JURY DELIBERATES ON PHILLIPS' FATE

Case of Banker Submitted at 9:10 P. M. After Defense Waives Argument.

LAST DAY OF TRIAL WEEPY

Jurors Plainly Affected by Tears of Vancouver Banker, Who Breaks Down When Lawyer Asks About His Children

KALAMA, Wash., Nov. 29 - (Special.) After a day full of incident, in which tears, sentiment and well-timed appeal to the jury's tender side played no small part, the trial of C. H. Phillips, ex-president of the Commercial Bank of Vancouver, Wash, came to an end late this afternoon after the defense had rested its case, and tonight the fate of the accused banker rests with the jury. The jury retired at 9:10 P. M. after the defense had waived its

Twice in the course of the day was the jury subjected to the test of tears. Once several of the 12 men in the jury-box were visibly affected. This came when Phillips, on the stand in his own when Phillips, on the stand in his own behalf, under the sympathetic question-ing of his lawyer, Judge Bennett, dropped his head on his breast and wept aloud. The sudden breakdown was all the more dramatic because previously his air had been confident and his voice firm in answer to all

and his voice firm in answer to an questions.

The other lacbrymal baptism of the jury took place earlier in the day when Jurge Bennett, in outlining the case for the defense, wept when he declared that he would show that Phillips had given up his own home to the bank to make goed his stock, and declared that he had many witnesses to prove the ex-banker's reputation as a man of honor and integrity.

Mahandro Too Late.

Mohundro Too Late. A bit of unconscious irony was in-jected into the trial just after Phillips had left the stand, when it became known that J. L. Mohundro, State Bank known that J. L. Mohundro, State Bank Examiner, had telephoned that he was in Seasitle and ready to testify. Mohundro was to have been one of the state's chief witnesses against Phillips, and his mysterious departure from the state, out of reach of subpenas, just before the trial opened, no effort apparently being made to hinder him, has not yet been explained.

With the prosecution's case already finished, and the defense just ready to close, Mohundro's belated arrival in Seattle was too late to be of any service whatever to the state.

ice whatever to the state.

Fhillips was by all odds the most interesting witness of the day. With a fine sense of the dramatic, the defense had eaved him to the last. It was 3:30 o'clock when his name was called, and he stepped to the witness chair. He seemed calm and confident, almost assured, in manner, and the questions of his counsel he answered clearly and firmly, without hesitation. Then with-out warning came the breakdown.

Attorney Bennett asked him gently to tell about his own home and if he had any children. A change came over the banker. He sat an instant as if in a dream, his gaze far away, and then the tears sprang into his eyes. He night, should a verdict be reached. looked ten years older as his head alowly drooped on his breast and his bedy, shaken by sobs that he could not restrain, slumped down in his chair.

Jury Listens Tensely. After waiting a full minute, Judge Bennett repeated his question. Phil-lips struggled to control himself, dried his cheeks and eyes, but his voice was still broken and shaky when he

TWO. After that Phillips quickly recovered himself, but the effect of his emotion on the jurors was plainly visible in the tense set way in which they hung to his every word and move-

Phillips withstood a severe examination without being shaken from his stand on direct examination. As he reviewed the transactions in the bank he looked several times at the

men in the jury box.
Phillips testified that he had be-lieved all the firms that got big loans from the bank were solvent, and that they had so represented themselves to him when the loans were made. Swank & Company, he said, had made a statement that their assets were \$112,000 and their liabilities \$43,000 on December 2, 1909, while Moore & Hardin had declared themselves worth \$38,000, with no liabilities except to the bank, which lent them \$30,000 in 1910.

The ex-banker said that his own home, which he had turned over to the bank, was worth \$18,000.

Inexperience Declared Great.

The defense made much of Phillips' alleged inexperience in banking affairs, Judge Bennett declaring in his state-ment to the jury that "be had no more ousiness in a bank than a live sheep in a butcher shop" when he entered the business, and that he had bought for \$1.75 stock worth no more than \$1.25. Bennett also declared that he would prove the assets of the bank to be worth \$345,000 and its liabilities approximately \$311,000 and that ultimately the depositors would get dol-

P. P. Wagner was a willing witness for the defendant. He estimated the value of Phillips' home at \$20,000 and declared the general reputation of the several bankrupt firms to be splendid. That of Phillips, he said, "could not

Joe Harvey, of the Harvey Milling Company, said the value of 3715 shares of the company's stock was \$55,000. This amount of stock had been placed in the bank to secure a \$27,500 loan, which was paid shortly after the bank closed. The defense desired to show that this note was very good, to offset

ome of the bad ones. Phillips' good reputation and the val-ue of various of the bank's securities was also testified to by Charles A. Blurock, M. R. Sparks, F. P. Wagner and W. S. Miller, of Vancouver.

Jury Out Late.

Other witnesses who swore to Phillips good reputation were W. J. White, of Goldendale, Sol Smith, Superior Judge of Pacific County, Wash, Dr. H. S. Goddard, Mayor Kiggins and fir. A. P. Stowell, all of Vancouver, and through the jaw and neck and through the jaw and neck and through the same when he attempts the same white proceeded no related to the home.

OREGON REPRESENTATIVE IN CONGRESS AND PARTY ON EOARD STEAMER N. R. LANG AT OREGON CITY.



MR. HAWLEY IN CENTER, NEXT TO RAILING.

OREGON CITY, Nov. 29.—(Special.)—After 24 hours of probably the busiest time he has had in his 3000-mile trip over his district, Representative Hawley left for Portland today to keep an appointment and will be at Salem temorrow to pass Thanksgiving with his family. After getting a close insight into the conditions and necessities at Oregon City. Mr. Hawley expressed himself as being confident of being able to secure an appropriation for the removal of the Clackamas Rapids. Mr. Hawley was entertained at luncheon today by the Live Wires of the Commercial Club and was elected an honorary member of that organization. Speeches were made by Rev. A. Hillebrand, H. E. Cross, J. E. Hedges, C. H. Dye and Mr. Hawley.

Mr. Hawley, along with a delegation of 15 business men, was taken on the steamer Lang down the river this morning. The boat went over the Clackamas Rapids and the legislator was given an opportunity to view the obstacles to navigation at Magone's, Meldrum and Jennings. After going down the river as far as Elk Rock, the steamer returned to Oregon City.

Following the Live Wire luncheon, Mr. Hawley met with a delegation from the Grand Army of the Republic, and they discussed legislative matters relating to the veterans of the Civil War.

lieve that the institution was in such a condition. If the prosecution failed to show either one or the other, then defendant should stand acquitted,

The defense, after the delivery of the instructions, announced that it intended to waive argument, which was intended as notice to Fred W. Tompes, County Attorney of Clark County, who conducted the trial, that he would have no opportunity for rebuttal argument. The prosecutor in asking the jury for verdict of suity declared that the

The prosecutor in asking the jury for a verdict of guilty declared that the state had shown all that was required by the laws of evidence. It had shown the existence of the bank, he said, its insolvency at the time the deposit under question was accepted and it had shown by letters written by Phillips to the state banking department that Phillips was beyond doubt well informed of the bank's shaky condition. Up to midnight the jury had not reached any agreement. That the jurors may pass Thanksgiving at home, Judge Kenney left word that he might, should a verdict be reached.

GOVERNMENT TAKES HAND AGAINST "LABOR GRAFT."

Oregon Short Line Officials May Be Involved in Alleged Extortion From Greek Laborers.

MOSCOW, Idaho, Nov. 29,- (Special.) When United States Immigrant Inspector McConnell today directed a letter to the County Attorney of Pocatello asking that he institute criminal proceedings against William Marvalis, a Greek pardone, and subordinate officers of the Oregon Short Line Railroad, he delivered the first blow ever struck in the West against what he terms the greatest graft in the country-the "la-

Inspector McConnell has a score or more of affidavits from Greek laborers in which they accuse Marvalis of charging them \$28 to obtain employment with the com-pany and of charging them \$2 a month to retain their jobs. Some of those af-fidavits have been forwarded to Wash-ington, but most of them accompany the letter to the County Attorney. While the affidavits do not accuse any officers of the railroad company, the inspector mays he has evidence against

them which he cannot disclose, Idaho has no law bearing directly on this subject, but McConnell believes that charges can be brought under the general conspiracy law. A section of this provides that it shall be unlawful for two or more persons to commit any act to injure the public health, morals, or which will subvert justice or the due administration of the law. The inspec-tor asserts that the railroad officials

tor asserts that the railroad officials are in collusion with the Greek padrone and receive part of the money extorted by him from the laborers.

McConnell has prepared a draft of a bill which he thinks will deal with the "padrone" evil, and it will be submitted to the Legislatures of Oregon, Idaho. Washington and Montans.

"It is a shame for the people of these states to permit a graft like this to fasten itself on labor," said McConnell. "It is universal, and if American labor is to be protected, it must be dealt with by law. These Greeks do not come to by law. These Greeks do not come to the country voluntarily, but are shipped here by the padrones. After they are landed, they are charged so much for their jobs, and so much for each month afterwards to retain it."

The state presented no rebuttal testimony and Attorney Bennett offered to submit the case without argument. Attorney Pipes, for the prosecution, however, desired to read evidence that had been submitted without reading. Court then adjourned as \$100 o'clock to 1216.

When court reconvened after supper. Judge H. E. Kenney delivered his instructions to the jury. Judge Kenney told the jurors that the state must show two things: first, that the bank was insolvent; and second, that Phillips knew or had good reason to be-

Sudden Fall of Idaho Financier Is Tragic.

PECULIAR LAW IS UNDOING

Leo Cramer, Head of Institution a Hailey, Convicted on Statute Holding Officials Responsible for Acts of Employes.

BOISE, Idaho, Nov. 29 .- (Special.)-Vice-president and active manager of prosperous banking-house a little more than a year ago, Leo Cramer, recog-nized head of the Idaho State Bank of Hailey, defunct, is now a convict in the Idaho State Penitentlary. His sentence is for six months to two years, and un less the application for a review of his case, now pending before the Supreme Court, is granted, he must serve full

Cramer was a crushed man when he entered the prison last Saturday night. None of the usual formalities connected with the reception of prisoners at the penitentiary was suspended for him. He became convict No. 1862, and was taken to a cell. When the officials have de-cided what occupation he is most fitted for, he will be put to work.

Idaho Lew Peculiar. Cramer's case is peculiar in that his conviction was secured under a statute peculiar to Idaho alone. It provides that a director or officer of a bank actively engaged in its management can be held guilty of having received a deposit when the bank was insolvent, although the deposit itself was actually received by another. This statute was enacted in 1905, and it is without precedent anywhere.

dent anywhere.

The affairs of the Idaho State Bank of Halley and their siring in court have not entirely dropped out of the calcium light with the conviction of Cramer. Sensational suits are following in rapid succession, the most important involv-ing \$30,000 which the Idaho State Bank is trying to collect from Mrs. Annie I. Miller as defendant.

Miller as defendant.

When the bank failed Mrs. Miller, who is a widow, had \$61,000 on deposit. She was away from Halley, but hurried to that city on learning of the suspension. She asserts that Leo Cramer met her at Shoshone and induced her to ride over to Halley with him in his auto and remain as a guest in his home. She had every confidence in Cramer She had every confidence in Cramor and accepted the invitation.

Widow Charges Fraud. Widow Charges Fraud.

It was while she was visiting at the Cramer home that Cramer informed her, according to Mrss Miller's story, that he had \$10,000 worth of unsecured notes in the bank and told her that if she could take care of them the bank would reopen. He asked her to turn over her certificates of deposite, amounting to \$61,000, and sign a note for \$20,000, in return for which he would give her the notes secured he would give her the notes secured by \$200,000 worth of personal prop-erty. Bhe considered the security good

arty. She considered the security good and accepted, she says.

Later, she says, she discovered Cramer's property given as security was worth but \$7000. She was then sued by the bank for the \$20,000 note she gave to Cramer, plus the interest. She has asked that the entire transaction he rescinded and that her estate and bank affairs be left as before the bank falled, so that she may realize something from her \$61,000 in realize something from her \$61,000 in deposits.

Body of One of Seven Found.

VANCOUVER, Wash., Nov. 29 .- (Spe cial.)—The body of Arnold Murk, one of the seven young men drowned in the Lewis River, when driving logs for the Lewis River Boom Company, was found 12 miles below the scene of the accident and taken to his home, where the funeral was held Monday,

Goldendale Ticket Named. GOLDENDALE, Wash., Nov. 29 .-



To glide through the Winter with joy and ease

Don our good sweaterssome reach to the knees;

...................

For cold weather comfort there's nothing like these.

We'll give a Sweater to the person who sends us this ad., cut from this paper, with the best two lines in rhyme to fill the missing lines. A cravat to the second best.

IONCLOTHING & Gus Kuhn Prop 166-170 THIRD ST.-

(Special.)—The present City Council and Treasurer were nominated at a mass meeting of Goldendale voters held at the Court House Monday night, on a ticket styled "Citizens Progressive." Councilmen who will run for resive." Councilmen who will run for reelection for a two-year term are: Robert J. Willis Jacob Crocker and John
Coffield, one-year term, Cecil Smith,
Treasurer H. Hyatt. A surprise was
spruig at the meeting when John R.
McEwen announced his withdrawal
from the scramble for the Treasurer's
office. So far this is the only ticket
in the field.

LIVELY BLETHEN TRIAL

Attorneys for State and Defense Clash Over Evidence Submitted.

SEATTLE, Wash., Nov. 29 .- (Special.) -With the attorneys for the state and efense clashing continuously over the defense clashing continuously over the introduction of evidence in the trial of Alden J. Blethen, the Seattle newspaper owner, charged with maintaining a nuisance at the Arcade dancehall, the testimony of 15 witnesses was nevertheless taken. Judge Ronald a number of times overruled the prosecution in its attempt to get certain evidence before the jury. The first clash came at the very outset, when Willard T. Hartson, Federal revenue collector, was called as the first witness for the purpose of showing that Ludovic Dallapose of showing that Ludovic Dalla-giovanna and Charles Berryman, who actively operated the dancehall, had ob-tained a Federal liquor license for the retail trade, but that they had no city or state license.

We waive the necessity of proving that the Arcade dancehall was a public nulsance and that liquor was sold li-legally," interrupted Fulton, chief coun-sel for the defense. Much of the day's wrangling was over the prosecution's determination to prove the character of the resort in

SUSPECTS ARE IDENTIFIED Alleged Stage Holdup Men Plead Not

Guilty at Preliminary Hearing.

spite of the defense's admission.

DRAIN, Or., Nov. 29 .- (Special.)-Edward Juergens and Fred Foster, suspected of holding up the Drain-Coos Bay stage, were brought here today by Sheriff Quine and Deputy Stewart. The watch they have was identified by the jeweler and several others as the watch of the stage driver.

driver.

W. W. Kent, the hardware merchant, identified them as the fellows who tried to buy guns from him the day before the holdup, and Mr. Russell, the hotel manager, identified them as the ones that stayed at his place last Friday District Attorney Rown is Friday. District Attorney Brown is here with the Sheriff to try the men. At the preliminary hearing they pleaded not guilty and were bound over to the district court, ball being

LOST RIVER DAM FINISHED

Contractors Keep Frost Out of Concrete With 40 Fires.

KLAMATH FALLS, Or., Nov. 22,— (Special.)—After keeping 40 fires going night and day for weeks to heat con-crete, and building large canvas walls and cellings over the work to keep the heat in, the contractors of the Lost River diversion dam, building for the Government, have put in all the con-crete without damage from Jack Frost and are breathing freely once again.

The auxiliary work which remains to be done will take probably six weeks, after which the work will be turned over to the reclamation service, that it over to the reclamation service, that it may go ahead and reclaim 50,000 acres mostly inundated by Tule Lake. The dame is of the horseshoe type, built in circular fashion to distribute the pressure of a vast amount of water over a greater area than a "straight across" dam would permit.

KLAMATH WATER IMPURE

Typhold Fever Epidemic Leads City to Consider Own System.

KLAMATH FALLS, Or., Nov., 28.— All efforts to purify the water fur-nished by the Klamath Falls Light & Power Company for domestic purposes have so far falled to bring the per-centage of impurity as low as the city centage of impurity as low as the city authorities and water company want it to be, and the city seriously contemplates putting in a plant of its own and piping water from springs on the Government reserve on Upper Klamath Lake, if it is necessary to go that far to get it. The City Council and Mayor Sanderson have within a fortnight held

Sanderson have within a fortnight held two secret meetings on the subject.

The Councilmen are by no means a unit on the water question, as some of them are opposed to the million dollars or more which it is alleged the right kind of a system will cost. Dr. R. R. Hamilton, city physician, says the fourth analysis taken of city water samples since the typhoid fever set in shows from 5400 to 6800 organisms to the cubic centimeter. Of the three samples, only one showed no colon bacilli. The springs are in the city limits and

From Now Until Christmas



It would cost you at least \$12 per month to rent this fine Player-Piano. For \$9 a month you can OWN IT, with no extras to pay. NO IN-TEREST for one year. This is one of the enormous savings in cash and terms given you by the

CO-OPERATIVE PIANO & PLAYER-PIANO

375 Washington Street

Write for Our Club Plan

Open Evenings Until 10

face sewage.

Fire Auto Tested Well. GRANTS PASS, Or., Nov. 29 .- (Special.)—Mayor Myers and several Coun-cilmen left here today for Medford in Grante Pass' first automobile fire-fighting engine in an exhaustive test of the apparatus. The new method of extinguishing fire with automobiles affords the different cities in the valley an op-portunity to call on their neighbors for aid in case of a serious conflagration.

Mrs. Elizabeth Maupin Dies.

SOUTH BEND, Wash., Nov. 29 .- (Specist.) - Mrs. Elizabeth Maupin, 67 years cid, wife of J. T. Maupin, of this city, died of heart trouble at a local hosgled of heart trouble at a local hos-pital Sunday evening following an ill-ness of six weeks. Mrs. Maupin had re-sided in this city and county for the past quarter of a century. With her

No Music for

husband she had returned the latter part of October from a six week's trip to Kansas and Oklahoma, where they visited their daughters. She was born in Visited their daughters, she was both in Lynn County, Missouri, March 17, 1844, residing in Southeastern Kansas 14 years and two years in Cherokee, I. T. On September 5, 1886, she came with her husband to what was then known as Shoalwater Bay, now Willapa Har-bor, settling on North River. Mrs. Maupin was the mother of seven sons and four daughters, six of whom sur-vive her. The funeral was held today and burial took place here.

"There could be no better medicine than Chamberlain's Cough Remedy. My children were all sick with whooping cough. One of them was in bed. had a high fever and was coughing up blood. Our doctor gave them Chamberlain's Cough Remedy and the first dose eased them, and three bottles cured them," says Mrs. R. A. Donaidson, of Lexington. Miss. For sale by all druggists.

Thanksgiving?

Go to Eilers Music House immediately to-

morrow and get one of the latest Hornless

Talking Machines and Records-10 cents a day.

A limited number of the great \$22.80 combination offer. Latest hornless machine and 24

selections of records, all for \$22.80 cash, or on

payments of TEN CENTS A DAY.

This machine (cut does not do it justice), with twenty-four selections of latest records, all for \$22.80 cash or 10c daily, at

Eilers Music House, on Alder street at Seventh.

A "Grouch" Is a Man

Who smokes all-Havana cigars all the time. He doesn't give his nerves a chance to rest up. He doesn't give himself the opportunity to be cheerful. Wise smokers choose the light, soothing, domestic

Gen! Arthur Mild 10c Cigar M. A. Gunst & Co., Distributors

Hair Health If You Have Scalp or Hair Trouble, Take Advantage of This Offer.

We could not afford to so strongly endorse Rexail "93" Hair Tonic and continue to sell it as we do, if we were not certain that it would do all we claim it will. Should our enthusiasm carry us away, and Rexail "93" Hair Tonic not give entire satisfaction to the users, they would lose faith in users our statements and in consequence the users, they would lose faith in user and our statements, and in consequence our business prestige would suffer.

Therefore, when we assure you that if your hair is beginning to unnaturally fall out or if you have any scalp trouble, Rexail "32" Hair Tonic will promptly eradicate dandruff, stimulate hair growth and prevent premature baldness, you may rest assured that we know what we are talking about.

Out of one hundred test cases Rexail Out of one hundred test cases Rexall "2" Hair Tonic gave entire satisfaction in ninety-three cases. It has been proved that it will grow hair even on baid heads, when, of course, the baldness had not existed for so long a time that the follicles, which are the roots of the hair, had not be-

come absolutely lifeless.

Rexall "93" Hair Tonic is vastly different from other similar preparations. We believe that it will do more than any other human agency toward re-storing hair growth and bair health. It is not greasy and will not gum the scalp or hair or cause permanent stain. It is as pleasant to use as pure cold

Our faith in Rexall "93" Hair Tonic Our faith in Rexail 38 Hair lonic is so strong that we ask you to try it on our positive guarantee that your money will be cheerfully refunded without question or quibble if it does not do as we claim. Certainly we can offer no stronger argument. It comes in two sizes, prices 50 cents and \$1.00. Sold only by the Owl Drug Co. stores in Pertland, Seattle, Spokane, San Francisco, Oakland, Los Angeles and