FTER 11 HOURS MOORE JURY RESTS

Deliberators Are Locked Up for Night and Disagreement Is Predicted.

DEFENSE DOES NOT ARGUE

Maximum Penalty for Offense Is $100 Fine and Two Years' Imprisonment—Judge in Charge Defines Insolvency.

(Continued From First Page.)

was under lock and key a few minutes after 11 o'clock.

The charge against Moore is brought under section 18 of chapter 138 of the Oregon laws enacted by the Legislature in 1907. The maximum penalty is a fine not exceeding $1000 and imprisonment not exceeding two years.

Announcement was made several days ago in the District Attorney's office that in case of a mistrial Moore would be retried again as soon as possible on the same charge. Moore's case is the first time under the new law that the question of solvency of a bank had become an issue in the Oregon courts.

Attorney Fulton at 8:30 o'clock in the morning announced that the defense would waive argument before the jury, inasmuch as the attorneys for the defense had asked for time the preceding afternoon, Judge McGinn asking that his speech be deferred until yesterday, the announcement that they would make no argument came as a great surprise.

Charge Tells of Deposit.

Judge Bronaugh excused the jury until 10:30 o'clock to enable him to prepare his formal charge. Then court was reconvened and the charge given. Briefly, he held in his interpretation of the law that the draft deposited by Minnie Mitchell was a valid deposit, that Moore did not have to be present in the institution at the time the transaction happened. He defined insolvency by saying that the institution should have had sufficient assets, taken at a reasonable price, regardless of their cost, to meet the liabilities, settled within the usual course of business after the manner in which the average careful, prudent man might administer his own business which he was about to close out.

Several Instructions Opposed.

Attorney Fulton took exception to several points in the judge's charge. Objection was made to the instructions as to the delivery of the bank draft being a deposit within the meaning of the law; to that portion of the charge in which it was said that it was not necessary for the defendant to be present in the bank at the time of the alleged deposit; to the judge's comment on the testimony of the defendant, the weight to be given it and also because it was singled out and commented on separately from the testimony of other witnesses.

In part Judge Bronaugh's charge was as follows:

"To constitute the crime charged in this indictment, three things must appear to your satisfaction, beyond a reasonable doubt, from the evidence in the case. First, that the Oregon Trust & Savings Bank, on the 20th day of August, 1907, received from one Minnie Mitchell a deposit as charged in the indictment; second, that at the time said deposit was so received, if it was received, the said Oregon Trust & Savings Bank was insolvent; and, third, that the defendant, Walter H. Moore, then and there knew the said bank to be insolvent.

Coin Received Is Deposit.

"If you believe from the evidence that on the date charged in the indictment a bank draft was delivered by said Minnie Mitchell to the Oregon Trust & Savings Bank, as charged in the indictment, and was received by said bank, by one of its authorized agents, and credit given therefore by said agent, by entering the same upon a deposit slip or book as a credit in favor of said Minnie Mitchell, said agent then delivering said book to said Minnie Mitchell with authority to draw and check against said Oregon Trust & Savings Bank to the extent of the credit so given on said depositor's book, then you are instructed that said receipt of said alleged deposit by said bank was an acceptance of a deposit within the meaning of the law, even though said deposit may have been received after the usual banking hours. The subsequent closing of the bank, if you find that it closed by reason of insolvency, and the return of the deposit to said Minnie Mitchell, if you find it was returned, is immaterial.

"You are instructed that it is not necessary that the defendant should have been present in the bank when said deposit was received, if you find said deposit was received; but it is sufficient if you believe from the evidence that the said deposit was taken and received by some person other than the defendant, but that such person was then and there in the employ of the Oregon Trust & Savings Bank and acting under the direction and control of said defendant in said employ and that such other person had general power and authority from the defendant to receive deposits into said bank.

Closed Doors Not Enough.

"The mere fact that the bank in question closed its doors and suspended payment on or about the 21st of August, 1907, if you find it to be a fact it did so, would not of itself be sufficient proof or evidence of insolvency. If you shall find that even though the bank was compelled to close its doors and suspend payment because of insufficient cash to continue active business, and shall also find that at the time the deposit in question was received, if it was received, the value of the assets of the bank realizable in a reasonable time, in the course of liquidation by the proprietors as ordinarily prudent persons would ordinarily close up their business, was equal to its liabilities, then you should find the bank was solvent, and should find the defendant not guilty.

"If you should find beyond a reasonable doubt that the bank was insolvent at the time the deposit was received, if you find that it was received, then in order to find the defendant guilty of the crime charged in this indictment it is necessary, in addition to the other elements which I have explained to you as being necessary to constitute the crime, that you shall find that the defendant knew the bank to be insolvent at the time the deposit in question was received, and such knowledge must have been actual knowledge.

Insolvency Is Defined.

"The word insolvent as used in the statute to which I have directed your attention, and in the indictment herein, and applied to a bank or firm or corporation engaged in the business of banking, means inability to meet liabilities in the usual course of business; and if the assets of the banking firm are insufficient in value to pay the debts of such firm, company or corporation, then such firm, company or corporation is insolvent. A bank is solvent within the meaning of this act when it possesses assets of sufficient value to pay within a reasonable time all its liabilities through its own agencies, and is insolvent when it does not possess assets of such value.

"You are further instructed that the defendant is a competent witness in this case, and you must consider his testimony in arriving at your verdict, but in determining what weight and credibility you will give his testimony in making up your verdict you may take into consideration as affecting his credibility his interest in the result of the case, and that he is the accused party on trial, and testifying on his own behalf."

PERSONAL MENTION.

W. B. Sherman, of Grants Pass, registered at the Oregon yesterday.

E. Holland, a Seattle timber land operator, is staying at the Lenox.

C. S. Bergman, of Gardiner, was among the arrivals at the Lenox last night.

E. P. McCornack, a banker at Salem, registered at the Cornelius last night.

H. S. Barbour came in from Mayger yesterday and registered at the Ramapo.

W. A. Barrett is among the representatives of Albany to be found at the Oregon.

W. L. Nichols, wife and child, are among the Hood River people at the Lenox.

B. W. Scott, merchant and insurance man at Klamath Falls, is staying at the Cornelius.

J. K. McGregor, one of Mosier's pushing citizens, is spending a few days at the Imperial.

C. J. Calkins and F. H. Stanton are down from Hood River, and registered at the Perkins yesterday.

J. Bowerman, of Condon, a candidate for Governor of Oregon, is among the politicians at the Imperial.

Dr. A. G. Prill and E. C. Peerys are among the visitors to Portland who are quartered at the Oregon.

Willis S. Duniway, State Printer at Salem, came to the Imperial yesterday and is accompanied by his wife.

S. J. Beck, prominent lumberman from Lexington, Wash., is located at the Perkins during his stay in the city.

R. D. Scarmnon, well-known timber operator of Oregon and Seattle, and Mrs. Scarmnon, are located at the Ramapo.

B. K. Lawson and A. W. Kune, of Cottage Grove, came to the Perkins yesterday and are visiting Portland jobbers.

Mrs. H. Conyngham, of Libby, Mont., stopped over with friends at the Cornelius yesterday while returning from California.

Bruce Clendenning, attorney for the Sweeny interests, arrived from Spokane yesterday and joined his chief at the Hotel Portland.

Dr. C. R. Ray, of Medford, is among the arrivals at the Portland, and is accompanied by his brother, Colonel Frank H. Ray, of New York.

Henry Mueller and wife, of Hamburg, Germany, reached the city yesterday on a tour of the West Coast and are quartered at the Nortonia.

J. Y. Gooding and wife, Worcester, Mass., and F. D. Thayer and wife, Denver, form a party of tourists who are staying at the Seward.

H. C. Barroll, connected with the ownership of the Portland Cement Company, came up from Pasadena, Cal., yesterday and is staying at the Portland.

N. Berkeley, mine-owner and operator interested in the Grant district of Eastern Oregon, came in from Pendleton yesterday and located at the Cornelius.

C. F. Johnson and T. J. Lindgren, merchants from Kent, Wash., are staying at the Perkins while becoming acquainted with Portland wholesalers and jobbers.

John R. Harvey, the Gold Hill mining man who recently cleaned up his holdings and established his home at Medford, arrived at the Portland yesterday.

F. R. May and F. W. Zufelt, of Meskill, Wash., arrived in the city last night and are among the prominent merchants from Southwestern Washington quartered at the Perkins.

Mrs. A. P. M. Jamison, who has been visiting in Washington, D. C., New York, and other parts of the East during the past three months, returned yesterday to her home, 582 Main street.

E. E. Willard returned to the Imperial yesterday from a visit to Eastern Oregon for the purchase of beef. He brought in eight cars of fancy stock, and announces that the growers are holding for even higher prices.

H. D. Scudder, of the faculty of Oregon Agricultural College, went to the Seward after returning from a trip through Eastern Oregon with the farming demonstration train.

W. F. McGregor, Collector of Customs at Astoria, accompanied by F. L. Park, Deputy Collector, reached the Imperial yesterday for the purpose of paying the officers and men aboard the revenue cutter Manning.

J. H. Davison, president and general manager of the Rapid Transit Company of St. Paul, Minn., is at the Nortonia today, returning from a Winter in Southern California. Mrs. Davison accompanies him.

Berry A. Gifford, well known photographer at The Dalles, is at the Imperial for the purpose of preparing the negatives for pictures of Oregon scenery which are to adorn the walls of the Trail, as the opening from the hotel lobby to Washington street has been designated.

Charles Sweeney, the Spokane capitalist, former associate of John R. Gates, Frank Drake and other well known Wall-street plungers, arrived at the Portland yesterday from a trip to New York. He is accompanied by his daughter, Mrs. Clarence Edwards, and a granddaughter.

James Hemenway, of Cottage Grove, ex-member of the Legislature and now devoting his time to the grocery trade, reached the Imperial last night.

Otto Moore, vice-president of the Marine & Merchants Bank at Milwaukee, Wis., accompanied by his brother, James Moore, are at the Nortonia.

CHICAGO, March 31.—R. R. Gardner, of Portland, is at the Great Northern Hotel.

NEW YORK, March 31.—(Special.)—The following persons from the Pacific Northwest registered at New York hotels today:

From Portland—H. H. Ahrens, V. E. Campbell, L. C. Hammer, at the Nathan; D. C. Manning, at the Astor.

From Everett, Wash.—W. G. Hull, at the Algonquin.

From Salem—W. T. Jenks, at the Herald Square.

From Spokane—C. S. Slawson, at the Navarre; Mrs. C. H. Wooden, C. H. Wooden, at the Astor.

From Seattle—G. W. Hick, at the Grand; E. J. Ivey, at the Continental; L. R. Decuhuir, at the Astor.

From Roseburg, Or.—Mrs. N. Boyd, at the Continental.

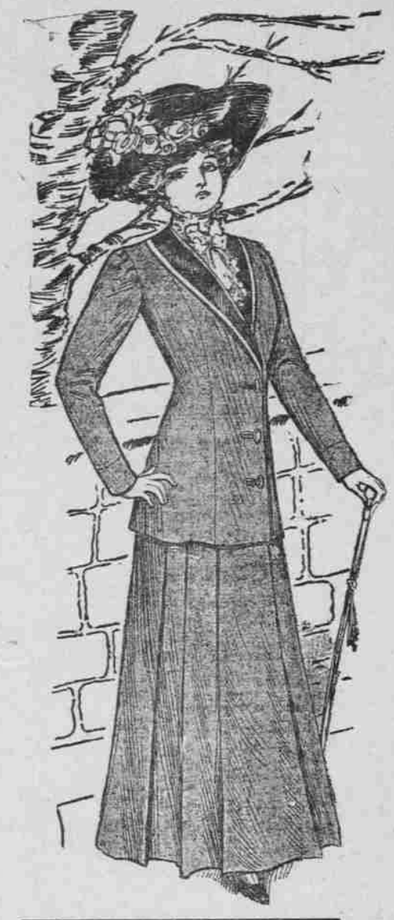
GOING OUT OF BUSINESS

334 Washington Street
Near Seventh

GUMBERT'S

334 Washington Street
Near Seventh

Lease Sold to the Hudson Bay Fur Co. at a Splendid Profit, so We'll Dispose of Our Stock With no Thought of Gain



A $20,000 STOCK OF WOMEN'S AND MISSES' SPRING GARMENTS

TO BE SACRIFICED AT ONE-HALF AND ONE-THIRD THE ORIGINAL PRICES
SALE STARTS THIS MORNING AT 9 A. M.

SPRING SUITS

For Women and Misses Less Than Half Price

The finest Spring Suits are included in this great sacrifice and you buy them at less than half price. Think of buying your Spring Suit at less than you could purchase the cloth and the trimmings. You must believe the evidence of your own eyes. You cannot afford to pass these bargains up without inspection, for there isn't a store in the land that can afford, at the height of the season, such grand apparel at such ridiculously low prices.

My word for it—Here is a sale without a parallel in the history of Portland merchandising.

Note These Wonderful Values

$20.00 Women's and Misses' Suits $9.85
$25.00 Women's and Misses' Suits $12.35
$30.00 Women's and Misses' Suits $14.95
$40.00 Women's and Misses' Suits $19.85
$50.00 Women's and Misses' Suits $24.85

BARGAINS

That Give to the Name a New Meaning

$6.50 SKIRTS $2.45
Panamas, voiles and serges; best style, perfect fit, all sizes.

$2.00 WAISTS 95c
Over 1000 waists to be sold at this price. All new Spring models.

$4.00 Waists $1.95
Beautiful lingerie waists in over 30 styles; the prettiest waists in town.

$7.50 SILK PETTICOATS $4.95
Extra size petticoats for women who appreciate full petticoats.

$10.00 SHORT JACKETS $4.95
Big call for jackets. Here they are in covert, serges and panama.

$30.00 PONGEE COATS $15.95
The most popular garment for Spring. These garments are all elegantly tailored and trimmed in Persian braid and satins. A rare bargain.

NOTE LOCATION
Seventh and Washington
Opposite Owl Drug Store.

GUMBERT'S

LOOK FOR THE RED SIGNS
Seventh and Washington
Opposite Owl Drug Store.

GIRLS HELP BUY LINEN

ST. MARY'S ACADEMY PUPILS GIVE $50.

Money Will Be Used for St. Vincent's Hospital, Where 12 Rooms Need Furnishing.

With many others, the young girls of St. Mary's Academy are taking a great interest in the linen shower for St. Vincent's Hospital. They have contributed $50, which is to be used to purchase linen at wholesale rates. Many of the wholesale merchants of the city have given generous contributions to the hospital, both in money and in goods.

Twelve rooms still remain unfurnished. As this is the last week for receiving donations, intending givers are asked to communicate with any of the committees named below. All interested in the work of the hospital are invited to be present at the tea arranged for April 8 in the new building. The committees are:

Central committee—Mrs. P. J. Cronin, president; Miss E. V. Campion, secretary; Miss Anna Cremen, treasurer.

Cathedral parish—Mrs. M. Zan, Mrs. John Barrett, Mrs. P. J. Mayer, Mrs. A. W. Elvira, Mrs. McDonald, Mrs. W. Jessop, Mrs. Raleigh Stott, Mrs. J. E. Cronan, Sr.; Mrs. John Manning, Mrs. W. E. Prudhomme, Mrs. Katherine Daly, Mrs. T. J. Patterson, Mrs. P. H. Flynn, Mrs. M. R. Burke, Miss Springer, Mrs. J. P. O'Brien.

St. Patrick's parish—Mrs. W. J. Blake, Mrs. E. R. Clay, Mrs. P. Douglass, Miss Sherlock, Mrs. Durkin.

St. Lawrence parish—Mrs. Frank Kiernan.

St. Joseph's parish—Mrs. Joseph Webber, Mrs. Schwartzbeck, Mrs. Eder.

Holy Rosary parish—Mrs. James Laidlaw, Mrs. Sauvie, Mrs. John Maginnis, Mrs. C. Maginnis, Mrs. J. A. Houghes.

St. Francis parish—Mrs. T. J. McNamee, Mrs. Walter Sinnott, Mrs. E. S. Routledge, Mrs. T. Gittes.

Immaculate Heart parish—Mrs. William Bailey, Mrs. Thomas Shea, Mrs. Joseph Noonan.

Holy Cross parish—Mrs. W. G. Steele, Mrs. E. B. Ganbee, Mrs. J. F. McCarthey.

St. Clement's parish—Mrs. J. T. Murphy, Mrs. T. Mahoney, Miss Anna Ryan.

Sacred Heart parish—Mrs. E. Kreilech, Mrs. D. J. McGill.

St. Stephen's parish—Mrs. J. W. Kelly, Mrs. N. J. Drew.

St. Andrew's parish—Mrs. A. Kirk, Mrs. Miller, Mrs. Kopart, Mrs. Howard.

Holy Redeemer parish—Mrs. F. M. Barrett, Mrs. Stapleton.

CHEESE TOO MUCH FOR MA

Will Cressy Tells How Camembert Variety Choked Mother.

Will Cressy, whose portrayal of the quaint New England characters supplies an abundance of humor in the bill at the Orpheum this week, is telling how he took his father and mother last Fall down to New York on an auto trip, and invited them to Martin's for dinner.

Everything went well until the Camembert cheese was served—it was mother's first offense. She had faith in everything Willie gave her, so she took a large mouthful. She chewed it once and then looked at her son in a heartbroken way. Placing her napkin to her mouth, she asked him beseechingly, "What will I do with it?"

Teasels Yield Big Returns.

OREGON CITY, Or., March 31.—(Special.)—Ninety thousand pounds of teasels are shipped to England this week by George H. Gregory, the well-known teasel-grower of Molalla. One hundred and fifty boxes contained 600 pounds each and Mr. Gregory will probably net 6 cents per pound, making $5400 for an unusually large crop.

IDEAL DAYS TO CONTINUE

Weather Prophet Says Rains Are Over Except on Puget Sound.

Portland residents and visitors in the city enjoyed an ideal day yesterday and the Weather Bureau forecasts a continuation of the same conditions for today. The maximum temperature was 65 degrees and for 10 hours not a cloud appeared in the sky. Warnings for a light frost Friday morning were sent out yesterday. There is an area of high pressure over the Northwestern states and rains have ceased in all sections except Puget Sound.

Temperatures have remained high over the entire Northwest. The highest temperatures recorded on the Pacific Coast were at Sacramento and Red Bluff, where the thermometer climbed up to 74 degrees. At San Francisco it reached 72 degrees.

NEW MILL WILL BE BUILT

Corporation Formed at Montesano to Construct Big Plant.

MONTESANO, Wash., March 31.—(Special.)—The Syverson Lumber & Shingle Company is the name of a new corporation, which will build a saw and planing mill in Montesano. The company, which is composed of G. A. Onn, president; H. B. Onn, vice-president, and H. Syverson, secretary and treasurer, has purchased about five acres of land on the waterfront and is now putting it in shape for the erection of the buildings.

The plans contemplate the immediate expenditure of about $65,000 and the ultimate outlay of twice that amount. The plant will be equipped with a nine-foot bandsaw, head rig and a six-foot double-cut side rig with shotgun feed. The buildings will be erected with a view of adding new machinery as needed.

Accused of Passing Bad Checks.

On a charge of passing a forged check, Max Ottinger was arrested yesterday afternoon, the complaint being sworn out by A. Moser, who conducts a saloon on Washington street. Ottinger is alleged to have passed a number of bogus checks in the city. The arrest was made by Detectives Snow and Coleman.

DISTRESS FROM A BAD STOMACH, GAS AND INDIGESTION WILL END

Your out-of-order Stomach feels fine five minutes after taking a little Diapepsin.

Take your sour, out-of-order stomach—or maybe you call it Indigestion, Dyspepsia, Gastritis or Catarrh of Stomach; it doesn't matter—take your stomach trouble right with you to your Pharmacist and ask him to open a 50-cent case of Papo's Diapepsin and let you eat one 22-grain Triangule and see if within five minutes there is left any trace of your former misery.

The correct name for your trouble is Food Fermentation—food souring; the Digestive organs become weak, there is lack of gastric juice; your food is only half digested, and you become affected with loss of appetite, pressure and fullness after eating, vomiting, nausea, heartburn, griping in bowels, tenderness in the pit of stomach, bad taste in mouth, constipation, pain in limbs, sleeplessness, belching of gas, biliousness, sick headache, nervousness, dizziness or many other similar symptoms.

If your appetite is fickle, and nothing tempts you, or you belch gas or if you feel bloated after eating, or your food lies like a lump of lead on your stomach, you can make up your mind that at the bottom of all this there is but one cause—fermentation of undigested food.

Prove to yourself in five minutes that your stomach is as good as any; that there is nothing really wrong. Stop this fermentation and begin eating what you want without fear of discomfort or misery.

Almost instant relief is waiting for you. It is merely a matter of how soon you take a little Diapepsin.

BETWEEN THE THREE
PORTLAND, TACOMA AND SEATTLE
YOU CAN USE THE FAMOUS

SHASTA LIMITED

"The Finest Train in the West"

Leaving Portland at 3 P. M., arriving Tacoma 7.45 P. M.; Seattle 9.20 P. M. Without loss of a business hour, the trip is made quickly and amid every luxury and comfort.

If you wish to travel by night there is the "O. & W. Owl" from Portland at 11.45 P. M., reaching the Sound cities in the early morning. Sleeping cars open for passengers after 9.30 P. M.

Stops made at intermediate stations "O. and W. Local" at 9.00 A. M. for Seattle, Tacoma and intermediate stations.

CITY TICKET OFFICE, THIRD AND WASHINGTON STREETS. C. W. STINGER, C. T. A.
PASSENGER STATION, UNION DEPOT. C. V. McKELVEY, D. T. A.

W. D. SKINNER, General Passenger Agent

GOLD DUST

Cuts Grease and Dissolves Dirt. It saves your strength.

The labor question is solved when you "Let the Gold Dust Twins do your work." GOLD DUST is an antiseptic washing powder that works wonders. It not only removes the visible dirt and grease, but goes deep after every hidden particle and minute impurity—every trace of germ life—sterilizes as well as cleanses—and leaves everything it touches clean, pure, wholesome, safe.

If you want to reduce the muscular effort of household cleaning and make work a pleasure, let GOLD DUST show you the way. All you have to do is to assist GOLD DUST by directing its energy; it does most of the work.

"Let the GOLD DUST Twins do your work"

Made by THE N. K. FAIRBANK COMPANY
Makers of FAIRY SOAP, the oval cake

150 % PROFIT

ORCHARD LAND, SOUTHERN OREGON

GROUND FLOOR PROPOSITION

Only $10,000 wanted in $250 to $1000 lots.
Money deposited with reliable Trust Co.
Backed by well known Portland people.
Act quickly, this ad will not appear again.

T 846 OREGONIAN