

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 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 8:10 P. M. after the defense had waived its argument.

Twice in the course of the day was the jury subjected to the test of tears. Once several of the jurymen, the jury box were visibly affected. This came when Phillips, on the stand in his own behalf, under the sympathetic questioning 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 own home at the bank and his voice firm in answer to all questions.

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

Mohandro Too Late. A bit of unconscious irony was injected into the trial just after Phillips had left the stand, when it became known that J. L. Mohandro, State Bank Examiner, had telephoned that he was in Seattle and ready to testify.

Phillips was by all odds the most interesting witness on the day. With a sense of the dramatic, the defense had saved him to the last. It was 3:30 o'clock when his name was called, and he stepped to the witness chair, without warning came the breakdown.

Attorney Bennett asked him gently to tell about his own home and if he had any children. He sat an instant as if in a dream, his gaze far away, and then the tears sprang into his eyes. He looked on the jurors' faces as he slowly drooped on his breast and his body, 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. Phillips struggled to control himself, dried his cheeks and eyes, but his voice was still broken and shaky when he replied: "Yes."

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

Phillips withstood a severe cross-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 believed all the firms that got big loans from the bank were honest. He said that he had so represented himself to him when the loans were made. Swank & Company, he said, had made a \$12,000 loan and their liabilities \$41,000 on December 1, 1909. While Moore & Hardin had declared themselves worth \$18,000, with no liabilities except to the bank, which lent them \$50,000 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 statement to the jury that "he had more business in a bank than a live sheep in a butcher shop" when he entered the business, and that he had bought for \$175 stock in the bank, which he sold for \$125. Bennett also declared that he would prove the assets of the bank to be worth \$185,000 and its liabilities approximately \$100,000, and that the majority of the depositors would get dollar for dollar.

F. 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 be better."

Joe Harvey, of the Harvey Milling Company, said the value of 27 1/2 shares of the company was \$50,000. 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 some of the bad ones.

Phillips' good reputation and the value 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. Goodard, Mayor of Kingstons and Dr. A. P. Stovell, all of Vancouver.

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 at 8:10 o'clock to 10.

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-

OREGON REPRESENTATIVE IN CONGRESS AND PARTY ON BOARD 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 tomorrow 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. Hillbrand, H. E. Cress, J. E. Hedger, 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 Maroon'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.

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

Jury Out at Midnight. The defense, after the delivery of the instructions, announced that it intended to waive argument, which was intended as notice to Fred W. Tempe, County Attorney of Clark County, who conducted the trial, that he would have an opportunity for rebuttal argument.

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 homey Judge Kenney left word that he was to be called at any time in the night, should a verdict be reached.

PADRONE SYSTEM HIT

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 Maryalls, a Greek pardonee, and subordinate officers of the Oregon Short Line Railroad, he delivered the first blow ever struck in the West against what he terms the "labor graft" in the country—the "labor graft" McConnell has a score or more of affidavits from Greek laborers in which they accuse Maryalls of charging them \$20 to obtain employment with the company and of charging them \$2 a month to retain their jobs. Some of these affidavits have been forwarded to Washington, but most of them accompany the letter to the County Attorney.

While the affidavits do not accuse any of the railroad officials of being in collusion with the Greek padrone and receive part of the money extorted from 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 Montana.

"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 the country voluntarily, but are shipped here by the padrone, and when they are landed, they are charged so much for their jobs, and so much for each month afterwards to retain it."

Negro ex-Soldier Shot.

SPokane, Wash., Nov. 29.—(Special.)—Shot through the jaw and neck and through the arm when he attempted to force an entrance into the home of Mabel McPherson, colored, at 3:30 o'clock yesterday morning, Arthur Owens, colored, an ex-soldier, now lies in a critical condition at the Emergency Hospital. Mabel McPherson, charged with assault with a deadly weapon, is in the City Jail. According to the story told by the woman, Owens, when refused admittance, threw himself against the door. Armed with a 38-caliber revolver, the woman met him in the front hall. Before he could reach her she fired twice. Owens fell in a heap at her feet.

Goldendale Ticket Named.

GOLDENDALE, Wash., Nov. 29.—



To glide through the Winter with joy and ease

Don our good sweaters—some 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.

LION CLOTHING Co. 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 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 sprung at the meeting when John R. McEwan, announced his withdrawal from the scramble for the Treasurer's office. So far this is the only ticket in the field.

BLETHEN TRIAL LIVELY

Attorneys for State and Defense Clash Over Evidence Submitted.

SEATTLE, Wash., Nov. 29.—(Special.)—With the attorneys for the state and defense clashing continuously over the introduction of evidence in the trial of Alden A. 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 Dallagiovanna and Charles Berryman, who actively operated the dancehall, had obtained 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 nuisance, and that liquor was sold illegally," interrupted Fulton, chief counsel for the defense.

Much of the day's wrangling was over the prosecution's determination to prove the character of the resort in spite of the defense's admission.

SUSPECTS ARE IDENTIFIED

Alleged Stage Holdup Men Plead Not Guilty at Preliminary Hearing.

DRAIN, Or., Nov. 29.—(Special.)—Edward Juergens and Fred Foster, suspects of holding up the Drain-Cooks Bay stage, were brought here with the other two men, Deputy Stewart. The watchmen, who were identified by the jeweler and several others as the watch of the stage driver.

W. W. Kent, the hardware merchant, identified them as the fellows who tried to buy guns from him the day before the holdup. Mr. Russell, the hotel manager, identified them as the ones that stayed at his place last Friday. District Attorney Brown is here with the other two men. At the preliminary hearing they pleaded not guilty and were bound over to the district court, bail being set at \$200 each.

LOST RIVER DAM FINISHED

Contractors Keep Frost Out of Concrete With 400 Piles.

KLAMATH FALLS, Or., Nov. 29.—(Special.)—After keeping 400 fires going night and day for weeks to heat concrete and building large cranes, walls and ceilings over the work to keep the heat in, the contractors of the Lost River diversion dam, building for the Government, says that it is all concrete 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 may go ahead and reclaim 50,000 acres mostly irrigated by 2 1/2 miles of the dam 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

Typhoid Fever Epidemic Leads City to Consider Own System.

KLAMATH FALLS, Or., Nov. 29.—All efforts to purify the water furnished by the Klamath Falls Light & Power Company for domestic purposes have so far failed to bring the percentage 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 in 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 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

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No Music for Thanksgiving? Go to Eilers Music House immediately tomorrow 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.