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river. Mr. Lindsay then related how he had on the first day of the open season shot a deer which had been poisoned in some way and was covered with warts. The oddity of the appearance of the animal was such as to attract general attention, and he had left the deer near the river, with its hide still on. The defense, by later testimony, connected this with the trip the boys had made to the river bank that Sunday.

Several other witnesses were placed upon the stand, whose testimony was not allowed, including Sam H. Cone, Spokane attorney, who was active in behalf of the state in the obtaining of evidence. The jury was several times sent from the room during the arguments of the attorneys regarding the admissibility of evidence.

**MCRAE AND BROADWELL ON STAND**  
The defense sprung a surprise by placing on the stand "Slim" McRae, who was arrested with Broadwell on the same charge. McRae entered the courtroom without exhibiting any particular agitation, aside from a slight air of diffidence, and took a seat with the attorneys for the defense. He was dressed in a nicely-fitting suit of brown, and after he had been on the stand a few minutes the color returned to his face, though to the careful observer there were evident indications of tense excitement, the witness bore himself well. The crowd greeted his appearance with a show of keen interest, and followed his testimony with the closest attention. He gave his age as 25, and summarized the different changes in his residences since a boy, indicating that he had not lived very long in any one place. He has a father, mother, sister and two brothers living in North Dakota.

In answer to queries, he related the happenings on the day of the murder, telling how he came from the ranch upon which he works into Usk after dinner, of meeting Broadwell in the pool hall, and waiting for him to finish a game in which he was taking part, of how they sat upon the sidewalk in front of the pool hall, and how, after going to the blacksmith shop for a few minutes, they went to the river to see the deer described by Mr. Lindsay. After inspecting the deer they saw a boat, according to his story, and, acting upon McRae's suggestion, decided to take a boat ride. Noticing a canoe further up the river, they decided they preferred it to the row boat, and, finding the paddles within the canoe, they started for the opposite shore. They crossed the river, but, according to his statement, did not land, but started to recross, and while a short way from the shore the boat overturned, from some unexplainable reason, and they were both thrown into the river.

His description of the accident was drawn out to show that when the boat overturned they slid into the river, rather than fell in, which was to refute the state's theory that they had fallen into the river, as they said they would have had their heads wet, which it was proven they did not have. After the canoe upset the witness said they caught it with their hands and swam to shore with it, he being in front and landing first. The manner of landing and emptying the canoe of water was gone into very thoroughly, both on direct and cross-examination. After the shore was regained they found a board, with which they paddled to their oars, which had floated down the stream, and then finished crossing to Usk, where they went up to town, and McRae obtained the use of a horse to go to the place at which he lived to get dry clothes. He could not remember whether he again came up to town that day or not. He admitted having met several people on the way. He did not have a watch, and the time he gave he admitted was simply estimated. Cross-examination did not change the story to any great degree.

**JURY VISITS SCENE OF MURDER.**  
At opening court Tuesday the state's attorneys made a motion that the jury be taken to Usk to view the scene of the murder. The court permitted this action and the jury, accompanied by bailiffs and Attorneys Groff for the defense and Jones for the state, went to Usk.

The jury viewed the ferry landing and stilt on the west bank of the river, and walked to where Roff's canoe was on the river bank the day of the murder, visited the blacksmith shop and livery barn which figure in the defendant's alibi, crossed on the ferry to the scene of the murder, traced where the body was dragged to a hiding place and thence to the river bank, where the canoe was landed, and walked to where Mr. Boyd, of Spokane, was when he heard shots fired at the time fixed when the murder occurred.

The jury selected F. A. Purchase, of Cusick, as foreman, and J. G. Shoemaker, acting for the state, and James Penney for the defense, both of whom reside in that section and were on the ground soon after the murder, pointed out to the foreman the various points that have been brought into the testimony. The jury returned to Newport on the 4:20 train.

**BROADWELL TESTIFIES.**  
The most thrilling moment of the trial came when the defendant took the stand. He answered questions distinctly and with apparent willingness, speaking plainly enough to be heard in all parts of the room. His testimony coincided with that of several alibi witnesses. Attorneys for the defense anticipated a move of the prosecution and had Broadwell testify to committing a felony by selling liquor to Indians in Oklahoma, and to having served 60 days' sentence and paid \$100 fine for the offense.

During cross-examination the prosecutor asked Broadwell point blank whether he walked from the point where the boat was upset and killed Joseph Mathews. Counsel for the defense objected, but the court ordered the witness to answer, which he did with a distinct "No."

Broadwell's aged mother, who has been in constant attendance on the trial, also took the stand in behalf of the alibi.

To rebut the alibi testimony the state placed on the stand W. A. Sloane, of Locke; R. Greenhalgh, C. A. Whittaker, L. E. Miller, Clarence Keehn, of Usk, who testified that they had been in the pool room that afternoon and did not see Broadwell there. The time covered by the rebuttal testimony was from 2 to 5 o'clock p. m.

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F. E. LEHMKUHL.

**Sheriff's Sale**  
STATE OF WASHINGTON,  
COUNTY OF PEND OREILLE.  
By virtue of an execution issued out of the Honorable Superior Court of the State of Washington, for the County of Spokane, on the 27th day of November, 1912, by the clerk thereof, in the case of John A. Allen vs. J. G. Janosky, No. 57808, and to me, as sheriff directed and delivered, notice is hereby given that I will proceed to sell to the highest bidder for cash, within the hours prescribed by law for sheriff's sales, to wit, at 1:00 o'clock p. m., on the 4th day of January, 1913, before the courthouse door of said Pend Oreille county, in the state of Washington, all the right, title and interest of the said J. G. Janosky in and to the following described property, to wit: Lot sixteen (16) block four (4), Talmadge's addition to Newport, levied on as the property of J. G. Janosky, to satisfy a judgment amounting to \$180.41—partial payment made the 20th day of September, 1912, of \$322.45, leaving balance of \$85.96, besides interest, costs and increased costs, in favor of John A. Allen, plaintiff.  
Given under my hand this 5th day of December, A. D. 1912. R. F. GARDNER, Sheriff.  
By A. L. MILLER, Deputy. 30 5

## JURY CLEARS BROADWELL

(Continued From First Page.)  
J. R. Brott, when they saw Broadwell and McRae go toward the canoe.

**BLOOD STAINS REVEALED BY TEST.**  
The testimony of Dr. L. M. Munson of Spokane relative to serum tests for blood on various articles handed to him for analysis by County Coroner Hiett and Sheriff Gardiner was the striking feature of the trial Saturday.

Dr. Munson testified that he had applied the serum test to a clipping from the hem of trousers purported to have been worn by Frank Broadwell on September 22, the day of the murder, a piece of cloth from a pair of overalls, blood clot found in the boat, a stain found on a log between the scene of the crime and the river and a stain on a piece of sail from the canoe that has figured so prominently in the case.

The tests, he said, had positively shown the presence of human blood on the trousers, as did also the clot taken from the bottom of the canoe. The other articles did not.

Dr. Munson was subjected to severe cross-examination, a text-book on bacteriology being used by attorneys for the defense as a foundation for interrogations. In response to the inquiry whether the blood discovered on the exhibits might have been other than human, Dr. Munson said:

"The blood of no other animal in North America would have answered to the test."

Dr. W. E. Ralston, of Pullman, instructor in physiology and bacteriology at Washington State college, testified that he was familiar with the serum test for human blood and has been making the tests and teaching it for eight years past. He gave a clear description of the workings of the serum test and added: "I am of the opinion that it is a positive test for human blood."

The cross-examination of C. R. Brott, ferryman at Usk, failed to discredit his statements of Friday afternoon. He related incidents of finding the body of Mathews and of following tracks from the river bank where the canoe landed into the woods near where the body was found. Guy Gordon was with him in the search.

E. McBride, dry goods buyer for the Palace department store, was placed on the stand to testify whether the sail of the canoe used by Broadwell and McRae had ever been immersed in water, the question at issue being whether the defendants had got their clothes wet on the day of the murder by the capsizing of the canoe. The state endeavors to show that the canoe could not have capsized without wetting the sail. Mr. McBride testified that the sail had been damp, but that the cords which hold the sail to its stays had never been wet.

### INDIANS TESTIFY.

Two Indians testified late Saturday afternoon. Jim Hayes, Spokane Indian from Wellpinit, was visiting the Indian village near Cusick and was at Usk September 22. Hayes said he saw Frank Broadwell and a companion coming from the river bank late in the afternoon. Broadwell's companion, he said, carried a rifle.

Suisap, an aged Indian from the village across the river, gave the same testimony. Neither speaks English,

and the services of an interpreter were required.

### STATE RESTS CASE.

The state rested its case at 11:20 Monday morning, after having completed the examination of three more witnesses. Charles Gordon, the man who found the body of the murdered man, told of the finding of the body, how he traced the footprints along the bank on the east side of the river, where the canoe had been landed, and thence into the brush toward the scene of the murder. On the question of when he saw the defendant on the day of the murder, Gordon's testimony was rather helpful to the alibi the defendant seeks to establish. Gordon said he saw Broadwell at the livery barn at Usk while he (Gordon) was mounting a horse to ride to the ferry to catch the 2:15 boat. The horse was fractious and Gordon was delayed a little, but said that when he arrived at the ferry landing he saw a canoe crossing the river about half a mile south.

Witness could not be induced to say that Broadwell could not have had time to get to the canoe.

Frank Miller and Frank Bowen testified as to the condition of the clothes of Broadwell and McRae when they saw them at 5:15 p. m. on their return from the river.

### STATEMENT OF THE DEFENSE

At this point the state rested its case, although there were a number of witnesses for the state who had not testified. Attorney Groff asked that the jury retire from the courtroom and moved that the court direct a verdict of not guilty on the ground that the state had not introduced evidence sufficient to connect the defendant with the crime. Judge Carey denied the motion, ruling that the evidence submitted should go to the jury.

Mr. Groff then made the opening statement for the defense. He said it expected to prove that on the day in question Frank Broadwell had been at his home in Usk for dinner, that after dinner he went to a room in the hotel with a man named Pollock and remained in company with Pollock and Alex Bertrand until 2:15 p. m.; that Broadwell then went to the blacksmith shop near the hotel in company with a man named Edson and that his whereabouts could be accounted for fully up to 3 o'clock; that between 3 and 3:30 p. m. he had been in the poolroom of Otto McLaughlin, and did not cross the river in the canoe until after 3:45 p. m. when he went across the river with McRae and got his clothes wet by the capsizing of the canoe, returning to town at 5:15 p. m., as has been related by state's witnesses.

### ESTABLISHING AN ALIBI.

The introduction of testimony by the defense began with the opening of court at 1:30 p. m. Mr. and Mrs. Baldwin testified to having seen Broadwell and McRae return from the river at 5:15 p. m., and that they had no gun with them.

Seldon Hoisington said he arrived in Usk on the 2:45 p. m. ferry and played pool with Broadwell after 3 o'clock, and was corroborated by his brother Warren, who was certain of the time, having asked the poolroom proprietor, Otto McLaughlin, proprietor of the poolroom, testified that it was 3:33 p. m., when Hoisington asked the time and that Broadwell was then in the room.

Mrs. C. A. Stewart said she went to the river when the 2:15 p. m. ferry was landing on the east side and remained there until 4:45 p. m.; that C. R. Brott, who had testified to seeing Broadwell and McRae go to the canoe at 2:15 p. m., was not there at the time and did not arrive until 3:45 p. m.; that she saw Broce and McRae go toward the canoe at about 4 p. m.

Wednesday morning the defense resumed the examination of their witnesses, through whose testimony they seek to establish an alibi, and placed upon the stand first Arthur Graham, a lad of 18, whose examination tended to corroborate the previous statements of Charles Gordon.

Frank Lindsay was next placed upon the stand, with the introduction by the defense's counsel that he would show the reason for Broadwell and McRae going on the day of the crime to the

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