

## JURY IS CHOSEN; KERSH TRIAL ON

Attorney for Woman Charged With Murder Draws Word, Picture of Life Trials.

### STATE ARRAIGNS BITTERLY

Jurors Visit Scene of Crime—Mrs. Kersh Bursts Into Tears as Case Is Reviewed in Court—Evidence Starts on Monday.

**PERSONNEL OF KERSH JURY.**  
George W. Tuckett, brakeman for Southern Pacific, 409 North Twenty-second street; J. Frank Lee, publisher, 674 East Seventh street; Sam Anderson, contractor, 114 East Thirty-fourth street; William Neuhauer, salesman, 324 Clifton street; Dr. L. M. Davis, dentist, 689 Commercial street; Dr. H. W. Anderson, dentist, 1227 Albina avenue; E. Atwater, attorney, 1100 Commercial, 15 East Fourteenth street North; H. E. Vane, Holmes Business College, 187 East Thirty-third street; Dr. W. A. Wise, dentist and exempt fireman, 175 North Fifteenth street; Jacob Trush, iron moulder, 539 Mississippi; Mrs. Deneke, 901 Williams avenue; James D. Abbott, with Anderson & Dunivan Company, 709 East Salmon.

Mrs. Carrie Kersh, on trial charged with murder, was left an orphan when but a child, and, after being left to shift for herself for several years, was sold to a man, was betrayed by Kersh, who refused to give a name to her boy, Willie, until he was four years old, according to the statements of Attorney Fouts to the jury yesterday afternoon.

The jury, which is to try Mrs. Kersh for the homicide in the brutal killing of William A. Johnson, whom she says she was to marry as soon as she secured a divorce from Kersh, was sworn just before noon yesterday, and after the opening statements were completed at 1 o'clock, the attorney was taken to Third and Flanders streets to the New Grand Central Hotel to view the scene of the murder. No testimony will be taken today, as Judge Morrow said he desires to give each of the jurors a chance to attend to business affairs. Deputy District Attorney Fitzgerald, representing the state, said also that he desired a little time in which to round up his witnesses, as the impaneling of the jury had taken considerable time, and the witnesses did not know when they would be needed.

#### Mrs. Kersh Weeps in Court.

Deputy Fitzgerald, in his opening statement, went carefully into the history of the murder case, beginning with the time Mrs. Kersh became acquainted with Webb, Attorney Fouts, who was at that time working upon the case with Mrs. Kersh's life. As her mind was carried back to her early life, she burst into sobs and tears, the first time since the trial began. She wept at frequent intervals during her attorney's statement, and was trembly, violent when recess was declared, and she was taken back to jail.

"The state has outlined to you a clear case of statutory crime," began Attorney Fouts, "but this is about all the state will be able to prove against this defendant. Because she has injected into this case these matters concerning the private life of this defendant, we intend to be fair with you, and to reveal to you the entire private life of Mrs. Kersh, and we ask you in turn to be fair with us and to overrule the objection of the defense, and to take into consideration the treatment this defendant has undergone since her early years."

#### Life of Hardship Reviewed.

This defendant was born in Christiansburg, Virginia, and came to the United States a young girl with her foster parents. Soon afterward they died, and she was thrown out into the world without friends or anyone to assist her. After a few years' work as a servant girl, she became acquainted with a man named Kersh.

They moved from Salt Lake City, where she had been living and working, to Butte, Mont. A child was born to them. It grew to the age of 4 years, and during all this time she lived with Kersh, and he refused to give her child a name. After four years of this kind of a life, Mrs. Kersh, feeling in her mother's heart that the child should have some protection of a father, she did succeed in prevailing upon this man to marry her. She continued living with him not for love of him, but for the sake of this baby boy."

Here Mrs. Kersh broke into suppressed sobs.

"After two or three years," continued Attorney Fouts, "their married life became as unbearable that she took refuge in the home of this co-defendant, J. P. Webb. Soon afterward she was compelled, because of Kersh's treatment to go to the hospital, and after her operation, she returned to Webb's home."

"While she was in the hospital her husband had taken the child. Whether it was because Webb liked this woman, or whether it was because of his sympathy for her, or whatever it was, we will show that up to that time there had been no intimate relation, he abandoned her, starting home but he kept watch while she secured the child. She remained in Vancouver, B. C. only one night, she didn't live there with Webb. She took the first boat for San Francisco to get away from her husband, so he could not again take the child from her."

#### Webb's Infatuation Told.

"Webb was somewhat infatuated with her, and wrote to her, and in a week or so came to Nelson, and he had a conference with her a couple of months. Then she heard, through an acquaintance of her husband, that he was in San Francisco. She again became fearful lest he take the child. She was working in Oakland. When told he was making a strenuous effort to learn her address, she wrote to Webb, the only man to whom she could turn."

"Whether it was in Webb's heart to be rid of Johnson is a question for you to decide. Up to the time they left the train here Mrs. Kersh had had no opportunity to tell Johnson of her relations with Webb. Because of his physical condition it is difficult for a woman in the world would have told her prospective husband such a thing as this."

"Although the bell boy says Webb was assigned first to room 107 at the hotel, and later to 109, the hotel clerk will testify that Webb was assigned to room 108 when they registered, and the register shows no erasures."

"She was asleep or dozing when Webb

and Johnson visited the City Park. After she returned from a moving picture show she was told by Webb that Johnson was probably out drinking. She said when arrested she thought Johnson might be at one of the roadhouses, and went to find him. Perhaps she did think so, for Webb intimated it was so."

#### State Mentions Johnson's \$2000.

Deputy Fitzgerald's outline of the case was similar to that before the Webb jury. He said Mrs. Kersh met Johnson, he acquired him to have \$2000 in cash which he was living with Webb began to plan with him to rid Johnson of his gold watch. "She induced him to leave Spokane for Portland or San Francisco," said Mr. Fitzgerald. "Webb was also preparing to leave Spokane. The circumstances show Webb and Mrs. Kersh were in collusion. Her trunks were in Webb's room, and he got her baggage and his own taken down to the depot and paid the expenses. He boarded the same train. He traveled under the fictitious name A. C. Powers. Webb introduced Johnson to his pint flask of whisky, and Johnson introduced Mrs. Johnson. Webb and the woman pretended they were not acquainted."

Speaking of the bloody trunk, Mr. Fitzgerald said: "They threw this trunk in the baggage-car, but the messenger refused to take it, because he said the train didn't stop at North Pullman. It was wheeled back on the truck. One of the employees noticed the blood oozing out, and took off the roof. Then he found a man's hand, lifting the lid. He noted a man's body was inside. He notified the Coroner and the police."

"When arrested this woman said Webb was a stranger, that she met him at the hotel that morning. She said she and Webb had been at the roadhouse, leaving Johnson. They took Johnson's gold watch and took Webb, and he could hardly explain this, but when he had time to think it over he said Johnson borrowed \$10 of him, and insisted upon giving him the watch in exchange."

"Mrs. Kersh had this roll of bills in her stockings when she was arrested. Johnson had drawn the money from the bank in Spokane. It was his entire balance."

## RESIDENTS WIN POINT

### RULING MADE OREGON ELECTRIC TRAINS MUST STOP.

Executive Board Frames Franchise Amendment for Line on Tenth and Salmon.

Residents along the proposed line of the Oregon Electric Railway Company on Salmon and Tenth streets won a victory over the company yesterday when the Executive Board agreed to recommend to the Council that the company's franchises should provide that cars must stop at all street corners where passengers want to get on or off, and that no more than two cars be permitted in a train. The Executive Board, in accordance with the recommendation of its committee on streets, placed the value of the franchise at \$500 a year.

The franchise, as originally filed with the Council, made no provision for stopping at any street corner, and the one exception obtained the property owner along the proposed route made to it. When the franchise was before the street committee of the Council, a large number of property owners appeared and made personal protests. At that time an effort was made to force the company to run its line on some other route, but the Council overruled the objections, and sent the franchise to the Executive Board for ratification. At the meeting of the street committee of the Board, the residents of the street again appeared in large numbers and made another vigorous protest.

The committee refused to make any changes, but later decided to make a concession to the residents, as far as possible.

The report of the committee, when presented to the Executive Board yesterday, provided that the company should be required to make stops in various districts through which the car passed. It was not suggested that stops should be made at every street corner.

J. P. O'Shea, a member of the Board, offered an amendment to the report of the committee, in which it was proposed that the company must stop, if need be, at every street to let on and off passengers. This can stand or be cut out or inbound. His amendment also provided that passengers over the streets named should not be required to pay more than a 5-cent fare, and that not more than two cars be run together over the route.

The members of the street committee approved the amendment offered by Mr. O'Shea, and the Board then adopted the report as amended.

The matter of finally granting the franchise will be considered at the next meeting of the Council. As the Executive Board has no power to accept the franchise or to make changes in it, more than to fix a valuation on it, the Council alone must decide the changes suggested by the Board.

The franchise is for a road on Salmon street from Front street to Tenth, and on the latter street north to Flanders.

### ADAM FLECKENSTEIN DIES

Resident of Portland Many Years, Was Born in Germany in 1833.

Adam Fleckenstein, aged 77, a resident of Portland for many years, died yesterday at his residence, 1502 East Twenty-first street, North, of complications incident to old age. He was born in Germany and came to Oregon in 1873, purchasing a ranch near the city, on which he lived until 15 years ago.

He is survived by his son John, Adam and Frances, of Portland, and George Fleckenstein, who lives in the East. Funeral services will be held Sunday afternoon at 2 o'clock at the undertaking parlors of Zeller-Byrnes, Williams avenue near Stanton street. Rev. W. J. Donisthorpe, pastor of the Woodward Methodist Episcopal Church, will conduct the services. Interment will be at the Columbian Cemetery, on the Columbia boulevard, near Kenton.

### FALL WHEAT IS PLANTED

Stand Around Goldendale Excellent.

Warm Weather Aids.

GOLDENDALE, Wash., Oct. 28.—(Special)—The planting of Fall wheat has been completed here according to reports of the various farms, and it has an excellent stand. The rains followed by warm days, have hurried it along.

The first heavy frosts visited this section Tuesday night, and has caused farmers to start digging the potato crop. The apples have all been picked. Packing is under way at the various orchards as well as at the warehouse of the newly-formed union.

The union has been instructing a large class in apple-packing, there being a scarcity of expert packers. This work is under the supervision of Mr. Hawley.

The apples for the National Apple Show are rapidly being gathered. The exhibit will consist of about 150 boxes of different varieties.

"I have a world of confidence in Chamberlain's Cough Remedy, for I have used it with perfect success," writes Mrs. M. L. Basford, Poulsbo, Md. For sale by all dealers.

## PORT TO BE GIVEN THOROUGH AIRING

### Commission to Be Denounced and Retirement of Members Demanded.

### DOCK DEAL IS CENSURED

Investigation of Port of Portland Commission to Include Pilotage Policy, Bridge Questions and Other Affairs.

## Next Monday Is Halloween



### Real Pumpkin Pies

The melting deliciousness of the genuine old-fashioned rich, deep pumpkin pie, made from the recipe of our grandmothers, will be realized. Father'll want two pieces—and then some; mother will revel in it, and the boys will not leave so much as a crumb!

Orders for family use and Halloween gatherings should be placed at once, that none may be disappointed.

### The Royal Bakery and Confectionery, Inc.

### PROEBSTEL IS SUED

Lot Owners Bring Action to Clear Property Title.

### 140.63 ACRES INVOLVED

Attorneys Declare Title Is Valid, Holding Purchasers Are Innocent of Fraud and Hold by Adverse Possession.

### SUIT AGAINST THE PROEBSTEL LAND & ADJUSTMENT COMPANY

To serve one year in the penitentiary, having pleaded guilty to a charge of theft from the premises of Ping Ching, who then took place September 28, McDonald took a watch, clock and breech-loading gun. C. P. McDonald was likewise indicted, but has pleaded not guilty and will stand trial.

A Schneider, A. T. Stearns and P. W. Henderson were arraigned and pleaded not guilty yesterday afternoon to a charge of obtaining money by false pretenses. Those are alleged to have received \$100 in cash and a \$200 note from H. E. Shupley and P. E. Gurn on September 21 by selling them a two-thirds interest in the "Investment Corporation." It is alleged they had no interest in the company, and therefore obtained the money falsely.

### \$3405 of Estate Left.

The final report of Colia Lewis, executrix of Leon H. Lewis' estate, was submitted to the County Court yesterday for approval. It shows the receipts have been \$46,898.25 and the disbursements \$45,492.32, leaving a balance of \$3405.93.

### MRS. MORLEY IS BURIED

Oregon City Woman Leaves Large Family to Mourn.

OREGON CITY, Oct. 28.—(Special)—The funeral services for Mrs. Sarah E. Morley were conducted at the family home in this city yesterday by Rev. A. H. Mulkey, pastor of the Christian Church.

She leaves the following children: Alva, Morley, Pendleton; Mrs. G. B. Hockett, this city; Mrs. Lena McNichol and Mrs. Letta Kerman, Renos, Or.; Albert, Ida and Nina Morley, of this city. Mrs. Morley also leaves the following brothers and sisters: Nathan Nott, Olex, Or.; Henry Nott, McMinnville; Or.; John Nott, Springfield; Or.; Frank Nott, Woodburn, Or.; Mrs. Mary Cleone, Or.; Harvey Nott, Portland; Cary and Miss Tampa Nott, Sublimity, Or.

Mrs. Morley was born in Illinois in 1857. She came to Oregon with her parents when 14 years old. She was married in 1876 to Elton Morley, who died here six years ago.

(Signed.)

J. J. Folen.

### Two For Two Bits

This price is actually less than the materials would cost you; pumpkins from Oregon farms by the carload, country eggs and pure milk in like proportions, make possible this great Halloween treat at the low price quoted, to all who order in advance.

Order of either branch, 268 Morrison or 360 Washington, for All-Halloween, Monday, the 31st.

### Best Grade Lump Coal

### \$6.00 Per Ton

Delivered to Any Address Within the City Limits of Portland

The Pacific Coal & Gas Company wish to announce to the public that they have sold the 500 tons of coal which they advertised would sell at \$5.50 per ton, and the Company has decided to offer an additional 500 tons at \$6.00 per ton on the same basis as that sold at \$5.50 per ton, with the same quality and price. All orders will be accepted unless accompanied by the cash or check.

We are making deliveries of our coal to those who have ordered, and we are printing your information on the letters that have been written to us by those who are making the coal. We have many more on file in our office and would be pleased to show them to you that you may know the kind of coal this is.

This order will possibly cease as soon as the 500 tons have been sold and the price will then be advanced to \$7.50 per ton, which price will remain in force for the balance of the Winter.

If you wish to take advantage of this excellent opportunity to save several dollars per ton on your coal, you will have to act at once as these 500 tons will be sold very rapidly.

The following is a copy of some of the letters:

O. K. Fitzsimmons.

### COMMERCIAL AND REALTY CO.

OREGON OPPORTUNITIES.

402 Merchants Trust Building, Portland, Oregon.

Phone Main 4076.

Portland, Or., Oct. 7, 1910.

Pacific Coal & Gas Co., 218-22 Commercial Club Building, Portland, Oregon. Gentlemen: In view of your inquiry about coal, I am sending you a few particulars. We are making two kinds of coal, one being the best grade and the other being a lower grade. It is clean, scoria-free, and has a high percentage of volatile matter. It burns well and does not clinker and leaves little ash.

It is the best coal that I have used in Oregon and I can cheerfully recommend it. Sincerely yours,

JAS. P. HAGADONE.

Portland, Or., Oct. 8, 1910.

Pacific Coal & Gas Co., Portland, Or. Gentlemen: In reply to your inquiry about coal, I am sending you a few particulars. We are making two kinds of coal, one being the best grade and the other being a lower grade. It is clean, scoria-free, and has a high percentage of volatile matter. It burns well and does not clinker and leaves little ash.

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