# MRS. KERSH'S FATE RESTS WITH JURY

## Attorneys Close Argument in Murder Trial With Woman Near Swoon.

## DENUNCIATION IS BITTER

### Jurors Retire at 5:18 P. M. and at 11:45 Report Inability to Reach Verdict and Are Locked Up for Night—Strong Plea Made.

Limp and in a semi-swooning condition, Mrs. Carrie Kersh, accused of the murder of William A. Johnson, had to be virtually carried out of the courtroom at the conclusion of the trial at 5:18 o'clock yesterday afternoon. She had withstood the strain of the eight days' examination with considerable fortitude until about 2 o'clock in the afternoon, when she seemed to give away and leaned over on the shoulder of her nurse in a dazed condition unable to help herself.

Once in a while she would open her eyes, but it was evident from her pallor that her nerves had not sufficient strength to withstand the events of the day.

At 11:45 P. M. the jury reported that it was unable to agree. With but little hope of obtaining a verdict Judge Morrow ordered the jury locked up for the night.

The closing argument of J. J. Fitzgerald, Chief Deputy District Attorney, was especially full of invective and direct charges of the "inhuman murder, which shocked every home and fireside." He particularly called attention to the defendant who was the "arch-conspirator of this heinous crime committed among a peaceful and loving people."

Through it all Mrs. Kersh seemed to be fighting a tendency to manifest any weakness. She appeared, with the lines of severe mental suffering upon her face, thin and pointed in feature.

#### Crime Held Premeditated.

With the morning session came the argument of H. E. Collier, Deputy District Attorney. He outlined the position of the state and asserted that the crime was premeditated. He was followed by J. C. McCue, attorney for the defense, who brought out many points tending to indicate that the prisoner had nothing to do with the murder and devoted considerable time to the apparent differences which were to be found in the testimony. Seneca Fouts began his address before the noon hour, and it was 2 o'clock when Mr. Fitzgerald, leading counsel for the state, began delivering his address. He was particularly strong in his invective and made no attempt to mince matters, calling things by plain and easily-understood terms. He was interrupted several times by the counsel for the defense.

Judge Morrow, who presided in the case, delivered his charges. He contended that the defendant could be found guilty of murder in the first degree, second or third degree, or manslaughter or not guilty. He held that to convict for conspiracy to commit murder the party accused must have been present at the time the deed was committed.

#### Jury Retires at 5:18 P. M.

It was 5:18 when the jury finally retired, in charge of two bailiffs.

The trial started December 8 and has consumed nine days. Forty-three witnesses have been examined, 40 for the state and three for the defense. Of the jury 36 were examined before 12 satisfactory ones could be secured. Five were excused by the defense on peremptory challenges and two by the state. All the others were excused for cause. The jury which listened to the evidence is composed of Frank Hollack, J. C. Stevens, D. J. Tomasini, Sumner Newell, John Miller, D. S. Southmayd, Donal Allison, G. S. Steelsmith, John Jarvis and George Whittaker.

This completes the second trial of Mrs. Kersh, the previous trial having resulted in a disagreement. She is charged with murder in the first degree in connection with the death of Johnson, a rancher, who was murdered in June in the Grand Central Hotel by James Webb.

#### Many Involved in Court Action.

After constructing a residence on lot 8, block 9, in Ladd's Addition, the firm of Morgan & Robb, owners of the property, transferred the same to C. B. Wadsworth, trustee. Before doing so, certain firms which furnished material for the house failed to receive moneys said to be due. The total amount of these claims will reach $2470. The Oregon Planing Mills want $418, while the Oregon Hardwood Floor Company seeks to recover $1852, of which $652 is a claim of their own and $1200 due them from an assigned claim. The Ladd estate is made a party to the action so as to perfect the lien which is sought to be established upon the property.

#### Injured Strikebreaker Sues.

Walter H. Hayes, a strikebreaker, filed his complaint in the Circuit Court yesterday requesting a judgment against the Oregon Auto-Despatch Company for $10,000. He asserts that he was solicited to go to work for the company during the strike of the teamsters. Members of the company told him that there was no danger. While peacefully engaged in following the duties of a driver he was set upon by strikers, beaten severely and hit over the head with an iron pipe. His skull was trepanned in the hospital and now he believes he is in danger of losing his eyesight.

#### Two Women Desire Divorce.

Ohisha M. Rose, wife of Wallace Leroy Rose, yesterday filed application for divorce in the Circuit Court. She says they were married in Pendleton in 1905; that he was constantly quarreling with her; figuring how to get rid of her, and that he told her he loved another.

Hannah K. Wallace seeks a divorce from J. T. Wallace. They were married in January, 1909, in Cheyenne, Wyo. He deserted her, it is alleged, in December, 1909. She desires to resume her maiden name, Andeason.

#### Discharged Employe Sues.

George Coole, a clerk, of Vancouver, B. C., filed suit in the Circuit Court yesterday against Marshall Ward, a Portland grocer. Coole claims that last June he received a letter from Ward offering him $22 a week if he would come, and a permanent job for two years. He went to work and in December he was discharged. He wants judgment for $2222.

WELLS FARGO & CO.

Will keep their office open today until noon to receive and forward Christmas packages.

OREGONIAN WHO HAS MADE ARCHERY BOWS SINCE 1864 IS WORLD'S EXPERT IN MANUFACTURE OF WEAPON.

CAPTAIN FRIEND S. BARNES, OF FOREST GROVE.

Regarded as the manufacturer of the best archery bows in the world, Captain Friend S. Barnes, of Forest Grove, recently made the bow with which H. R. Richardson, of Chambers, Mass., captured all archery records of the world at the tournament held at York, England, where the merry men of the greenwood are conceded to be the greatest archers known.

Captain Barnes manufactures his bows from the yew tree of the Oregon mountains, selling them at $150 each. Many bows of his manufacture are regarded as priceless. He began making bows at Forest Grove in 1864, and gradually developed the art to perfection. He spends a portion of each year at the Winter resorts of the South, where he instructs classes in archery.

A bow owned by Will Thompson, of Seattle, has been used by Mr. Thompson in killing bear, deer, elk and mountain lions. Captain Barnes is himself a splendid wing shot with the bow and arrow.

Captain Barnes goes to the mountains of the Coast Range for his material and selects trees from 250 to 300 years old for his bows. He seasons the wood for two years before shaping it. It has been contended by English archers that wood for bows is not fit for use until it is seasoned more than seven years.

# 5000 ARE EXPECTED

## Convention of Woolgrowers to Be Important Affair.

## TARIFF TO BE DISCUSSED

### Men of Nation-Wide Fame Will Be Present to Give Advice—Exhibit of Sheep Will Be Noteworthy Feature.

Plans for the annual convention of the National Woolgrowers' Association are about completed, the list of speakers having been arranged yesterday.

Together with the meeting will be an exhibition of Oregon sheep. C. D. Minton, secretary of the sheep show, announced yesterday that the time for entries for the show would be extended until December 23. It is planned to make room in the Armory for several hundred head of sheep and it is probable that animals from other states also will be entered.

From present indications, it is expected that fully 5000 delegates will attend the convention, representing the sheepraising and woolen industries of every section of the United States.

#### Four Days' Meeting Arranged.

The convention will be held at the Armory, begining January 4 and continuing until the night of January 7.

There will be addresses of welcome to the visiting sheepraisers by Archbishop Alexander Christie of the Catholic Diocese of Oregon; Oswald West, Governor-elect; Joseph Simon, Mayor of Portland; C. C. Chapman, manager of the promotion committee of the Portland Commercial Club, and William MacMaster, president of the Portland Chamber of Commerce. Fred E. Gooding, president of the National Association of Woolgrowers will deliver his annual address, which is expected to be a review of the problems now confronting the sheepraisers.

Prospective speakers are William Whitman, president of the National Association of Wool Manufacturers; Senator Carter, of Montana; Senator Warren, of Wyoming; Governor Brooks, of Wyoming; Alvin Saunders, of Chicago, member of the Tariff Board; E. L. Shaw, H. Wellington Wack, Magnus Brown and Dr. A. D. Melvin.

#### Tariff to Be Discussed.

Growers are hoping that Congress will not act upon the tariff on wool until the Tariff Board has had an opportunity to report. The fear is general, however, that revision of Schedule K is inevitable, and this is causing a depressed feeling among sheep men everywhere. The tariff talk that will be heard will be a feature of the coming convention. Strong speakers have been secured to discuss the situation and advise a way out. Edward Moir, president of the Carded Woolens Manufacturers' Association, will speak on "Schedule K, from the Standpoint of the Carded Woolen Manufacturers."

"The Payne-Aldrich Tariff and Wool Imports" will be the topic presented by C. H. Brown, Washington representative of the National Wool Growers' Association.

"Tariff on Wool and Woolens" is the subject to be presented by Theodore Justice, of Philadelphia, and Fred H. Blume, of Sheridan, Wyo., will speak on "Protection for Wool and Woolens." There will be extended discussions on wool tariff matters at all the sessions of the convention.

#### Topics Cover Wide Range.

Other subjects to be discussed are:

"Schedule K," by Peter G. Johnson, Blackfoot, Idaho.

"What Sheepmen Can Accomplish by United Effort," by C. B. Stewart, Salt Lake City.

"Forests and Flockmasters," by Stephen A. Lowell, Pendleton, Or.

"Better Use of the Range," by A. F. Potter, Associate Forester, Washington, D. C.

"A Minimum Speed Law from the Standpoint of the Humanitarian," by Dr. William C. Stillman, president American Humane Association, Albany, N. Y.

"Shepherds," by Dr. J. M. Wilson, Douglas, Wyo.

"Freight Rates on Wool," by Frank G. Hagenbarth, Spender, Idaho.

"Middlings of the Sheep Business," by J. A. Deifelder, Wolton, Wyo.

"Portland; the Livestock Center of the Pacific Northwest," by D. O. Lively, Portland.

"Public Wool Auction Sales," by Sam Ballantyne, Boise, Idaho.

"The Uplifting of the Wool Industry," by James E. Cosgriff, Chicago.

"The Mohair Industry," by U. S. Grant, president National Mohair Growers' Association, Dallas, Or.

"Livestock Grazing as Insurance Against Fires in National Forests," by Dan P. Smythe, Pendleton.

#### Rev. Dr. Wilson to Go on Trip.

Rev. Clarence True Wilson, field secretary of the Methodist Episcopal Church Temperance Society, has spent three months since the annual conference lecturing and preaching in Oregon and Washington. He goes this week to San Francisco and then to Southern California, with headquarters at Los Angeles, for a two weeks' lecture. From there he goes East to visit about 25 of the annual conferences, where he will deliver his lecture on a "World Vision of the Temperance Reform," and will address the business session of the conferences on the relation of the preachers to municipal matters. This Sunday will be his last appearance in an Oregon pulpit for many months. He speaks at the University Park Methodist Church at 10:30 this morning, and delivers an address on "Prohibition, a World Movement," at Taylor-Street Church at 7:30 o'clock this evening.

Try This Home-Made Cough Remedy

Costs Little, But Does the Work Quickly, or Money Refunded.

Mix one pint of granulated sugar with ½ pint of warm water, and stir for 2 minutes. Put 2½ ounces of Pinex (fifty cents' worth) in a pint bottle; then add the Sugar Syrup. Take a teaspoonful every one, two or three hours.

You will find that this simple remedy takes hold of a cough more quickly than anything else you ever used. Usually ends a deep-seated cough inside of 24 hours. Splendid, too, for whooping cough, chest pains, bronchitis and other throat troubles. It stimulates the appetite and is slightly laxative, which helps end a cough.

This recipe makes more and better cough syrup than you could buy ready-made for $2.50. It keeps perfectly and tastes pleasant.

Pinex is the most valuable concentrated compound of Norway white pine extract, and is rich in guaiacol and all the natural pine elements which are so healing to the membranes. Other preparations will not work in this formula.

This plan of making cough syrup with Pinex and Sugar Syrup (or strained honey) has proven so popular throughout the United States and Canada, that it is often imitated. But the old, successful formula has never been equaled.

Some of the best-known Portland druggists, such as Laue-Davis Drug Co. (distributers) and others, think so well of the above recipe that they guarantee it to give satisfaction or refund the purchase price.

When All's Said and Done

It's Swetland's for Christmas Candies

In our larger and beautiful store we are, this happy Christmas season, making the largest and finest display in our 25 years of business in Portland. The whole store fairly

Sparkles With Christmas Thoughts

Our collection of new and exclusive designs in dainty and up-to-now Art Boxes, Cabinets, Cases and Baskets has no equal on the Coast. When filled with Swetland's Quality Sweets they make the most "apropos" of Christmas Gifts.

Don't wait till the last thing.

THE POPULAR SWEET SHOP Swetland's 269-71 MORRISON

# ELKS FUND IS $35,000

## CANVASS FOR $125,000 NOT YET UNDER WAY BY LODGE.

### Portland Members of Order Confident of Capturing 1912 Convention of Antlers.

Immediately after the holiday season, the Elks' 1912 convention committee will begin an active canvass for funds to entertain the annual conclave of the order, which is expected to convene in this city one year from next July.

With hardly any effort on the part of the individual members of the organization, enough assurances have been received to warrant the members to become confident of securing the biggest gathering of Elks ever held in any Western city. The Portland lodge voted to head the list with a subscription of $35,000, which of itself is a record among fraternal or commercial institutions in the country, and following this comes the announcement that the Hotel Men's Association of Portland is ready to add $10,000 to this fund, which means that $35,000 of the fund of $125,000 to be raised to entertain the visiting host and no active canvass has been made to date.

Exalted Ruler Apperson has also received a communication from an individual citizen of Portland, who wishes his name withheld at present, guaranteeing to donate $5000 to the fund, which he deems a most meritorious one, and which will bring a larger number of people to Portland than would likely come with any other organization.

Exalted Ruler Apperson also has received communications from many high officials of Elkdom as well as from a number of the various lodges throughout the country, assuring Portland of hearty support at the next conclave of the order to be held at Atlantic City in July, 1911.

These assurances have stimulated the Portland Elks into concerted activity, and as soon as the canvass is started next month all of the members of No. 142 feel that the entire amount of $125,000 will be at hand and a certified check for this sum will be presented before the grand lodge as one of the most emphatic demonstrations of Portland's good faith in demanding the convention for 1912. If this guarantee is presented before the grand lodge Portland will have broken all records by several thousands of dollars in the matter of guaranteeing sufficient funds for the entertainment of an Elks' convention anywhere in the country.

#### Oregon Trunk Work Gets in Court.

Alleging that there is a balance due them of $2517 upon a subcontract for the construction of the Deschutes section of the Oregon Trunk, Nelson & Co. have brought suit in the Circuit Court against Porter & Clarkson. The work was performed between March and November, 1910, and consisted of 4963 cubic yards of dirt and 17,754 cubic yards of rock. For this work Nelson & Co. was to receive $12,042.04. So far $9425 has been paid by Porter & Clarkson and it is asserted that they refuse to pay the balance. It is alleged the Oregon Trunk engineers approved the work.

#### Civic Council to Meet Tomorrow.

An important meeting of the Civic Council will be held at the Commercial Club tomorrow night at 8 o'clock sharp. Plans will be completed for action at the coming meeting of taxpayers to discuss the report of the Board of Education. Public service corporations will also be discussed. The Astoria centennial in 1911 and other subjects will be presented. All persons interested are invited to attend.

Fitted bags and cases. Harris Trunk Co.

KOHLER & CHASE, Founded 1850

Pay for Your Christmas Piano Next Year!

Kohler & Chase will send any piano to your home without your paying a cent down until after Jan. 1.

Many people wish the use of their money now to buy other Christmas presents, and this offer may prove convenient to you.

Simply let us know and we will have any piano in our store sent to your home. You can use it through the holidays, but you do not have to begin paying for it until the first of the year.

Don't miss the pleasure which a piano in your home will mean during the holidays. Take advantage of this offer.

You can have any of these pianos

Weber Pianos
Steck Pianos
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Hoffman Pianos
Steinway Pianola Piano
Weber Pianola Piano
Steck Pianola Piano
Wheelock Pianola Piano
Stuyvesant Pianola Piano
Fischer Player Piano
Kohler & Chase Player Piano

Christmas Piano Bargains

Used Ivorson Piano $195
ARION PIANO $185
Used Kimball Piano $365
Hallet & Davis $309
New Auto Piano $450
Fischer Player Piano $595

375 Washington Kohler & Chase Washington and West Park

OPEN EVENINGS

A Swell Affair

DENTS Toothache Gum

Stops any toothache. Prevents further decay. Does not melt in the mouth. Its whole strength is retained and goes right to the spot. There are imitations. See that you get Dent's Toothache Gum.

At all druggists, 15 cents, or by mail.

Dent's Corn Gum Cures Corns and Bunions, 15c.

C. S. DENT & CO., Detroit, Mich.