

LEGAL FIGHT IN BANK CASE OPENS

Alleged Wreckers of Oregon Trust Would Break Indictments.

MUCH LIKE ROSS CHARGES

Ex-Senator Fulton, for Defendant Bankers, Argues Indictments Not Drawn in Accordance With 1907 Amended Laws.

The attorneys for the alleged wreckers of the Oregon Trust & Savings Bank opened their legal batteries in the Circuit Court yesterday morning in an effort to break down the indictments set up against them.

Present before Presiding Judge Bronough were C. W. Fulton, Dan J. Maloney, John H. Hall, Arthur Langwith and E. C. Fulton, for the defendant bankers, and District Attorney Cameron, Deputy Fitzgerald, Deputy Vreeland and Deputy Page, representing the state.

The brunt of the battle fell upon ex-Senator Fulton, Attorney Maloney and Hall, and Deputies Vreeland and Fitzgerald. The latter argued that the time for adjournment came last night.

Judge Bronough will take up the case again this morning. As the indictments are identical to those against Ross, the case is expected to be decided in the same manner as the Ross case.

Statute of Limitations Arises. Fulton represented W. H. and H. A. Moore and W. C. Morris. He argued that the question whether or not the statute of limitations had run hinges upon whether his clients are charged with a felony or a misdemeanor.

He then went on to argue that the indictments against his clients had not been drawn in accordance with section 1335, as amended by the 1907 Legislature.

"We are entitled to know whether or not the property alleged to have been embezzled actually belonged to the Oregon Trust & Savings Bank, or to someone else," he said.

Another point made was that the individual director can have nothing to say about the receiving of funds in a bank; that he is not an officer, and therefore not liable under the law for something he cannot individually control.

"A director has nothing more than a vote upon the bank's policy. He is not an acting cashier and director; hence in the same class as Leo Friede, also a director."

Facts in Question Now.

"An embezzler is punished in the discretion of the court as is one guilty of larceny. Therefore, the specific values of each article embezzled must be set up in the indictment. The facts as given to us in the indictment are not sufficiently defined so that we can tell whether we are working upon the same set of facts as the grand jury or not."

The arguments for E. E. Lyden and Leo Friede, indicted with the Moores and Morris, were much the same as those for the other bankers.

Deputy Fitzgerald argued that the indictment is ample to inform the defendants of the crime with which they are charged. The specific values of the facts should be left to the time of trial, for the jury to pass upon.

DAGGER HELD TO HER BREAST

Mrs. Puckett Says Fear Alone Prevented Husband From Killing.

Except for the fear of discovery, T. O. Puckett would have been a murderer, according to the charge Mrs. Eva L. Puckett makes in a divorce complaint filed in the Circuit Court.

She was deserted by her husband a year ago last January, ten days after she had undergone a surgical operation, she says.

April her husband returned, and clasping one hand over her mouth to prevent an outcry, held a dagger point against her breast.

At that time the couple had been married less than a year, the wedding ceremony having been performed July 4, 1907. Six months after the marriage ceremony began to remain away from home evenings, and later all night, without excuse.

Then came a refusal to pay the bills, except those for groceries. The wife says he has given her only \$30 for clothing during the last two years.

Puckett had an aversion to his wife's son by a former husband, she says, frightening the lad by threatening to knock his teeth down his throat.

One night the woman says he buried himself in a newspaper, when she talked to him, and when she took away the paper, knocked her under the table, unconscious.

Hilda Charlotte Swanson alleges a divorce complaint against Charles Swanson, filed yesterday, that he called her a devil and a liar, and beat her, and that he was straining him from visiting her.

Mrs. Catherine Metz Tells Family Troubles in Seeking Title.

Before Mrs. Catherine Metz was married she thought her fiancé owned a ranch in Oregon. But after she had married Theodore Metz she found she had no ranch, and that he was lazy, she told Circuit Judge Cleland yesterday morning.

She is suing to quiet title of community property.

Metz and his wife were married in Wisconsin. Soon thereafter they came to Oregon. Metz said she found she had no ranch, and that he was lazy, she told Circuit Judge Cleland yesterday morning.

Metz was a saloonkeeper in Wisconsin, but sold out for \$500. His wife had \$6000, she said. They purchased a store on Milwaukee avenue, Sellwood, from Walt & McKenna for \$2400.

Her husband obtained a divorce from her in Wisconsin. She said yesterday she wanted the property to rest in her name while she lived, then in her husband's name until his death, then in her daughter's name.

BLACK DRESS GOODS.

Special reduced prices today on fine black dress goods. McAllen & McDowell's fine dress goods. They can't beat our prices; 36-inch Black Tartan silk at \$6 a yard. McAllen & McDowell, Third and Morrison.

TO CURE A COLD IN ONE DAY. Take LAXATIVE BROMO QUININE Tablets. E. W. GROVE'S signature is on each box, 25c.

HIGH DAM FEARED Mount Taborites See Danger in Reservoir Elevation.

CASE IS DISCUSSED LONG

Portland and Seattle Engineers Say Basin No. 6 Safe—Mayor Halts at \$36,000 Expenditure to Lower New Tank.

Whether justifiable to expend \$36,000 of public funds for the purpose of lowering the elevation of proposed Reservoir No. 6 at Mount Tabor for the purpose of assuring the minds of the residents there as to the question of safety, is puzzling Mayor Simon and members of the water board.

A long session of the board was held yesterday afternoon, at which the subject was discussed. The reports of Chief Engineer Clarke were heard and the statements of Consulting Engineer Thomson, of Seattle, were talked over.

The board took no definite action. Chief Engineer Clarke, of the local board, recommended the lower elevation, which would place the reservoir 200 feet above city datum, and will cost \$36,000 additional to build. He said, however, that he is satisfied that the higher elevation, the other being 10 feet higher, is safe.

Both Declared Safe. Consulting Engineer Thomson, Seattle's City Engineer, says either elevation is safe, but recommends the higher elevation for four reasons.

Differences in the cost of excavation on the higher elevation, effecting a saving of the amount named; better pressure, which he deems necessary for the district's less dangerous water supply from dust arising on West avenue, the reservoir being but 100 feet removed from that thoroughfare, and the fact that the slope could be graded to better advantage and made beautiful.

Chief Engineer Clarke agrees that the dirt would be less if the reservoir sits higher, but he says there is no necessity for increased pressure, to be thus gained. He also argues that the lower elevation could be parked equally as well and says that, to the satisfaction of the residents in the neighborhood, he would spend the additional money necessary to lower the proposed elevation.

Board For and Against. The subject is now narrowed down to a decision by the board, and at the meeting yesterday afternoon developed that the members are evenly divided.

Mayor Simon, answering a question by Commissioner Wilcox, said he does not see why he should expend the extra \$36,000. It is shown that the safety of the reservoir depends upon it. Commissioner Wilcox takes the same view, but Commissioner Alnworth and Mackey believe it is the proper function of the board to consider the effect on property in the vicinity.

There is a possibility that concessions may be secured from Wakedel & Co., the contracting firm for Reservoirs No. 6 and No. 5, whereby the cost of construction of the big basin on the 300-foot plan will be materially reduced.

Commissioner Wilcox said, should this be done, he might see his way clear to vote for the lower elevation. He also said that he would like to see the board build it on the lower elevation. Otherwise, he said, he could not see, as yet, whether the board is justified in spending the amount of public money in view of the statement of both engineers that there is no danger attached to either elevation.

Action Is Deferred.

The board decided to postpone action until such time as the members can see the contractors and ascertain whether they will give any concessions to the city in exchange for the privilege of a change in the specification regarding the handling of the dirt to be removed.

If the change is granted, as recommended by Engineer Clarke, the cost of construction to the contractors will be greatly reduced. Mr. Wilcox said he would not favor granting the change unless this reduction is to be of financial benefit to the city.

The board authorized Mayor Simon to purchase on its behalf \$35,000 worth of the city's improvement bonds, more than \$200,000 of which are in circulation. A committee on ways and means of the Council met Monday afternoon.

The mayor intends to buy these at par and accept the interest, without entering into competition with other bidders. He declares this can be done, notwithstanding the fact that the Kavanagh has ruled to the contrary.

LABOR LAW UP TO COURT

Boxmaker Accused of Working Women More Than Ten Hours.

For the first time since the factory and workshop law was enacted in this state, the provision of the statute which prohibits the working of female employees more than ten hours a day will be submitted for judicial interpretation in the Municipal Court next Wednesday.

A complaint of Labor Commissioner Hoff, F. C. Stettler, manufacturer of paper boxes, against the firm of G. H. Hoff, who has been arrested, charged with violating this law.

Mr. Stettler is said to have admitted that he employs girls and women who work more than ten hours a day, but defends his action by saying that these employees are working on piece work, and that reason are privileged to labor such hours as they are disposed.

It is the contention of the Labor Commissioner that the manner in which women are employed in no way concerns the statute, which presumes that females shall be employed only ten hours a day and not to exceed 40 hours a week, regardless of whether they are employed by the day or are paid for piece work.

Considerable interest is being taken in the case by the labor organizations of this city.

NEW TRAIN.

New Portland-Silverton Train Service.

The Southern Pacific has just added a new train to the Portland-Silverton service which will be a great convenience to residents of Silverton and intermediate points desiring more direct service.

The new train leaves Silverton 7:30 A. M. and on return does not leave Portland until 6:20 P. M. daily.

COURT ORDER SHATTERS

Miss Lydia Rodney, Executrix, in Hospital Due to Worry.

Following the service of citation papers, requiring her to appear in court December 4, Miss Lydia Rodney, sister of the late Mrs. B. Wynter Morris, is a patient in the Good Samaritan Hospital, suffering from worry and nervous strain.

Miss Rodney is executrix of the estate left by her late sister, Miss Clementina Rodney, who died recently in the Good Samaritan Hospital. Miss Clementina's death, followed in a few days by the death of Mrs. Morris, affected Miss Rodney considerably, and she took a room at the Good Samaritan Hospital for the purpose of recuperation.

After spending four weeks in the hospital, she left for her home, apparently fully recovered. However, she was very frail, owing to her years. Miss Rodney was then served with a citation, following a statement filed in the County Court.

BRITISH COLUMBIA GOVERNMENT LANDS

\$3.85 TO \$5.50 AN ACRE—ON TERMS

THE RUSH IS ON IN EARNEST

HERE IS THE REASON

THE PEOPLE KNOW THAT THERE IS A PRONOUNCED TENDENCY AMONG CITY PEOPLE TO OWN A FARM. NOT ONLY FOR THE REASON THAT THE FARMING COMMUNITIES ARE HIGHLY PROSPEROUS, BUT FOR THE REASON THAT FARM LAND IS BECOMING SCARCER, AND IS RAPIDLY ADVANCING IN PRICE.

OWN A FARM AND YOU ARE NO MAN'S SLAVE

Think of the prosperity of the farmers of Dakota, Minnesota, Iowa and Illinois. History will repeat itself in Nechaco Valley. Don't let your backbone be a wishbone.

STEP LIVELY!

And avoid the scrap-heap of the "I WISH I HAD'S." Secure 40 acres of this splendid productive land if you can't afford a hundred, and be a producer as well as a consumer. Grow wheat, barley, oats, apples, peaches, pears, grapes, vegetables, livestock.

LISTEN! JUST THINK OF IT! \$3.85 TO \$5.50 AN ACRE—ON TERMS

BRITISH COLUMBIA FARM LAND ASSOCIATION

INCORPORATED

219-220 COMMERCIAL CLUB BUILDING.

R. S. KING, President; H. D. MOON, Vice-President; A. D. SEMON, Secretary.

FESTIVAL GETS PROMISE

RAILROAD MEN WILL WORK TO OBTAIN EXCURSION RATES.

Event to Be Made Prominent in Advertising of Transcontinental Lines.

James Charlton, chairman of the Transcontinental Passenger Association, the traffic organization which fixes excursion rates, is expected to be in Portland at the next meeting, which takes place in Chicago, February 2.

In his letter to Mr. Charlton, President Hoff, of the Festival, emphasized the point that there will be no other big attractions in this part of the country next summer except the Portland Rose Festival.

He explained the details of the week's programme of parades and spectacles to be held from June 5 to 11, and urged that the transcontinental lines consider the question of low rates seriously, with a view not only of giving cheap fares to the Pacific Northwest, but also of enlisting the advertising departments of the great trunk roads in the work of exploiting the Rose Festival next year.

Supplementing the interest which Mr. Charlton has shown in the local festival, Assistant Traffic Director McCormick, of the Harriman lines, who was here last week with President Lowell's party, has assured the Festival that he will use his own influence toward featuring the Portland annual floral celebration in the publicity work of the lines in his charge.

If any of the passenger traffic officials of the different roads having terminals in Portland attend the Chicago meeting in February, they will be asked to champion the cause of the Festival on the floor of the Transcontinental Passenger Association meeting.

In submitting his subscription to the general Festival fund yesterday, W. S. Hoff paid his compliment to the advertising which the celebration is giving the roses of Portland in all other sections of the country, not only in the way of inducing more widespread culture of roses here, but also in the quickening demand for Portland roses elsewhere.

"It is a fact," remarked Mr. Simon at the Festival headquarters, "that I have had orders for our principal varieties of roses from the New England States, from New York, New Jersey, Pennsylvania, Ohio and several other states, and in a considerable number of the orders mention has been made of the Rose Festival. I would put Portland on the map, to a large degree, to the Rose Festival."

CHICAGO, Dec. 1.—(Special.)—People from Portland registered here today as follows: W. F. Stone, at the Stratford; G. H. Wise, at the Wellington; F. S. Lockwood, F. P. Kendall, at the Great Northern; W. W. Kopus, at the LaSalle.

CHICAGO, Dec. 1.—(Special.)—Oregon people registered at Chicago hotels today as follows: J. H. Vogt, at the Congress; George E. Lamb, at the Great Northern; L. F. Weaver, J. Z. Painter, of Salem, at the Lexington.

NEW YORK, Dec. 1.—(Special.)—People from the Northwest registered at the leading hotels here today as follows: From Seattle—E. S. Kingsley, at the York; G. G. Black, at the Bresslin; C. Johnson, at the Grand Union.

From Eugene, Or.—J. T. Hall, at the Hoffman.

From Tacoma—O. W. Olson, Mrs. O. W. Olson, at the Herald Square.

From Tacoma—W. E. Mast at the Grand Union.

AGED FARMER DRUGGED

GLENDALE MAN SAYS TOO HE WAS ROBBED OF \$185.

W. S. Copley, After Being Found Guilty of Being Drunk, Awakens to Find He Was "Victimized."

Asserting that he had been drugged and robbed of \$185 in gold in a saloon at Third and Flinders street, W. S. Copley, an aged farmer of Glendale, Or., was a complainant at the police station late yesterday afternoon.

Copley says that he was on route from his home in Glendale to visit relatives in Elms, Wash., and that he dropped into the saloon on his way to the depot and asked for a drink of berry wine. According to his story, after drinking this wine he remembered nothing until he partially regained consciousness to find the bartender shoving him out into the street.

His head splitting from the effects of some sort of drug and reeling under its influence, he clung to a nearby telephone pole for a moment, when a policeman arrested him, charging him with being drunk.

The robbery occurred Tuesday night, and Copley was arraigned before Judge Bennett yesterday morning and fined \$2 for being drunk.

Copley exhibited a hole cut through his trousers' pocket and the cloth of the trousers from which he says his purse, containing the gold coins, were extracted. The old man said that he was not drunk and had taken only one glass of wine which, he avers, must have been drugged. He failed to take his train and is now penniless in this city without the means of paying his transportation to his destination.

His story was referred to the detective department.

HOW CAMPBELL VOTED

With Others in Legislature He Opposed Supreme Court Increase.

SALEM, Or., Nov. 23.—(To the Editor.)—Today I heard a man "roast" Judge Campbell, of the Fifth Judicial District, for the alleged reason that he had supported, in the recent legislative session, the bill increasing the number of Judges on the Supreme Court, and that he had "gotten his reward" in an appointment from Chamberlain, etc., etc. I disented, and denied that Campbell had supported the bill. The man proceeded to declare that his assertions were true and that he had gotten his information from The Oregonian.

I have seen nothing in The Oregonian to warrant the statement that you have endeavored to hold Judge Campbell responsible for the judge's bill, except an item copied from a Southern Oregon paper. As one man was misled by it, others may have been, and I give herewith the names of those who voted against the bill, as found in the legislative journals.

In the Senate the "nays" were Bailey, Beach, Johnson, Kay, Merriman, Miller of Jan. and Wood.

In the House the "nays" were Abbott, Bonebrake, Bryant, Calkins, Campbell, Conyers, Couch, Dimick, Farrell, Greer, Hattberg, Hawley, Hines, Hughes, Jones of Clackamas, Jones of Douglas, Jones of Polk, Leitch, Muncie, Reynolds, Richardson, Rusk and Smith.

It thus appears that Mr. Campbell, who has since been appointed to the circuit bench by Governor Benson, to fill the vacancy caused by the premature death of McBride to the Appellate Court, voted against the judgeship bill. Also it appears from the House Journal, page 249, that Representatives Dimick, Rusk and sundry others, including Campbell, supported an effort to strike the emergency clause from the bill, so a referendum vote might be taken on the bill; but Representatives Beach, Brooks and others succeeded in retaining the emergency clause, and thereby Governor Chamberlain was given the power to name two Justices of the Supreme Court. The action of Judge Campbell was steadily and consistently against the bill.

PACIFIC MONTHLY BRIGHT

Portland Authors Stand Alongside Jack London This Month.

December's issue of the Pacific Monthly has a number of good features, including some full-page pictures of excellent artistic effect. One of the best features of the issue is a story by Jack London, being one of a series of articles he will contribute to that magazine on his trip in the Shark to the South Seas.

There are several good pictures accompanying the London article, including a full-page picture of Mr. and Mrs. London on the Shark.

Frank J. McGerrigan, a Portland newspaper man, contributes an entertaining article entitled, "A Nine Day's Wonder," in which he tells in detail the mysterious movement of furniture at the Marshall-street house, in this city, attributed to the mystic powers of little Ernest Harps.

Arno Dosch, formerly of Portland, contributes an illustrated article concerning a day's experience on a bay schooner. There are stories and verse about Christmas, accompanied by some illustrations.

LOOK TO YOUR FOOD

If You Have Indigestion.

Stop taking drugs and go 10 days on Grape-Nuts

with cream or good milk. It will work wonders.

This food is made of wheat and barley and is baked for many hours. It is easily digested and contains the material the weak stomach requires to grow strong on so that other food can be eaten later.

Be sure to chew the Grape-Nuts well before swallowing.

"There's a Reason"

Postum Cereal Co., Ltd., Battle Creek, Mich.