deputy sheriff and a suspected horsethief, in which the latter was killed.

The names of the participants are Deputy Sheriff Al. Morgan and John Page. The deputy had been engaged in the search several days, coming upon his man in a secluded district.

The battle then began, terminating in the death of the hunted man.

STANDARD OIL CASES AGAIN BEFORE LANDIS

Washington, Jan. 5.—Attorney General Bonaparte today announced that the government will re-try the famous Standard Oil case, in which that corporation was fined \$29,000,000 for alleged rebating.

It is generally believed here that the case will be heard before United States Judge Kennesaw Mountain Landis, in Chicago, who handed down the original decision.

PLANNING RELIEF FOR THE ITALIANS.

Under the leadership of Mayor Rodgers a movement has been put on foot to raise money for the Italian earthquake sufferers. The mayor appointed following honorary committee to help raise funds and forward same:

- Dr. W. H. Byrd,
- A. Hucklestein,
- Rev. Phil Bauer,
- E. T. Barnes.

Three Days' Gifts.
Tuesday, Wednesday and Thursday will be devoted to raising funds by this committee, and Thursday night all the Electric theaters of this city will give their cash receipts towards helping poor Italy.

The Salem Ministerial Association is expected to take action and on next Sunday preach, pray and take up a collection for the sufferers. The First Church of Christ, Scientist, at its annual meeting last night voted to give \$50 to the Italian earthquake fund. The Capital Journal will receive and forward any donation its readers see fit to make. This city should make a generous response, although we have no Italian colony in our midst.

DEAF AND DUMB MAN HAS CLOSE CALL IN FIRE

(United Press Leased Wire.)
North Yakima, Wash., Jan. 5.—A deaf mute, sleeping in a room adjoining the saloon of George Smith at Wapato, narrowly escaped death from a fire which partially destroyed the saloon. The proprietor and Elmer Eaton are under arrest on suspicion of arson. The building was insured. Men who saw the fire which broke out at 1 a. m., remembered the deaf and dumb man and removed him.

Millionaire That Was.

(United Press Leased Wire.)
Reno, Nev., Jan. 5.—Harry McMillan, erstwhile millionaire and not long ago in the public eye because of his engagement to Edna Goodrich, the actress, is today being sought on a charge that he is responsible for the issuing of alleged worthless checks amounting to \$9900.

The complainant is James May, known as Nevada's gambling king, who is thought to have given McMillan the amounts represented in the checks one night last month.

It is said that about that time he won nearly \$60000 at one sitting.

MacMillan is thought to be in Goldfield. Miss Goodrich, whose engagement

representatives of the nation's lumber interests and discuss the conservation problem that just now is playing such a prominent part in the making up of the new tariff schedules.

In addition to meeting Mr. Pinchot, the delegation expects also to furnish the ways and means committee with additional data concerning the lumber and shingle industry.

The personnel of the delegation that will represent the Pacific coast at the coming conferences is not yet complete. An effort is being made to induce the most prominent and influential men in the industry to go to Washington and fight for the retention of the duty on lumber and shingles. D. E. Skinner of San Francisco, who is president of the Port Blakely Mill company is the chairman of the Pacific Coast lumber tariff committee.

with the mining man was broken off, is now the wife of Nat. C. Goodwin.

Chicago boosters are all swelled up with pride because Rev. H. H. Head, of that village, recently told his congregation that, "in some respects hell is no worse than Chicago." The idea is that Chicago always wants to be in the lead and is tickled to death of the idea that it can beat hell at its own game.