

# LEGAL BATTLE IN CLARK TRIAL

(From Wednesday's Daily.)

After fighting a half-hour legal battle over certain testimony which the prosecution tried to bring out through former State Examiner Plunkett, the defense was victorious, their objection to Plunkett's examination by the prosecution in regard to certain road certificates issued to cooks, being sustained by the court in the trial of D. M. Clark, yesterday.

For a time it was a battle royal, County Attorney O'Sullivan trying to have Plunkett testify as to finding mistakes in certain road certificates while Anderson and Clark for the defense fought against allowing any such testimony on the ground that it would not be within the rules of evidence because giving his opinion after his investigation would be the same as if he were a judge in a contest. Anderson said: "We want the jury to find these things out by the road certificates offered them and examined by them, and not by Plunkett. Let them decide." The matter was then argued with the jury excused and Judge Cooper after hearing both sides sustained the objection of the defense. After this no testimony was given by Plunkett but before that he told of his trip from Phoenix to Prescott in June, 1914, when he came to check up the accounts kept by Clark during his administration as road superintendent. After having examined the accounts and road certificates he asked Clark for the checks to go with them and Clark turned over a check for every road certificate excepting 200 of them. The defense objected on grounds that some of the men had been paid with cash. The court ruled that until the prosecution had proved that all the men had been paid with checks the objection would be sustained.

Probably the most conclusive or convincing evidence presented by the prosecution was the testimony of Mrs. H. Eckert, who cooked for from 10 to 19 men who worked in both Clark's mine and on the Slate creek road. She said that in October, 1913, she started to work and for the first month was paid on a road certificate made out to T. Eckert, her first name being Teresa. For the next month's work she indorsed a blank road certificate in this manner: Mrs. H. Eckert, and the certificate which she identified as having signed shows that the rs. after the M in Mrs. have been erased and made to appear as if it was M. H. Eckert instead of Mrs. H. Eckert, and in this form it is claimed, that it was turned over to the board. Two other road checks issued to her after that were simply made out to T. Eckert and she at the direction of Clark, indorsed them T. Eckert, Clark saying it was legitimate.

Six other witnesses were placed on the stand by the county attorney, the first of whom was T. C. Hill, who related how in October, 1913, he did cooking for about 15 men in a camp on the Skull valley road for which he indorsed a road certificate and received a check for \$43.

Jesse Kellum testified that he was a foreman under Clark from the spring of 1912 to June 1914, and that he and Clark during that time ran boarding houses charging the men \$1 per day for board and splitting the profits and losses between them. On the Lynx creek road he and Clark had about 17 men whom they boarded for about six months at that rate and at the same time the cook was paid on a road certificate. In cross-examination he admitted that he and Clark had lost on the proposition part of the time because in some places only two or three men were employed.

Tom Sanders, who said that he lived in the county for about 50 years, testified that he worked as a cook for two months in the spring of 1912, was paid with road certificates, was laid off, about July he was again put to work and at that time he was told by Clark that the county was no longer paying for cooks. He was asked how he was paid and in reply said that he signed something, he did not know what it was, and in return received a check. He was paid for his services as cook up to the time when he quit in November.

George Mason, another former road cook, was placed on the stand and told how he had worked as a cook on the road east of Prescott at the Three Mile House and had received road certificates to indorse for his check. These certificates which were entered as evidence, and which he identified, showed that he was represented as working as a laborer on the road.

M. P. Lacy, a witness of the day before, was recalled to the stand and testified in regard to a check he had received for \$75 in payment of a road certificate he had signed which demands \$85 from the county. He also received \$5 in cash on this, he said. In cross-examination it was brought

out that he received another check for \$7.50 at that time.

Jeff Cleghorne, who worked as a cook for Clark at various road camps, had his past brought out in full by Attorney Anderson in cross-examination, he testifying that he took frequent lay-offs generally after receiving his check and on these lay-offs he had a good time owing to the fact that he cashed his checks in the extinct species of liquor houses that at one time abounded in this city. In fact in some cases he had had such hilarious times that he could not remember where he had cashed his checks. In January, 1914, he worked 16 days, was given a check and came to town but could not remember just what he had done the rest of the month after cashing his check. Cleghorne was persistent in his denials that he had ever borrowed any cash from Clark while in town or out on the road.

The county attorney's examination of Cleghorne brought out the following testimony: that during the summer and fall of 1913 he had worked on the Hillside road as both camp cook and a laborer on the road and that during the winter following he had worked as cook on the Lynx creek road for all of which he signed road certificates and was paid with a check by Clark. He said that on the 16th of April, 1914, he quit and a woman by the name of Mrs. Williams took his place as cook.

More witnesses will be placed on the stand this morning when court reconvenes at 9:30 o'clock.

## MOTION OF CLARK FOR JUDGMENT DENIED

(From Thursday's Daily.)

In the trial of D. M. Clark yesterday, his attorneys, Anderson & Lamson, and Clark & Clark, made two motions, one to strike out all evidence introduced by the State and the other for a directed verdict in favor of the defendant. Both were over-ruled by Judge Cooper.

The first was based on the grounds that the board of supervisors is not authorized by the State of Arizona to pay demands of anyone excepting the person to whom they are made out. The second avers that the facts alleged in the information against Clark are insufficient to constitute a public offense. These motions were made after the prosecution had finished placing witnesses on the stand and had rested.

The early part of the trial yesterday was taken up by an argument between counsel as to whether testimony given at the other trial by Mr. and Mrs. N. C. Williams, which the prosecution attempted to place before the jury in written form because both of the witnesses are out of the jurisdiction of the court at this time and could not be obtained to testify, would be allowed to be read to the jury. After a lively discussion during which the jury was excused, Judge Cooper finally ruled that their testimony in written form would be admitted.

N. C. Williams' testimony, which was then read to the jury, was in a general way like that of the majority of the witnesses for the State, he having worked for Clark and been paid by him with road certificates which he indorsed in blank and received a check in return. One of the road certificates which he signed shows that he earned \$70, but he said on this road certificate he had only received \$25.00 and two tax receipts valued at \$5.

In cross-examination of Williams at the former trial he testified that his wife went to work as a cook for Clark at the Three Mile House, the same time that he worked on the road and for this she got \$2 per day and board. Mrs. Williams, it appears from his testimony, received her check on the road certificate that he indorsed for \$70. Her check was for \$28.

Mrs. Agnes Williams, his wife's testimony, was then read and according to it she worked at the Three Mile House as a cook while her husband was working on the county road. She said that she had been paid with a check by Clark but did not have to sign any road certificate for it.

Pete Castagnay testified that he had been hired by Clark in Prescott to work at the Hillside road camp as a cook. He said that he cooked for about 22 men and was paid by Clark with a check but did not have to sign a road certificate.

To testify in regard to his examination of Clark's accounts, R. T. Belcher, clerk of the board of supervisors was again placed on the stand. The defense objected but were over-ruled by the court, Belcher then testifying that in his examination he found that no road certificates had been made out to Tom Sanders in the summer of 1912 between June and October and when Sanders was a cook for Clark. On cross-examination, he said that Clark's accounts ran up to \$4,000 per month or \$150,000 during the time he was road superintendent.

Defense Begins Its Case. After this the defense commenced

with their witnesses, A. Carpenter being the first. He testified that he had worked as a straw boss under Foreman Kellum on different roads throughout the county; that he knew Jeff Cleghorne, one of Clark's cooks, and that Cleghorne had a habit of drinking too much liquor. He said that many times, according to his memory, Cleghorne had borrowed money from Kellum which was deducted from his wages when he was paid. In cross-examination he admitted that Cleghorne was honorable and honest.

W. L. Fox, the next witness for the defense, testified that he had worked for Clark on the county roads and on the Slate creek road as foreman from the 16th of September to the end of November, 1913, and while there kept the time of the men under him. He said that he had kept Clinesmith's time and that the latter had worked on the road for six days. Clarence Eckert, employed at the mine by Clark, sharpened all steel for the road gang under him and also did other work on the county road. His crew working on the road at that time consisted of from four to six men who were working in a cut near the mine and Fox said that this gang used a tramway and cars from the mine to haul refuse out of the cut after it had been loosened by either the work of the men or explosives. Attorney Clark then said: "We want to prove by this witness, that by using these articles, which belonged to Clark the county was saved the wages of eight men for three months." The prosecution objected but were over-ruled and Fox was allowed to answer and he said that when the tramway and cars were used, time of about one again the number of men employed was saved for the county.

Clark then questioned Fox as follows:

Q. Did you ever lay off for any time at the Slate creek road job?

A. Yes, I did once for a day or two when I was hurt.

Q. Did you ever lay off any other time?

A. That is the only time that I laid off voluntarily.

Q. Why, you didn't get hurt voluntarily, did you?

A. Well, I could hardly answer that.

After the examination of Fox court was adjourned at 2:30 o'clock until this morning at 9:30 o'clock to allow those of the counsel, jurors and court officials who wished, to attend the funeral of Joseph L. Archambeau.

## LIE HURLED IN COURT BY P. W. O'SULLIVAN

(From Friday's Daily.)

In trying to bring out testimony through D. M. Clark, in regard to customs of the board of supervisors in paying cooks before Clark's administration, Attorney Anderson for the defense in the Clark trial, yesterday said: "I want to prove that the county attorney and the board of supervisors know this," but before he could get any further County Attorney O'Sullivan jumped up and in heated reply hurled back: "I deny it, and it is false. I did not know it and I do not know it now."

This was during the direct examination of Clark who took the stand in his own behalf to refute the charge of defrauding the county. According to his testimony he had been in full charge of the county roads as road superintendent since February 14, 1912, to the time that charges were brought against him. Arrangements between him and the board of supervisors were, that he was to go ahead and run the road gangs and camps on his own system. The Slate creek road, he was ordered to build by the supervisors after they had received a petition from people interested in that section who demanded a road. During his term as road superintendent \$150,000 was spent and he had tried to construct all roads as quickly and inexpensively as he possibly could, because he desired to make a record for himself in economy and good road building. The men under him were paid by indorsing road certificates, in return for which, he would present them with a check for the amount of labor they had performed or the money they had coming to them, he saying, that at times, he had given them cash before their pay was due and this was deducted from their checks. He got his money back by turning the road certificates, attached to a demand, over to the board of supervisors who would check them up. Clark said these road certificates were merely memoranda and that in most instances the foreman in charge of the work would keep the time and he would get it from him and mark it on the certificates and then turn them over to the board to show where the money had gone.

A road certificate made out to William Stephens, chairman of the board of supervisors, was at this time introduced as evidence, by the defense and it was admitted over an objection of the prosecution. Stephens had indorsed this certificate and in return had received a check from Clark. Clark said that Stephens had never

worked on the road but had paid a man who had.

A demand on Clark from P. W. O'Sullivan, asking for \$4 for money advanced to W. A. Long, for work on the road was entered as an exhibit by the defense. Another exhibit in conjunction with this one was then entered, it being a check from Clark to O'Sullivan in payment of the demand.

Other similar incidents of this nature were introduced by the defense and all were admitted by the court; one more to O'Sullivan; one to R. T. Belcher, clerk of the board of supervisors, and one to P. J. Farley, clerk of the Superior court. None of these men had worked on the county roads, but had paid men who had, and in return Clark had issued them checks for road certificates which they indorsed.

Clark said that he boarded the men working on the Slate creek road at his mine to economize for the county. On this road work he had made arrangements with Clarence Eckert, an employe in his mine to sharpen all tools for the road gang. In place of Eckert's time, Martin Fredericks, being paid by the county, worked in the mine two hours each day that Eckert sharpened tools. Fred Hawkins worked one day and Frank Clinesmith worked 25 days to off-set Eckert's time. Clinesmith and Hawkins were both paid by the county and Eckert's time which was from five to six hours nearly every day easily off-set this according to Clark. Eckert's brother Harry, also employed at the mine, worked on the county road at times and Clark said it was merely an exchange of labor.

Clark also testified that a number of times he had asked the board to install a new system of timekeeping for the men as he was no bookkeeper.

In explanation of the difference between the amounts on Jeff Cleghorne's certificates and checks, Clark said that Cleghorne, at various times wanted money between pay days, and it was given to him by Clark and deducted from his check at next pay day.

Clark was generally very elaborate in his answers, and at one time, O'Sullivan objected, saying that speeches were not necessary. In reply Attorney Clark said: "There are others that are constantly making speeches."

Clark said that he had run the boarding houses, but had lost on them. He also told how in June, 1912, he had informed the supervisors that he was losing money on the cook proposition and that they said, they did not want to see him lose money. From that he took it for granted that he was at liberty to pay cooks with the county's money.

The next conversation that he had with any of the board in regard to cooks was with Harry Heap when he heard that he was going to be arrested for charging the county with his cooks' time. Heap told him to see the county attorney about it, and he did, telling the county attorney that he would gladly pay back every cent rather than gain any notoriety from the matter.

The last salary he received was for May, 1914, and at present the county owes him seven months pay, as his office did not expire until the first of January, 1915. He also said that the board of supervisors instructed him to pay the road certificates for the month of June and for this, he has never received any money from the board.

Clark will be cross-examined by the prosecution this morning when court convenes at 9:30 o'clock.

Among the other witnesses who were on the stand for the defense were Harry and Clarence Eckert, W. L. Fox, T. W. King, John Goodwin and M. West.

Fox testified that the road gang on Slate creek road had used hammers, wrenches, steel and everything else that they cared to use and which could be secured from Clark's mine. Further testimony along this line was objected to by O'Sullivan and he was sustained. Fox said that he did not know who kept the time of Mrs. Harry Eckert while she worked as cook for the men in the mine and the men working on the road.

Clarence Eckert, the tool sharpener of Clark's mine, testified that he had worked there for a year from December, 1912, to December, 1913, and that when the road gang came to work on the road he had sharpened all the steel that they used and in some instances had made tools for the road gang. This he said consumed about six hours of his time daily. Harry Eckert's testimony was practically a verification of his brother's story.

T. W. King was called to the stand, but was not given a chance to testify, owing to the objection of the county attorney on the grounds that King had never worked on the county roads. The King incident was another of the O'Sullivan and Stephens variety. He had paid a man for working on the county road and in return Clark had signed a road certificate and had given him a check in return. O'Sullivan's objection to the testimony of John Goodwin, who the defense placed on the stand to prove

that since Clark has not been running the county road work, other men have been charging their cooks up to the county, was sustained by the court.

Part of the testimony of M. West was prohibited by the court on the same grounds. The other part of his testimony was that he had used three of his teams on the county road work near Simmons and in return had been paid by Clark on road certificates. For three months' work with his teams, including his own time, he had received a total of \$561.50, according to his road certificates which were entered as exhibits. Clark in his testimony declared that West had received every cent of it.

## CLARK CROSS-EXAMINED BY O'SULLIVAN

(From Saturday's Daily.)

D. M. Clark, on trial on a charge of having defrauded the county, on his pay rolls during the period that he was road superintendent and whose case will be given to the jury some time today, was placed on the stand at his trial yesterday and in cross-examination by County Attorney O'Sullivan, admitted part of the evidence brought out by the prosecution, after which both the prosecution and defense rested and argument started before the jury. Deputy County Attorney Morgan was first and he was followed by Attorney Clark for the defense. This morning Attorney Anderson and County Attorney O'Sullivan will address the jury, after which the jury will be instructed and locked up to deliberate upon a verdict.

Clark was first questioned in regard to the Slate creek road work, some of the questions being as follows:

Q.—Do you remember having talked with Martin Fredericks in front of Dillon's cigar store, in September, 1913, in regard to him working on the Slate creek road?

A.—I do not recall it exactly, but I did hire him.

Q.—Do you remember hiring Frank Clinesmith?

A.—Yes.

Clark, to a question put to him by O'Sullivan, was not sure whether Clinesmith had indorsed his road certificate in his presence or not. Clark said that his foreman on the Slate creek road had given him the time. This was in regard to the road certificate Clinesmith had testified that he was paid with after working six days on the road and the rest of the time in Clark's mine, all of which had been charged to the county.

Cross-examination also brought out, that the men working in the mine and on the road were boarded at Clark's mine camp for \$1 per day and that Mrs. H. Eckert, did the cooking and was paid \$60 per month for both by the county. In payment for one of her road certificates which he had signed T. Eckert, Clark admitted having paid her with a check made out to Mrs. H. Eckert. When shown the road certificate with the 'rs.' erased after the M in Mrs. H. Eckert, Clark declared, that he did not know who did it or how it came about.

In the spring of 1912, according to the evidence and Clark's cross-examination, Tom Sanders and Mrs. Kellum, both cooks, received money on road certificates on the county with cook written after their name. This was before the time that Clark had talked with the board in regard to his losses on cooks. On the road certificates issued to Mrs. H. Eckert, which was after his talk with the board, the word cook did not appear. Clark testified in reply to O'Sullivan's question as to why he placed N. C. Williams and his wife, a cook on the same road certificate under the husband's name was, that the road work was across a canyon from the camp and that to save time, he placed them both on the one certificate under the name and let Williams indorse it.

A road certificate made out to Jeff Cleghorne, a cook, for \$70 and a \$24 check in payment was shown to Clark and he was asked to explain. He said that out of that certificate \$24 had been held out for board for 24 days and the rest had been paid in cash. O'Sullivan said: "You heard Cleghorne's testimony in which he said, he never received any cash from either you or Kellum?" Clark said that he had heard it, but did not think Cleghorne was responsible.

Clark was then cross-examined about his salary for the last seven months of 1914 and O'Sullivan said: "Do you know why you did not receive it?" Clark answered: "No." "Well, the reason is that the State is now suing you for \$4,092.56, and that's the reason why," said O'Sullivan. The defense objected to this being put before the jury and in return the county attorney said that the suit was being put before the jury to show them why Clark's salary was being withheld.

Judge Cooper ruled in favor of the prosecution, but instructed the jury to pay no attention to anything the attorneys said and to only base their final verdict on the testimony given from the witness chair. In regard to

the suit against Clark the court ruled that the fact of it and the amount named in it, would be all that would be admitted. The defense then showed that they had filed a cross-complaint to this suit and the fact of it and the amount stated were admitted in the evidence.

Four character witnesses were then placed on the stand and they all testified that they had known Clark for a number of years and that he had always been honest and honorable. They were H. D. Aitken, Dr. J. H. Blain, L. E. Hesla, a jeweler, E. A. Kastner, and W. L. Richards, a city councilman.

Character testimony given by M. B. Hazeltine, vice-president of the Bank of Arizona, at Clark's former trial was then read to the jury. Hazeltine being out of town. He also said that Clark had a good reputation.

Here Judge Cooper interrupted and said that "the gentleman in the courtroom who is smoking is subject to a fine for contempt of court" and Ed. Wicks, one of the witnesses and the offender, quickly emptied his pipe.

The defense and the prosecution both rested and the jury was given a recess after which argument began. Assistant County Attorney Morgan made the opening speech, followed by Attorney E. S. Clark for the defense.

Deputy County Attorney Morgan's speech was a general outline of the evidence and testimony presented by the prosecution interspersed with comments on it. Summarized it was as follows:

This trial has been long and rather complicated, but the main point to consider and decide is the fact of whether or not Clark intended to defraud the county when he put in a claim for 25 days' work for Clinesmith, while Clinesmith had only done six days' work on the road and the rest of the amount in the mine, and the same point is to be decided in all other incidents. This fact has been proven beyond all doubt by testimony of the witnesses placed on the stand in this court. To show that there was no mistake in the Clinesmith incident, Morgan went through the Hemington and Terry instances, in which these two men had testified that they each received less than their road certificates had called for and for which Clark had received the money from the county. The intent to defraud through another is equally as bad as if the act had been done by the defendant and if you find without a reasonable doubt that Clark did so, it is your duty to find him guilty. We showed you by evidence that Clark before June, 1912, had hired cooks, had placed them on the county pay roll, and that after their names on the road certificates had been inscribed the word "cook." When the board discovered this and people began to complain about cooks in Clark's boarding camps being paid by the county, the supervisors told Clark he would have to stop paying his cooks on road certificates. He did stop for a time and later on commenced paying his cooks on road certificates but did not insert the word "cook" after their names and we have proved this to you.

The defense put up is unusual. It is one that admits all these facts and still holds that the defendant had no criminal intent when these things occurred. The defense of good character is as old as crime itself and is of no value. I have nothing against the defendant and the question is merely one of whether the law is to prevail. The law must be enforced whether it be the common criminal, or the county official, for the intent is the same and if you believe the evidence offered I cannot see how you can find the defendant otherwise than guilty.

Attorney Clark's address was made in the way of an answer to Morgan's and run along the same lines, displaying the defense's points and bringing them to the front. In a general way it was as follows:

This trial is taking a long time, but in opposition to Morgan's statement, I will say, that it is very simple and in conflict with the statement that county officials and men in high offices who have committed crimes are being prosecuted the same as the common criminal, I will say, that if that were so, there would have been a general house-cleaning in Yavapai county long ago. Here's a man that was not a bookkeeper, and was not a lawyer and he had to work nights to get his reports ready so that the men on the roads could be paid at the end of each month and, we hope, that the county will always have a man as good as Clark to do their road building.

When the Clinesmith account had been turned in, that much work had been done, if not by Clinesmith by another and this exchange is part of the rough and ready western spirit. If "Dud" Clark had been a grafter he would have charged the county with the tool sharpener's time, and the tools and all the apparatus used from his mine. If Clark ever becomes a grafter, and he never will, he won't graft any petty sums, he will take something worth while. Attorney

Clark then read to the jury the total amount of work done by Clinesmith, Fredericks and others who had worked in the mine in place of Clarence Eckert sharpening tools on the road, and it showed that the county received the best of the exchange by \$50.

It is admitted that the board told Clark in June, 1912, to stop paying cooks, and he did, but a month later he returned and told the supervisors that he would quit before he would pay for any more cooks, because he was losing money on it. After talking it over with him the board said that they did not want to see him lose any money and he took it for granted, and so would you or I, that they would not object if he paid the cooks and he went ahead. You will see that throughout the trial we have not been permitted to introduce any testimony which would prove to you, that the county at this time is paying for cooks in boarding houses run by the foremen of the road gangs, but still it is true.

He told of Abraham going to the altar to offer his son as a sacrifice to the Lord, to prove his faith and how the Lord appeared at the altar just as he was about to burn the body of his son and told him he believed in his faith and that it would not be necessary to offer up his son. Abraham then took a ram or a goat and offered it as a sacrifice in his son's place. Clark is the goat in this case, being put up for some one else's mistakes. He concluded by saying that he hoped the children and grandchildren of the jurors in generations to come, would be able to look back and say that their ancestors had acquitted D. M. Clark of these harsh, cruel charges which have been so relentlessly pressed.

Whether or not D. M. Clark, charged with defrauding the county is to be acquitted or found guilty, still remains undecided, the jury after four hours' deliberation having been locked up for the night. They retired to deliberate upon a verdict yesterday afternoon at 4:15 o'clock and after consideration of the case until 9:30 o'clock, decided to postpone further discussion until this morning. The twelve men are expected to reach an agreement one way or the other, some time today.

Judge Cooper instructed the jury and placed them in the hands of the bailiff after arguments by Attorney Anderson and County Attorney O'Sullivan had been concluded.

At the opening of court session yesterday morning Attorney LeRoy Anderson addressed the jury for the defense. In part he said:

There is a legend of ages ago that I wish to remind you of and it is this: A long time ago in biblical times, people every so often, would take someone in their community, place all their sins and wrongs on this person's shoulders, take him out in the woods and sacrifice him. This man was called the scapegoat and whenever anything is done wrong you will always find a scapegoat and Clark is the one in this case. The board of supervisors had no right to allow these road certificates, or allow such proceedings as have been shown to you in this trial and Clark has been made the scapegoat of it all. The county attorney has availed himself of every facility within his power and reach to convict Clark, the state examiner and the board of supervisors, and with all his searching since last June up to the day before yesterday he has only showed that the state is out \$171 of the entire sum of \$130,000 which he handled. In this sum was included the purchasing of powder, caps and supplies and the paying of labor at an average of \$3 per day and out of this, could you expect a man to be exactly right with such things to contend with?

## JURY UNABLE TO REACH VERDICT IN CLARK CASE

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The county attorney has only given you one side of the case and has not showed you where Clark defrauded himself on occasions, unknown to him until a few days ago. Anderson then related the Clinesmith incident and in explanation said that the time of Clinesmith and others charged to the county had been easily offset by the time of Clark's expert tool sharpener, who, when on the stand testified that he had worked from five to six hours per day on the county road, and he was telling the truth. We have proved this to you not only by figures, but by testimony.

I think according to my legal knowledge and from the testimony given you, that after the court instructs you, that if you have seen the county has received work for all the claims entered by Clark and unless you find that he intended to defraud the county you will have to return a verdict of not guilty.

For all the work that Clark did for the county, advancing his own money and working nights, he received as interest this: He was brought before this court on a charge of grafting. This is his second trial and it is cost-

(Continued on page 5)