

WILDE ACQUITTED BY JUDGE'S ORDER

Judge Kavanaugh Holds Crime of Embezzlement Isn't Shown by State.

MORRIS' STATUS UNIQUE

Dozen Men Trying Promoter in Favor of Freeing Defendant When State Rested - End of Hard-Fought Trial Dramatic.

(Continued From First Page.)

Jurors, who had been in the constant custody of a bailiff since January 23, entered the courtroom and took their seats in the improvised jury box. This was significant from the fact that in other than a favorable disposition of the motion, the members of the jury would not have been permitted to be present.

First Points Decided Against. There was nothing in the voice or manner of Judge Kavanaugh as he began his delivery that gave the slightest suggestion of its effect. Taking up the three grounds on which the defense based its application for an instructed verdict, he discussed each separately. First of the points raised by the defense was that the statute of limitations had run against the felony alleged. This was disposed of by the court adversely. The same disposition was made of the second reason assigned by the defense. It complained

CRONOLOGY OF WILDE CASE.

- May 7, 1907.—Date of alleged embezzlement.
June 30, 1911.—First indictment, alleging \$90,000 embezzlement.
July 12-August 1, inclusive.—Proceedings for extradition of Wilde pending before Governor Johnson, of California.
August 2, 1911.—Wilde returns to Portland.
August 22, 1911.—Corrected indictment substituted for original.
August 25, 1911.—Demurrer to indictment overruled.
August 25, 1911.—Wilde entered plea of not guilty.
December 23, 1911.—State furnished defense with bill of particulars.
December 23, 1911.—Indictment returned charging Wilde and Morris with embezzlement of \$12,500 on another deal.
January 1, 1912.—Offices of District Attorney Cameron and Special Prosecutor Clark robbed.
January 8, 1912.—Special Prosecutor Clark mysteriously shot at Salem.
January 12, 1912.—Case called for trial before Judge Kavanaugh.
January 23, 1912.—Jury completed.
February 1, 1912.—Motion for instructed verdict argued and submitted.
February 3, 1912.—Motion granted and Wilde acquitted.

of a material variance between the allegations contained in the indictment and the facts as shown by the evidence. It was when Judge Kavanaugh reached the third and last ground urged by the defense in support of its motion that the effect of the decision was learned. With breathless attention was the remaining and deciding part of the decision received.

Jury Members Applaud.

At its conclusion there was a pause for an instant as the audience sat at least four members of the jury, Messrs. Kalus, MacDonald, Randolph and Tanner, applauded earnestly. The demonstration continued for a few seconds, neither Judge Kavanaugh nor Bailiff Scott attempting to restore order. Mrs. Wilde and her constant companion and intimate friend, Mrs. Summers, of San Diego, wife of associate counsel for Mr. Wilde, neither of whom had missed a session of the court since the trial began, no longer were able to repress their feelings and wept for joy.

"Mr. Thomas, you will please prepare a verdict in accordance with the court's decision," said Judge Kavanaugh, addressing Warren E. Thomas, associate counsel for the defense. The "not guilty" verdict was prepared by Mr. Thomas who handed it to Judge Kavanaugh who immediately designated J. H. Tanner as foreman of the jury. He signed the document which was then read by Court Clerk Fields.

Mr. Malarky Not Present.

Judge Kavanaugh followed the reading of the verdict by formally discharging Wilde. The court also dismissed the jurymen, after thanking them for their patience and faithful service under the circumstances, which required that they be kept together during the progress of the trial. Dan J. Malarky, chief of counsel for the defense, was the only lawyer

SAN DIEGO PROMOTER ACQUITTED OF EMBEZZLEMENT ON INSTRUCTION OF JUDGE KAVANAUGH.



LOUIS J. WILDE.

actively interested in the case who was not present when the decision was given. The instant the result was learned, E. Plowden Stott, partner of Mr. Malarky, who was ill at his home, telephoned the news to his associate.

As the jury filed out of the courtroom, Mr. Wilde met each juror with a warm handshake and a hearty "thank you." Mrs. Wilde also shook hands with most of the jurors. The fact that some of the jurors joined in the applause following the announcement of the court's decision was not entirely a demonstration on their part that they were elated over the conclusion of the case, as was learned from the 12 men themselves.

But One Against Wilde.

The fact is that when the opening statements to the jury had been made, setting forth the line of prosecution and the contentions of the defense, the jury stood 11 to 1 for the defendant. Before the state had concluded its case, the jury was a unit for the acquittal of Wilde and would have reported such a verdict if the case had been submitted to them at the conclusion of the state's case without any testimony being offered by the defense. It was a singular coincidence that Judge Kavanaugh selected Mr. Tanner as foreman of the jury, for it was Tanner who was the twelfth man to join his associates in the belief that Wilde was not guilty of the crime charged. He was influenced the jurors in reaching the conclusion they did probably will never be known except among themselves, for, other than to admit "we were virtually a unit for acquittal from the start," none would say anything of his deliberations with the other 11 men.

Special Prosecution Disliked.

After the jury had been dismissed, however, part of a conversation between two jurors was overheard, in which one remarked that he did not like the idea of a "special prosecutor" appearing in the case and virtually conducting the prosecution, even though he was ably assisted by a deputy from the District Attorney's office. Throughout the examination of witnesses in acquittal of Wilde, and in the subsequent cross-examination of the state's witness, Mr. Malarky, of counsel for the defense, overlooked no opportunity repeatedly to remind the jury of the presence of a "special prosecutor," and the fact evidently had something to do in developing the opinions of the jurors respecting the case as a whole.

Another Charge Pending.

The indictment on which Mr. Wilde was tried was an amended and corrected indictment, the only difference in the two being that the first charged Wilde and Morris with being officers of the Oregon Trust & Savings Bank, while the one on which Wilde was tried charged that Morris was an officer of the bank and that Wilde aided and abetted him in committing the embezzlement.

There is pending against Mr. Wilde another indictment in which he and Morris are jointly charged with embezzling \$100,000 from the Oregon Trust & Savings Bank in connection with another telephone bond deal. This indictment was returned by the grand jury last December. District Attorney Cameron would not indicate last night what disposition would be made of this case. In view of the fact that the indictment involves the same questions as the one disposed of by Judge Kavanaugh yesterday, it is not regarded probable that the accused will be forced to trial on it.

The position of W. Cooper Morris, in consideration of the acquittal of Wilde,

leaving his acquittal, and signed by the secretary of the Newsboys' Association.

"We, the newsboys of San Diego, send our congratulations."

Having business affairs to attend to, Mr. Wilde and his lawyer, Mr. Sumner, will remain in Portland for several days before returning to San Diego.

Seven Lawyers in Case.

For the state, the prosecution of Mr. Wilde was conducted by District Attorney Cameron, Deputy District Attorney Fitzgerald and A. E. Clark, who was employed as special prosecutor. Dan J. Malarky was chief counsel for the defense. His associates were Jay Bowerman and Warren E. Thomas, of this city, and Charles E. Sumner, of San Diego.

The jurors selected in the case, and who, according to their own admissions, would have returned a verdict of acquittal had the case been submitted to them, consisted of:

- F. E. Callwell, bill clerk Wells Fargo & Co., 509 San Rafael.
H. H. MacDonald, contractor and builder, 1070 East Portland Street.
O. F. Ramps, lineman, East Eighty-sixth Street.
Martin Sattler, contracting painter, 422 Going.
J. H. McArthur, merchant, 4106 Sixteenth Avenue Southeast.
W. E. Estabrook, real estate broker, 78 East Nineteenth.
F. E. Jackson, commercial traveler, 1282 Belmont.
L. A. LaToia, wholesale jeweler, 1251 East Morrison.
Charles A. Kalus, retired, 140 East Forty-seventh.
J. H. Tanner, accountant, 526 Weidier.
L. C. Hatchelder, assistant foreman American Lumber Company, 209 North Main.
H. H. Randolph, contractor and builder, 424 East Main.
The text of Judge Kavanaugh's decision follows:

Limitation Period Not Run.

At the conclusion of the state's case the defendant interposed a motion for a directed verdict on the ground that the motion was made before the state had introduced its evidence on the three separate grounds:

- First, that the statute of limitations had run before this indictment was returned, and consequently that this criminal action is barred.
Second, that there is a material variance between the allegations of the indictment and the facts as shown by the evidence.
Third, that the facts proved, or tended to be proved by the evidence, do not constitute the crime of embezzlement.

Upon the argument made up of these three grounds, the court held that the statute of limitations had not run, that there was no material variance between the allegations of the indictment and the facts as shown by the evidence, and that the facts proved, or tended to be proved by the evidence, do constitute the crime of embezzlement.

The fact is that when the opening statements to the jury had been made, setting forth the line of prosecution and the contentions of the defense, the jury stood 11 to 1 for the defendant. Before the state had concluded its case, the jury was a unit for the acquittal of Wilde and would have reported such a verdict if the case had been submitted to them at the conclusion of the state's case without any testimony being offered by the defense.

It was a singular coincidence that Judge Kavanaugh selected Mr. Tanner as foreman of the jury, for it was Tanner who was the twelfth man to join his associates in the belief that Wilde was not guilty of the crime charged. He was influenced the jurors in reaching the conclusion they did probably will never be known except among themselves, for, other than to admit "we were virtually a unit for acquittal from the start," none would say anything of his deliberations with the other 11 men.

After the jury had been dismissed, however, part of a conversation between two jurors was overheard, in which one remarked that he did not like the idea of a "special prosecutor" appearing in the case and virtually conducting the prosecution, even though he was ably assisted by a deputy from the District Attorney's office.

Throughout the examination of witnesses in acquittal of Wilde, and in the subsequent cross-examination of the state's witness, Mr. Malarky, of counsel for the defense, overlooked no opportunity repeatedly to remind the jury of the presence of a "special prosecutor," and the fact evidently had something to do in developing the opinions of the jurors respecting the case as a whole.

The indictment on which Mr. Wilde was tried was an amended and corrected indictment, the only difference in the two being that the first charged Wilde and Morris with being officers of the Oregon Trust & Savings Bank, while the one on which Wilde was tried charged that Morris was an officer of the bank and that Wilde aided and abetted him in committing the embezzlement.

There is pending against Mr. Wilde another indictment in which he and Morris are jointly charged with embezzling \$100,000 from the Oregon Trust & Savings Bank in connection with another telephone bond deal. This indictment was returned by the grand jury last December. District Attorney Cameron would not indicate last night what disposition would be made of this case. In view of the fact that the indictment involves the same questions as the one disposed of by Judge Kavanaugh yesterday, it is not regarded probable that the accused will be forced to trial on it.

The position of W. Cooper Morris, in consideration of the acquittal of Wilde,

leaving his acquittal, and signed by the secretary of the Newsboys' Association.

"We, the newsboys of San Diego, send our congratulations."

Having business affairs to attend to, Mr. Wilde and his lawyer, Mr. Sumner, will remain in Portland for several days before returning to San Diego.

Seven Lawyers in Case.

For the state, the prosecution of Mr. Wilde was conducted by District Attorney Cameron, Deputy District Attorney Fitzgerald and A. E. Clark, who was employed as special prosecutor. Dan J. Malarky was chief counsel for the defense. His associates were Jay Bowerman and Warren E. Thomas, of this city, and Charles E. Sumner, of San Diego.

The jurors selected in the case, and who, according to their own admissions, would have returned a verdict of acquittal had the case been submitted to them, consisted of:

- F. E. Callwell, bill clerk Wells Fargo & Co., 509 San Rafael.
H. H. MacDonald, contractor and builder, 1070 East Portland Street.
O. F. Ramps, lineman, East Eighty-sixth Street.
Martin Sattler, contracting painter, 422 Going.
J. H. McArthur, merchant, 4106 Sixteenth Avenue Southeast.
W. E. Estabrook, real estate broker, 78 East Nineteenth.
F. E. Jackson, commercial traveler, 1282 Belmont.
L. A. LaToia, wholesale jeweler, 1251 East Morrison.
Charles A. Kalus, retired, 140 East Forty-seventh.
J. H. Tanner, accountant, 526 Weidier.
L. C. Hatchelder, assistant foreman American Lumber Company, 209 North Main.
H. H. Randolph, contractor and builder, 424 East Main.
The text of Judge Kavanaugh's decision follows:

Limitation Period Not Run.

At the conclusion of the state's case the defendant interposed a motion for a directed verdict on the ground that the motion was made before the state had introduced its evidence on the three separate grounds:

- First, that the statute of limitations had run before this indictment was returned, and consequently that this criminal action is barred.
Second, that there is a material variance between the allegations of the indictment and the facts as shown by the evidence.
Third, that the facts proved, or tended to be proved by the evidence, do not constitute the crime of embezzlement.

Upon the argument made up of these three grounds, the court held that the statute of limitations had not run, that there was no material variance between the allegations of the indictment and the facts as shown by the evidence, and that the facts proved, or tended to be proved by the evidence, do constitute the crime of embezzlement.

The fact is that when the opening statements to the jury had been made, setting forth the line of prosecution and the contentions of the defense, the jury stood 11 to 1 for the defendant. Before the state had concluded its case, the jury was a unit for the acquittal of Wilde and would have reported such a verdict if the case had been submitted to them at the conclusion of the state's case without any testimony being offered by the defense.

It was a singular coincidence that Judge Kavanaugh selected Mr. Tanner as foreman of the jury, for it was Tanner who was the twelfth man to join his associates in the belief that Wilde was not guilty of the crime charged. He was influenced the jurors in reaching the conclusion they did probably will never be known except among themselves, for, other than to admit "we were virtually a unit for acquittal from the start," none would say anything of his deliberations with the other 11 men.

After the jury had been dismissed, however, part of a conversation between two jurors was overheard, in which one remarked that he did not like the idea of a "special prosecutor" appearing in the case and virtually conducting the prosecution, even though he was ably assisted by a deputy from the District Attorney's office.

Throughout the examination of witnesses in acquittal of Wilde, and in the subsequent cross-examination of the state's witness, Mr. Malarky, of counsel for the defense, overlooked no opportunity repeatedly to remind the jury of the presence of a "special prosecutor," and the fact evidently had something to do in developing the opinions of the jurors respecting the case as a whole.

The indictment on which Mr. Wilde was tried was an amended and corrected indictment, the only difference in the two being that the first charged Wilde and Morris with being officers of the Oregon Trust & Savings Bank, while the one on which Wilde was tried charged that Morris was an officer of the bank and that Wilde aided and abetted him in committing the embezzlement.

There is pending against Mr. Wilde another indictment in which he and Morris are jointly charged with embezzling \$100,000 from the Oregon Trust & Savings Bank in connection with another telephone bond deal. This indictment was returned by the grand jury last December. District Attorney Cameron would not indicate last night what disposition would be made of this case. In view of the fact that the indictment involves the same questions as the one disposed of by Judge Kavanaugh yesterday, it is not regarded probable that the accused will be forced to trial on it.

The position of W. Cooper Morris, in consideration of the acquittal of Wilde,

leaving his acquittal, and signed by the secretary of the Newsboys' Association.

"We, the newsboys of San Diego, send our congratulations."

Having business affairs to attend to, Mr. Wilde and his lawyer, Mr. Sumner, will remain in Portland for several days before returning to San Diego.

Seven Lawyers in Case.

For the state, the prosecution of Mr. Wilde was conducted by District Attorney Cameron, Deputy District Attorney Fitzgerald and A. E. Clark, who was employed as special prosecutor. Dan J. Malarky was chief counsel for the defense. His associates were Jay Bowerman and Warren E. Thomas, of this city, and Charles E. Sumner, of San Diego.

The jurors selected in the case, and who, according to their own admissions, would have returned a verdict of acquittal had the case been submitted to them, consisted of:

- F. E. Callwell, bill clerk Wells Fargo & Co., 509 San Rafael.
H. H. MacDonald, contractor and builder, 1070 East Portland Street.
O. F. Ramps, lineman, East Eighty-sixth Street.
Martin Sattler, contracting painter, 422 Going.
J. H. McArthur, merchant, 4106 Sixteenth Avenue Southeast.
W. E. Estabrook, real estate broker, 78 East Nineteenth.
F. E. Jackson, commercial traveler, 1282 Belmont.
L. A. LaToia, wholesale jeweler, 1251 East Morrison.
Charles A. Kalus, retired, 140 East Forty-seventh.
J. H. Tanner, accountant, 526 Weidier.
L. C. Hatchelder, assistant foreman American Lumber Company, 209 North Main.
H. H. Randolph, contractor and builder, 424 East Main.
The text of Judge Kavanaugh's decision follows:

Limitation Period Not Run.

At the conclusion of the state's case the defendant interposed a motion for a directed verdict on the ground that the motion was made before the state had introduced its evidence on the three separate grounds:

- First, that the statute of limitations had run before this indictment was returned, and consequently that this criminal action is barred.
Second, that there is a material variance between the allegations of the indictment and the facts as shown by the evidence.
Third, that the facts proved, or tended to be proved by the evidence, do not constitute the crime of embezzlement.

Upon the argument made up of these three grounds, the court held that the statute of limitations had not run, that there was no material variance between the allegations of the indictment and the facts as shown by the evidence, and that the facts proved, or tended to be proved by the evidence, do constitute the crime of embezzlement.

The fact is that when the opening statements to the jury had been made, setting forth the line of prosecution and the contentions of the defense, the jury stood 11 to 1 for the defendant. Before the state had concluded its case, the jury was a unit for the acquittal of Wilde and would have reported such a verdict if the case had been submitted to them at the conclusion of the state's case without any testimony being offered by the defense.

It was a singular coincidence that Judge Kavanaugh selected Mr. Tanner as foreman of the jury, for it was Tanner who was the twelfth man to join his associates in the belief that Wilde was not guilty of the crime charged. He was influenced the jurors in reaching the conclusion they did probably will never be known except among themselves, for, other than to admit "we were virtually a unit for acquittal from the start," none would say anything of his deliberations with the other 11 men.

After the jury had been dismissed, however, part of a conversation between two jurors was overheard, in which one remarked that he did not like the idea of a "special prosecutor" appearing in the case and virtually conducting the prosecution, even though he was ably assisted by a deputy from the District Attorney's office.

Throughout the examination of witnesses in acquittal of Wilde, and in the subsequent cross-examination of the state's witness, Mr. Malarky, of counsel for the defense, overlooked no opportunity repeatedly to remind the jury of the presence of a "special prosecutor," and the fact evidently had something to do in developing the opinions of the jurors respecting the case as a whole.

The indictment on which Mr. Wilde was tried was an amended and corrected indictment, the only difference in the two being that the first charged Wilde and Morris with being officers of the Oregon Trust & Savings Bank, while the one on which Wilde was tried charged that Morris was an officer of the bank and that Wilde aided and abetted him in committing the embezzlement.

There is pending against Mr. Wilde another indictment in which he and Morris are jointly charged with embezzling \$100,000 from the Oregon Trust & Savings Bank in connection with another telephone bond deal. This indictment was returned by the grand jury last December. District Attorney Cameron would not indicate last night what disposition would be made of this case. In view of the fact that the indictment involves the same questions as the one disposed of by Judge Kavanaugh yesterday, it is not regarded probable that the accused will be forced to trial on it.

The position of W. Cooper Morris, in consideration of the acquittal of Wilde,



The Stability of the Artistic Piano

To build a truly artistic piano, one that will meet the highest requirements of the most exacting artist, that will maintain for a lifetime its elasticity, resonance and perfection of tone, that will stand, uncomplainingly, the terrific strain imposed by the concert pianist, is the goal sought for generations by all builders of high-class instruments—and with but one exception unattained.

Primarily, the decay of tone in a piano is due to one cause—the fattening of the arch or crown of the sounding-board.

The TENSION RESONATOR (patented), as used exclusively in the

Mason & Hamlin PIANO

sustains and supports the crown of the Mason & Hamlin sounding-board so perfectly that it not only insures the permanent perfection of the piano, but also it adds to the vibratory quality of the sounding-board to such a degree as to produce a tone of such rare sweetness, singing quality and purity as is found in no other piano in the world.

Mason & Hamlin pianos instantly compel the enthusiastic admiration of the true musician, and when once tried prove every claim made for their superiority, establishing a new standard of excellence which places them absolutely on the pinnacle of perfection. We cordially invite you to inspect them most thoroughly at our warerooms. When desired they may be purchased on easy payments.

The Wiley B. Allen Co. FOUNDED 1873

Victor Talking Machines and Records MORRISON STREET AT SEVENTH

Lane County Pioneer Dies. SPRINGFIELD, Or., Feb. 2.—(Spe-

The BOSS of the Road

Ask the man who owns one Packard "SIX"



FRANK C. RIGGS Packard Service Bldg., Cornell Road Twenty-Third and Washington Sts.

JURORS SIGN TESTIMONIAL PRAISING WILDE AND PLEAD WITH HIM TO MAKE PORTLAND HIS HOME.

Immediately after returning their verdict of not guilty under instructions from Judge Kavanaugh, each of the 12 jurors in the Wilde case affixed his signature to a strong testimonial expressing his confidence in the integrity of Mr. Wilde. The same testimonial embraced a hearty invitation to Mr. Wilde to locate permanently in Portland, with the assurance that at all times he would have the "heartiest interest and co-operation" of the signers.

In affixing their signatures the jurors indorsed their names within a brace and added this notation on the margin: "Jury. Our own verdict." The testimonial, which was submitted to the members of the jury by H. E. Gibbet, a close personal friend of Mr. Wilde, was prepared and circulated among Portland business men prior to the commencement of the Wilde trial. The text of the testimonial follows:

"As citizens who are proud of the growth of Portland and glory in its fair name and fame, we emphatically protest against any and all attempts to prejudice or to injure the name of our people against J. Wilde, who is one of California's most highly respected and representative business men. We believe he has been wrongfully taken from his home, family, friends and business affairs and brought here for political and mercenary purposes. We believe the charges brought against him were unjust and malicious and should not be tolerated by any reputable and self-respecting community. We understand that Mr. Wilde was never at any time an officer or director of the Oregon Trust & Savings Bank and had nothing to do with its management in any way. All his transactions with it appear to be open and above board and he was commended by our best citizens for his untiring efforts and his financial skill which enabled the depositors to realize the money they have received and we believe that had the liquidation been conducted as outlined by Mr. Wilde not a depositor would have lost a dollar. We invite new blood and capital to come to our city to build homes and establish business and we know that Mr. Wilde would be an invaluable asset to any community. Deploring the attacks that have been made, we now, in order to show our perfect confidence in his integrity, request him to make his home in our midst, with the assurance that at all times of our hearty interest and co-operation."

Allcock's PLASTERS



Rheumatism in Shoulder can be relieved and cured by them. Also invaluable for Pains, Stiffness or Soreness of joints or muscles. Apply Wherever There is Pain. Constipation, Biliousness, Indigestion, etc. Brandreth's Pills Entirely Vegetable.

The BOSS of the Road

Ask the man who owns one Packard "SIX"



FRANK C. RIGGS Packard Service Bldg., Cornell Road Twenty-Third and Washington Sts.