Wreckers of Oregon Trust Are Told They Must Plead This Afternoon.

TIME HAS NOT EXPIRED

Judge Bronaugh Rules Statute of Limitations Has Not Run and Directors Are Responsible for Misdeeds.

Were also inputs, and smith claimed \$2000 for unusual work performed as ad-ministrator. The Library Association ob-jected to the tablet bill, but offered to take it over for \$2000. When the case came before Judge Web-W. H. and H. A. Moore, W. Cooper Mor-ris, Elmer E. Lytle and Lao Friede, the alleged wreckers of the Oregen Trust & Savings Bank, will enter their pleas to 13 indictments before Presiding Judge Bronauch of the Circuit Court at 2 o'clock this afternoon. He declared these indict-ments valid yesterday morning, over-ruing every domurrer interposed by the defendants. when the case came before Judge web-ster. December, 6, he allowed Smith \$230 for his services, but refused to allow anything for the memorial tablet, saying its purchase was unauthorized. The court's order also provided that Smith pay the library \$48%, and turn over the ten shares of hotel stock and \$50 received in dividends since last April.

The judge remarked that the indict-ments fall naturally into two classes, six of them charging the five officers and

of them charging the five officers and directors with receiving deposits on Au-gust 17, 1907, knowing the bank to be insolvent, four charging embezzlement on the part of W. H. Moore and Morris, one embezzlement by Morris, and one mall-clous destruction of Golden Eagle Dry Goods Company notes aggregating \$101,658. To one of the embezzlement indictments Gus A. Lowil, late of Golden Eagle fame, who was extradiled from Densure is made Gus A. Lowit, late of Golden Eagle fame, who was extradited from Denver, is made a party defendant. He recently entered is plea of not guilty after being arraigned, reserving the right to withdraw the plea later and enter a demurrer. But thus far he has allowed his case to stand for fail upon the demurrers interposed by his alloged partners in crime.

### No Ambiguity Is Found.

Regarding the last six indictments Judge Bronaugh held that there is no question but that they are sufficient in charging embeznlement in the aggregate amount. Attorneys for the defendants had conended that the grand jury must tabulate ach specific amount embezzled, giving

each specific amount embezzied, giving the time and place. "The grand jury might be convinced that a crime had been committed," said the judge, "without being in possession of information as to the particular securi-ties involved." After naming the amount in each in-dictment alleged to be unlawfully ap-propriated by the directors, the grand jury says "a more particular descrip-tion of which is to the grand jury un-known." Judge Bronaugh would not ex-Judge Bronaugh would not excnown. prose an opinion as to what effect proof of more knowledge on the grand jury's

art would have. It was the contention of the defendants' attorneys that the language of the indict-ments is not sufficiently concise to en-able a person of ordinary understanding to comprehend the charge. Judge Bronaugh decided that the language is

## Time Limit Has Not Expired.

He then took up the demurrers to the six indictments charging that the officers and directors of the bank received de-posits when they knew it to be insolvent. In disposing of the contention that the erime was outlawed when the indictments were returned, the court quoted two sections of the Oregon law, one providing that in the case of all felonies except murder and manufamilitar action against murder and manslaughter action agains the guilty parties must be commenced within three years of the time the ormose are committed. He also read the section providing that in the case of misdemeanors action must be commenced within two

# third section of the code says that

in all cases where punishment for an offense is both a fine and imprisonment the case shall be treated as a misdemeanor. It was the contention of counsel for the indicted bankers that this action THE MORNING OREGONIAN, THURSDAY, DECEMBER 16, 1909.

tence was imposed, two complaints were filed charging him with drunkenness and trespass. These set forth the same offense for which he had been sentenced previous by. Judge Cleland has this case under Oregon last night. E. P. McCormick, the well-known banker, of Salem, is in the city and stop-ping at the Cornelius. MORE STRINGEN

**Under Revised Rules Which** 

Add to Efficiency.

LITTLE MEN RULED OUT

Change in Militia Regulatons, Ef-

fected by General Staff, Aimed to

Remove Last Weakness in

Military Service.

Complete new regulations for the Ore

gon National Guard, in which the model used is the regular Army and many important changes are made, were an-nounced yesterday at Guard headquar-ters. The new regulations, constructed

Dr. E. G. Pickerell, Medford's old-time practitioner, came to the city yesterday and was at the Portland. J. B. Cartwright, proprietor of the Ses-side House, came up to attend the open-ing of the New Imperial yesterday. W. H. Eccles prominent lumber dealers Oregon National Guard Is Put

W. H. Eccles, prominent lumber dealer of Des, came down to the city resterday and will be at the Oregan for a few days. Mrs. E. Lamey and Miss Katherine Dutton, leaders of the social set at Spo-kate, are guests of friends at the Hotel Portland.

Mrs. J. T. Bridges, wife of the promi-fent merchant at Cordova, was the first woman to register at the New Imperial yesterday.

James M. Kyle, real estate promoter at Stanfield, placed his name on the New Imperial register yesterday as the first patron of the hotel. G. J. Gissling, the first man to dodge

apples in favor of the milling industry in the Hood River district, was at the Portland last night.

George Richards, the well-known trav-eling auditor for the Northern Pacific, with headquarters at Seattle, is to be found at the Perkins this week. C. A. Taylor, one of the ploneer mer-chants of the Kelso district, is mixing among the jobbers of the wholesale dis-trict, and is living at the Perkins. chants Postoffice Inspector Butler, who has seen recuperating at Hot Lake Springs,

passed through Portland yesterday, en route to his headquarters at Seattle. route to his headquarters at Seattle. Thomas C. Kurtz, Chehalis railroad contractor, was at the Seward yesterday, accompanied by his daughter. Miss Kurtz to California on the Limited last night. Postoffice Inspectors Riches and Cle-ment, of the Portland division, returned yesterday from Seattle, where they have assisted in the annual inspection of that office.

ters. The new regulations, constructed by a special board of officers in co-opera-tion with the general staff, are intended to do away with the last of the weak-nesses in military system that have long characterized the militia service. One of the first and most important changes is that which does away with un-desirable recruits. "Runs" can no longer be received as Guardsmen, nor can men of unusual avoirdupois. For it is pre-scribed that no person shall be collisted office. Wilder Thompson, of San Francisco, arrived at the Soward yesterday, accom-panied by Mrs. Thompson. He will spend the Winter looking after his interscribed that no person shall be enlisted whose height is less than 5 feet 4 inches or whose weight is less than 125 pounds. Anyons weighing more than 129 pounds

ests in Oregon. T. C. Elliott, among the leaders of cannot get in. Another important provision relates to military funds. Hereafter any and all of-ficers handling military funds will be re-quired to keep a cash book, so the new regulations provide. Every cash trans-action must be entered therein, and, at the end of each quarter the account must balance. Walla Walla's business men, was a spec-tator yesterday around the business cen-ter of Portland. He is making headquarters at the Oregon.

Benjamin Young, the first salmon can-ner to retire from that cocupation in the Astoria district, and who has since got-ten into the habit of spending his Win-tors in. Southern California, was at the Portland yesterday.

Senator Ike H. Bingham, of Eugens, conducted a Christmas shopping tour unong the department stores yesterday. He was the first man to pay a dollar over the counter at the New Imperial, and was accorded a \$5 room for the day.

Peter Murray, a prominent merchant of Adams, is called to the city as a witness in a Federal trial soon to be called in the United States Court. He is accompanied by Jerry St. Dennis, Adams stockgrower, and both are at the Perkins.

King. Oscar Vanderbilt, apple man from Heed River, and the man whose chief ambi-tion is to let the isolated corners of the

tion is to let the isolated corners of the earth learn how to spell a-p-p-1-e-s, is at the Cornelius and will negotiate a cargo of Christmas presents before he returns to the new country. Postal Inspectors Welter and Flavin, attached to the Seattle division of the Postal Service, ware at the Federal building yesterday, but left on the Shas-ta Limited for California. It is under-stood that the Government agents are on their vacation, but they are scheduled to assist at the annual inspection of the San Francisco office.

Ginger, the famous office cat which has received the loving handling of hundreds of the old-time politicians of the state and who has been considered as effecand who has been considered as elec-tive as a hunchback, refused to create a new home at the New Imperial yester-day. Ginger was back at the old Wash-ington-street quarters in five minutes after his removal.

H. C. Jones, field inspector for the Department of the Interior returned yeslay from Spokane, where he has been teroday from Spokane, where he has been in attendance at the hearing of the ra-mous "Cunningham coal land fraud cases," of Alaska, and over which con-troversy L. R. Glavis was discharged. Mr. Jones will remain in Portland for several weeks, but will go to Cleveland, Ohio, when the hearing is resumed there in January. in January.

fort. In all of your articles you admit that "the tube is the proper thing; that it should be used, and that it will ulti-mately have to come." That being true, why not do it now? In a short editorial in the same issue you say:



Corner 10th and Alder

W. M. SEWARD, Prop.

leading hotel of Portland, opened July elegance. Most beautiful corner lobby in Northwest. Commodious sample rooms. European plan. Rates \$1.50 and up. 'Bus meets all trains.



HOTEL RAMAPO Corner Fourteenth and Washington

been tried in Junge Cleands a opartment, Whitney getting a sentence of five years in the Penicentiary and \$100 fine. Chick says that since he deposited Whitney's ball, \$750, on August 28 last, three terms of court have passed and each succeeding grand jury has failed to indict Whitney. He does not ask, he of Second Lieute says, that the defendant be discharged, but he wants his money. BRAKEMAN'S OWN ACT BLAMED Railroad Says Jumping Off Wrong Side Was Negligence.

If a brakeman in his hasts to alight from a runaway logging train, jumps off on the wrong side, he is guilty of con-tributory negligence and can recover no damages, according to the contention of torney's office is to be dealt with, as he

for each member of the Guard must be kept constantly on hand for emergency use. This ammunition must be held ready at the amnory where the rifles of the vaat the article where the rines of the va-rious organizations are kept. It must be inspected by competent officers, with a view to ascertaining if the ammunition is of serviceable quality. It is pointed out that the Guard troops must be prepared

Keep Ammunition on Hand.

Ninety rounds of reserve ammunition

egulations, the Oregon military code, the Suard regulations, the manual of guard inty, the Articles of War of the United States and such other subjects as may be

Same Uniform as Regulars.

As to the uniform, it must be exactly similar to that of the regular Army at all times. This applies to dress, full dress, olive drab, khaki and fatigue uniforms. Enlisted men are prohibited from appear-ing in uniform, or in any part thereof, except when on daty. It is set out that any civilian appearing in any part of the uniform shall be relieved of same and

Now that the regulations are in effect, it is said a certain official of the District At-

at any time to respond to the summons of either the local civil authorities or the Federal authorities, whether the service be that of suppressing riots, repelling in-vadors or engaging in an offensive move-ment at home or abroad against a com-

cannot get in.

mon enemy. By no hook or crook can anyone hope to secure a commission in the service hereafter except on merit. The rules ap-plying to the examination of commis-

plying to the examination of commis-sioned officers is rigid. In the first place, a majority of the examining board must be present. The appointee-and all ap-pointees must come from the Guard-shall be examined in the United States drill

especially prescribed by the Commander-in-Chief. In each subject the average must be not less than 75 per cent, and the board must give its certification that the appointee is fit physically, mentally, morally and professionally. Those are the requirements for all grades, including that

the robbing of a bank by embezzlement a misdemeaner only, bringing it within the two-year time limit. Judge Bronaugh decided that a case in which a fine and imprisonment are imposed is to be treated as a misdemeanor after the imposing of mentione, not before. Holds Discourses, which would make the Bradley Logging Company. The cor-poration, which is being suid in the Circuit Court by August Johansson for \$25,000 damages, filed its answer yester-poration's road from Cetheren the cor-

#### Holds Directors Responsible.

To the contention that a director is not To the contention that a director is not an officer of a bank, the court said that in the general understanding of the term a director is an officer, legal text writers supporting this. Directors very often do not receive money over the counter, he said, and neither do hank owners, but owners are, nevertheless, specifically liable. The court held that the gist of this act is not in the actual handling of the deposits after the bank becomes involvent, but in the question whether the officer or director possessed guilty

involvent, but in the question whether the officer or director possessed guiliy knowledge of the bank's condition. A question regarding the 1997 banking act was also gone into by Judge Bronaugh, the same point having been raised on demurrer to the J. Thorburn Roes indictment. Section 34 of this act defines the duties of bankers, while sec-tion 13 provides the penalties. The act allowed bankers 15 months in which to adjust themselves to the provisions of the new statute. It went into effect May 25, 1907.

Judge Bronaugh followed the ruling on Judge Bronaugh followed the ruling on the Ross demurrer, saying that while the acts denounced in section 34, passed in 1907, were not crimes under the Oregon law until May, 1907, they have always been considered grossly immoral. New banks, formed after May, 1907, he said, would be subject to the penalties for disobedience of the law; while he did not believe it was the intention of the State Legislature to make the 18 months' exemption apply to the criminal portion exemption apply to the criminal portion of the act.

# APPEAL TAKEN CARELESSLY

# Plea of Guilty Appears Without

Charge of Offense.

Circuit Judge Cleland would have tried three cases yesterday except that the appealed case of Mrs. William Dingle, in which she was fined \$25 by Justice of three cases yesterday except that the sppealed case of Mrs. William Dingle, in which she was fined \$25 by Justice of the Peace Bell for assault and battery, was not taken properly into the Circuit Court. When time for trial arrived yes-terday Deputy District Attorney Hen-nessy appeared on behalf of the state, and informed the court that he desired to enter a motion in the case. A motion to dismiss is expected. Examination of the appeal disclosed that it was made up without a complaint. Another case in which carelessness may appeal disclosed that it was made up without a complaint. Another case in which carelessness may

mean reversible error was that of Joseph

mean roversible error was that of Joseph M. Gardner, sontenced by Municipal Judge Bennett to 90 days in fail for for the second to 90 days in fail for the second to 90 days in the second to 90 days after se

enlisted men.

ent, and will decide it in a few

ATTORNEY'S BOOKS ATTACHED

Milton W. Smith Loses in Fight With

Library Association.

The office furniture and books of At-torney Milton W. Smith have been at-tached by Sheriff Stevens to satisfy a judgment obtained by the Library Asso-ciation of Portland. The levy upon Smith's effects came as the result of a fight between him and the Library Asso-ciation over the estate of Ella M. Smith, who died to 1999

Mrs. Smith was not a relative of the sitomey, but he acted as legal adviser-for the executors, who afterward died.

for the executors, who afterward died. The court then appointed him adminis-trator of the estate. The deceased left the most of her prop-erty to the Labrary Association. Among outstanding debts was a bill for a me-morial tablet, for which the adminis-trator had contracted with Helen F. Mears, of New York. The attorney's fees were also unpaid, and Emith claimed \$2000 for unpual work performed as ad-

GRAND JURORS CANNOT READ

Judge Bronaugh Cuts Off World's

News and Scores Press.

Presiding Judge Bronaugh, of the Cir-cuit Court, instructed the December

grand jury yesterday morning to make only one copy of its final report, and to

submit that to him. He also instructed the jurymen, after he had had a short conference with District Attorney Cam-eron, not to read the newspapers. So for 15 days the taleamen will be cut off

from the world's news. Judge Bronaugh's order that the jury make only one copy of its report is thought to have been made on account of an unsuccessful effort on his part to

withhold from the press the report of the November grand jury until after he had made a personal inspection of the Juve-nile Court Detention Home.

Criticism of this institution was made Criticism of this institution was made by both the October and November grand juries, the November jury even comment-ing unfavorably upon the personal ap-pearance of the superintendent and ma-tron. Judge Bronaugh afterward inti-

mated that the grand jury's report was

BONDSMAN WANTS MONEY BACK

Charles H. Chick Files Petition in

Whitney Manslaughter Case.

To secure the return of G. B. Whit-ney's \$750 cash ball, Charles H. Chick, his bondsman, filed a petition in the Circuit Court yesterday.

Whitney was convicted of manslaughter or the alleged poisoning of his sweet-eart, Mabel Wirtz, with bl-chloride of

card in the write, with breaking of hercury. The case wont to the Supreme bourt, where the verdict of the lower ourt was reversed and the case re-anded for a new trial. The case had een tried in Judge Clelund's department,

indict Whitney.

from the world's news.

vho died in 1889.

poration's road from Cathlamet to the Columbia River. When the train ran away, August 8 last, he jumped against a steep bank, whereas if he had jumped on the other side he would have landed on the other side he would have landed

on level ground.

DEMURRER FILED BY MERRILL

Declares Indictment Does Not State

Sufficient Facts."

Fred T. Merrill, proprietor of the Twelve-Mile House, has entered in the Circuit Court a demurrer to the indict-ment against him, charging perjury. He alleges that the indictment does not state facts sufficient to constitute a

cause for presecution. The affidavit set out in the indictment is not one which he is required by law to make, he says, and hence it is not material whother its statements are correct or not.

The perfury charge arises out of Mer-rill's application for a renewal of his liquor license, which was recently refused by the County Court. John F. Logan is his attorney.

RAILWAY MUST PAY \$3500 Injured Dairyman Wins Verdict

Against Streetcar Company.

Thomas Langford, whose milk wagon was struck by a Williams-avenue street-car, knocking him to the ground, recovered \$5500 damages by the verdict of a jury in Judge Morrow's department of the Circuit Court.

The verdict was returned sealed Tuesday night and read yesterday mor Langford sued the Portland Rail Light & Power Company for \$15,000. Railway

\$500 Commission Judgment Given

#### Looking One's Best.

has long been wearing an olive drab regulation overcoat, and has refused to put it aside. A new bronze insignia, circular in form and bearing the abbreviation "Ore.." is provided for the collars of all

ore. 'Is provided, for the contars of an enlisted men. As to the men accepted as recruits, their character, as well as their physical and mental qualifications, must be gone into hereafter. 'All recruiting officers are charged with the duty of accepting men of good standing in the community. Tem-perance is taken as a requirement of good character. All physical examina-tions must be made by regular physicians. Discharges from the service, accept at the expiration of enlistment, will in the future be extremely hard to secure. Dis-ability discharges may be made only on certification by proper medical authority. Removal from the state or enlistment in the regular Army will be the only other acceptable excuses for an honorable dis-charge.

charge. The method of organizing new compa The method of organizing how compet-nies is considerably simplified by a provi-sion that when a new station has been de-cided upon an officer may be immediately appointed there and detailed to take reorganized for the infantry service within the next year, in accordance with a War Department compact, and this new meth-od will be given its first try-out.

dent's March." Officers and enlisted men are made re-sponsible and accountable for all prop-erty given into their hands, and must turn such property over on demand. To increase the responsibility of accountable officers, they are required to furnish bonds ranging from \$1000 to \$5000. Use of regulation ammunition in hunt-ing or for private purposes is done away with by a provision that such ammuni-tion may hereafter be used only in ac-tion, for target practice or for the firing, of authorized salutes.



CHICAGO, Dec. 15.—(Special.)—Port-land people reglatered at Chicago hotels as follows. Mr. and Mrs. A. Welch L. Quimby, Miss Etta A. Morris, Fred S. Morris, Mr. and Mrs. Wilson W. Clark, R. M. Doply, Jr., at the Congress.



C. K. HENRY AVERS IT CAN BE BUILT FOR \$1,250,000.

Says Engineer Modjeska Amended \$7,800,000 Estimate to the Lower Figure.

PORTLAND, Dec. 15.—(To the Editor.)-The telephone conversation between Mayor Simon and myself was reported in your issue of this morning, in which Mayor Simon is quoted as saying:

Mayor Simon is quoted as saying: "I fail to see any use in wasting your own and my time." said Mayor Simon. "You know my attitude: I am going to build the bridge as has been stated before. If you want to call and discuss it, howaver, I shall be glad to see you, but I am like the Judge who said he would take the case under advisement and decide for the plain-tiff next Monday."

<text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text><text>

500 E.S.

In the same issue you hay. Some now assert that a tunnel can be con-structed at or near Broadway at no more cost, or little more, than the cost of a bridge. Demonstration of such a fact would interest many whose usual motio is, "Show ""

streets and putting down hard-surface

pavements, thereby commanding the at-tention and respect of people from all parts of the world who visited their re-cent exposition, and still we are urged to

"creep and wait." You say we won't grow to 500,000. Why not have a high idea and a goal to work to? We certainly should make every of

Show you? You won't be shown. The old adage is, "None so blind as those who won't see."

mprot

Be Shunned.

who won't see." I stated over my own signature, and state now, in like manner, that Mr. Mod-jeski stated before the City Council, Mayor Lane being in the chair, William Woodward, of Woodard & Clarke, be-ing present, as were numbers of others, that a doüble tube, suitable for streetcar service, could be built and put under the river in the central portion of the city for \$1.250,000. This is what we should do, and the best interests of the taxpayers, and the city requires us to Investigate and see if it can be done, and, if so, we should put that tube under the river. In the center of the city, and let the street-car company take care of the people, in-stead of putting the so-called high bridge at Broadway, when the streetcar com-pany will not carry the people over such bridge on account of its long, roundabout, unsatisfactory route. You also say: Does the Port of Portland Commission propose to hold ap the Broadway bridge until a thousand cars are delayed every day, instead of half that number, as af present? Will the Broadway bridge relieve that situation? I challente you, Judge Munly I stated over my own signature,

Will the Broadway bridge relieve that





son. The Oregon-Idaho Lumber Company, Limited: principal office. Vale: incorpora-tors, Augusta Mulkey, N. E. Taggart and B. W. Mulkey: capital stock, \$25,000. Union Traction and Terminal Company of Cons Hay: principal office, Marshneid; capital stock, \$100,000; incorporators, J. M. Blaks, C. W. Kaufman and R. O. Graves.

INNOCENT MAN PUNISHED

Confession Clears Rich Man Who Already Has Served Term.

VANCOUVER, B. C., Dec. 15.-James Milne, ex-superintendent of the British Columbia Electric Company, who, though a man of large private fortune, was con-victed of embezzling money from the company and who recently completed a term of 18 months in jail, was innocent, according 16 a confession by the man whose statement sent Milne to prison. Two years acc. two foremen of the Two years ago two foremen of the company, named Maynard and Sharman, of the

company, named Maynard and Sharman, were arrested charged with embezzling thousands of dollars by carrying dummy names on the payroll. They gave bail and fied. Sharman never returned, but Maynard was rearrested here last night and made a confession exonerating Milne, whom he sold he accused falsely to save bimself. himself.

This case has caused a great sensa-tion here because of Milne's prominence,

Out in Colorado an Inventor got a patent on a fischlight put on smaller arms even pocket pistol, so that wherever the asarchlight strikes there the bullet hits making the tak-ing of aim unnecessary. This pistol method was devised by the inventor for policeness to use on burgitars and other night falons.