KERSH CASE JURY JOCKED UP WITH

Indications Point to Another Disagreement Among Men Deciding on Fate of Woman Charged With Murder.

Retiring for deliberation at 5:26 clock yesterday afternoon, the lury in he case of Mrs. Carrie Kersh remains ed up in the dingy room on the p floor of the courthouse. At mided trial may result as did the first, a disagreement of the jurors as to whether Mrs. Kersh conspired with lease P. Webb to kill W. A. Johnson at the New Grand Central hotel on

No word came from the jury, no adudge Morrow and no communication earing upon the standing of the jurors coming from them. If a verdict should be reached today, it will be reelves and the jury discharged. If the ury continues to disagree, it must be mid together over Sunday and cannot o discharged before tomorrow morning

The blood stained trunk in which abnuon's body was sent to the depot by Webb is a companion of the jury in its It forms an exhibit in the case. The jurors said they wanted it, and Clerk A. L. Buchtel, assisted by a balliff, carried it up the narrow stair-

While Carrie Kersh was being carried from the courtroom yesterday after-noon in the arms of Deputy Sheriff Sweeney and Jail Matron Cameron, the jury which will decide whether she shall live or die was being escorted to its room to deliberate upon its verdict.

It was a dramatic ending to the second trial of the woman charged with

urder in the first degree as a con-irator with Jesse P. Webb in killing Illiam A. Johnson, with whom she was Webb at the New Grand Central botel on the afternoon of June 20. During the argument of her attorneys in the afternoon Mrs. Kersh wept much of the time, and when Deputy District Attorney Fitzgerald made his scathing summing up for the state she collapsed, leaning back from her chair upon the shoulder of the matron and closing her eyas most of the time.

Growd Is Curions. riff and the matron carried their lid falling on it. prostrate charge from the courfroom and down the stairway to the county m in the third story of the court-

Four verdicts might be returned, dge Morrow instructed the jury, being order in the first degree, second demurder in the first degree, second degree, manslaughter or sequifial. But to find her guilty of second degree or manslaughter, the jury must find that she was present when Johnson was killed. Either of these verdicts, it is generally considered, are illogical, and are only possible as a result of deadlock and compromise between those who believe Mrs. Kersh should hang and those who think she should go free.

Conspiracy as Defined.

Interest in the court's instructions

Interest in the court's instructions tered principally in Judge Morrow's definition of conspiracy, under which the prosecution had hoped to declare Mrs. Kersh equally guilty with Jesse P. Webb, who is already under sentence of

"As a shadow follows the sun, so does the liability of each conspirator follow the action of every other consaid the instructions. "Whatwer is done by one is done by the other, although they may be widely separated and play different parts entire-iy, provided always, remember, that here was a conspiracy.
"If you find there was a conspiracy

will have to determine Webb's t. Whatever Webb is guilty of, if you find he is guilty of anything, done in pursuance of the conspiracy, she is of. The two conspirators must tand or fall together, once the conspir acy is established, if the act done was within the scope of the plan, "Of course, if you find there was no

ement between them to do anybing, that ends the case, so far as this dant is concerned, unless you find personally assisted in killing John-If she took part in it, was actually there, of course she may be guilty of any one of the three degrees of the e, murder in the first degree, murder in the second degree, or man-

But, I am not talking about the case of conspiracy, and as I say, you will have to find what Webb's guilt was be-fore you can determine what her guilt was, if you find there was a conspira-cr; and will have to determine what was done under it. Then, whatever one party did, the other party did. They stand or fall together under the

Judge Morrow pointed out that the ry must also pass upon the guilt of cobb and the truth or falsity of the tory he tells that he beat Johnson to much in self defense in the course of jeulous quarrel. If this be true, said be court, and the jury believes the liling was the result of a sudden heat passion. Webb was guilty of man-laughter and Mra. Kersh is not guilty all. Of it the killing was done in it detense. Mrs. Kersh is guittless hile Webb has already been tried and attended to die on the scaffold, any the jury entertaining a reasonable upt of his guitt could give this as a

on for acquitting Mrs. Kersh. he final argument of Deputy District ine that argument of Deputy District orney Fitzgerald yesterday afternoon in the close attention of the big crowd apectators and was a forceful presistion of the evidence, piece by piece, on which the state built up its theory conspiracy. He traced the meretricum relations of Webb and Mrs. Kersh of their continuing follows: and their continuing intimacy in Spo-ume up to the day Mrs. Kersh was to cave with Johnson, to whom she was affianced. Her living with Webb to within a day or two of departure, her

odging house, the taking of her the same expressman and their to all pointed to as showing that Mrs

Pitzgerald's Foints. Fitngerald's Foints.

Fitngerald said it was necessary to leave fipekane in order to induce Johnson to draw his \$1800 deposit from the bank. In that way they could gain possession of the money and then dispose of their victim. He pointed out that Webb registered under an assumed mame at the hotel on arrival in Portiand, and can give no reason why he did it. The prosecutor said Webb did this because he was then planning the murder, so if he were traced the police would be searching for A. C. Puwers of Nome, instead of Jesse P. Webb of Spokane.

these things. She was the lure for huson, he contended, lending her aid Webb to put Johnson out of the world and leave them free to enjoy the \$1800. How they meant to enjoy themselves, he said, was shown by the joy ride they took on the night of June 20, as soon as Johnson's body had been taken in a trunk to the depot by Webb and they thought there was no danger of immediate pursuit.

Foot by foot the prosecutor went over the ground, while the white-faced fig-ure of the woman whose guilt he proclaimed lay back upon the shoulder of a job, are four points in the life of Wil-the jail matron, the only woman near her. Now and then Mrs. Kersh opened Diamond is 42 years old, and is a her eyes and sipped from a glass of wa-ter that had been brought for her.

Jurora Are Solemn. The long trial ended with the judge's instructions, Clerk A. L. Buchtel administered the oath to the two balliffs who were to guard the jury in its vigil, A. B. Stuart and M. J. Morse. Sol-emnly and slowly the jurors filed out, while the eager crowd looked on, its throbbing interest and curlosity still un-

Judge Morrow ordered all exhibits to the case taken to the jury room, including the \$1800 in currency, for the greed of which it charged Mrs. Kersh and Webb conspired to murder. He warned the jury it would be responsible for all the exhibits, the money included. The trunk in which Johnson's body was

sent to the depot by Webb is at the disposal of the jury as an exhibit, but it has not been called for.

The second trial of Mrs. Kersh lasted nine days, including three night ses sions. In the first trial, last October the jury disagreed, eight jurors voting for conviction and four for acquittal. In the last trial four additional witnesses for the state were called and Deputy District Attorney Fitzgerald considered his case materially strength-

new witnesses were Mrs. John

Elizabeth Sprague, Fred J. and Dr. Fessler, Mrs. Gamble, wife of the proprietor of the New Grand Central, told of seeing Mrs. Kersh counting a roll of bills in the dining room between 2 and 3 o'clock on the afternoon of the murder and said Webb was there, conferring with her Mrs. Sprague, a Spokans lodging house keeper, told of the rental of rooms at her place by Webb and Mrs. Kersh on June 8, registering as Mr. and Mrs. She also told of a note

left by Mrs. Kersh for Webb when she vacated the rooms, about 10 days later. Thus she sat for nearly an hour kirschner, a waiter at the Quelle, told shill Judge Morrow was delivering his charge to the jury, with a curious crowd evening of the day Johnson was killed, and of Webb exhibiting a roll of bills have the courtroom and peering over the and around each other for a glimpse of the white faced woman whose fate the jury was soon to decide. When Judge Morrow finished at 5:18 p. m., he ordered a passageway cleared while the deputy telling him it had been burt by a trunk the interest of the matron carried their telling him it had been burt by a trunk the first telling him it had been burt by a trunk the first telling him it had been burt by a trunk telling him it had been burt by a

> At an elevation of ten feet above the more than ten miles away

POVERTY HISTAL

Yarn That Would Make Yellow Backed Novel Turn Green With Spiteful Envy Told by Portland Visitor.

Eight months in a Siberian prison, es-spe by 11 guards, at one time having in his possession gold to the amount of \$1,000,000, today "broke" and looking for

Diamond is 42 years old, and is soldier of fortune. He might be termed a rainbow chaser, and this characteriza tion more nearly fits the man than pos-sibly any other that could be given it is only when the words ,"gold," and 'prospecting" are mentioned that he will

The career of Diamond began in Chi cago. At the age of 12 years he was left an orphan. He began to wander around the country. It was not long un-til he found himself in Europe. Later he awoke in Africa. One day he stopped in Australia, and so wandered around until he finally found himself in Alaska. The gold fever seized Lim and he began to work. A fortune was made and lost. Another was made and lost. The story of how this was done is too long to tell, he says.

Reports of vast ledges of gold in far he bought a ship and sailed across the Behring strait. With six laborers, Diamond and Kelly began digging gold. They had never found such treasures It was easy. Within four months the eight men had approximately \$2,000,000 worth of gold, and were preparing to dispose of their diggings, Diamond says, One evening they were surrounded by Russian Cossacks and placed in chains. Six of the prisoners escaped, leaving only Diamond and Kelly. The two mer were taken to what is known as the Cairo prison. This is about 200 miles in the interior of Siberia. The labors at this place were hard and tedious. The reason of their incarceration was on account of their gold digging, it being an unwritten law that no foreigner could dig gold, and there was no trial or

For eight months Diamond and Kelly trudged and worked. Not a moment es caped them but what they were watch ing for a chance to get away. One evening after being taken from the dinner table the prisoners were marching back to work. Diamond and Kelly were him a few feet, and when he reached

the guard fell over. Diamond grasped his rifle and Kelly attacked the other guard. The two prisoners fought their way from the two men whom they dis-armed. Making their way toward the deadline they held at bay the nine guards, who attempted to stop them and

Making their way overland to the or a sailing vessel and were taken to it. Michaela, Alaska. From there they erer transported to Seattle. This hap-ened in 1905. Diamond and Kelly were ptured by the cossacks in Septem

908, and again began prospecting. They ight be rich. The taste for civilizing tion overcame the two men, however, and last summer they returned to the states. Like many prospectors, they had very-little money. This soon was nothing, and today Diamond is looking for a job. He claims to be a first class cook. having learned his trade before the gold fever came on. It was by cooking that he made four complete trips around the globe, and he has cooked in some of the fashionable cafes of the old country. French and Spanish are freely spoker and he says there are no French dishs that he can not prepare. The past thre days he has been visiting the municipa free employment bureau on Madison street, and watching the sign boards for "cook wanted." John G. Schroeder, clerk of the bureau, struck up a co versation yesterday afternoon with nan, and his story was told.

"I want to get back," he says. "I think the next strike will be the lucky one and I can quit. One more chance is all I ask. I want work this winter and I want it hadly. Of course I have and I want it badly. Of course I have only two occupations—cook and prospector. There is nothing in the last the interested families. line, and I must cook."

CARRY BIG INCREASE

Washington, Dec. 17 .- According to statement made by a member of the house committee having charge of the sail back to St. Michaels. Alaska, and first of the week the amount it carries dispose of their dispusses. Diamond says will be \$40,000,000 in excess of the appropriations for the current year. This the amounts and the ages at which servce pensions now are granted. Under the new plan a pension of \$15 a month is granted at the age of 62; \$20 at 65 years; \$25 at 70 years, and \$36 at 75

The measure if reported in this shape will have severe opposition on the floor of the house.

court to which they could appeal, says CHIEF JUSTICE BURGESS OF MISSOURI IS DEAD

Chief Justice Gaven B. Burgess, of the Missouri supreme court, died at 11:30 at the head of two columns of men.

Diamond saw what he thought was a chance. A small stone lay ahead of home in Jefferson City.

Wealthy Georgian Returning From Far East to Claim His Bride in South Meets Fate Aboard Ship.

(By the International News Service.) San Francisco, Dec. 17.—A roma of the high seas, which began 17 days ago when the Pacific mail liner Asia salled from Yokohama had a happy ending in this city tonight when Peter Archibald Gordon Grimes, millionaire rubber magnate of Cooner Madras, India, connected with a prominent Atlanta, Ga., family, and Laura Faye Noble of Columbus, Ohio, but late a missionary

in China, were married.

A feature of the romance lies in the fact that Grimes after representing the
"I British rubber trust for some years in
ky India, Ceylon and Singapore, started
too back to his home at Atlanta, expecting when he arrived there to wed the

Plans to Go Away. Grimes had not taken fate into con sideration, however, for when the Asia anchored at Yokohama, the plans most carefully arranged were dissipated as a mist by the morning's sun. Fate in the person of the beautiful little missionary Miss Noble appeared over the edge of the gangway and after that Grimes immediately forgot all about the

case it was a case of love at first sight. Commander Harry Gaukroger of the Asia said that though there have been many romances on his vessel since he took command, none can compare with "Why," he said, "the couple was so happy that the thing became contagious and if it had not been that all my officers are benedicts already, I believe the whole lot would have paid a visit to the little church around the

corner when we got in."

The young millionaire and his happy bride could not be located tonight and it is believed the couple are now on their way to Georgia, where they hope to obtain the forgiveness of Grimes'

MAKE ANOTHER EFFORT TO MERGE LUMBERMEN

effort is again being made to merge the various associations of lumber manufacturers in the Pacific northwest into one association. This matter was discussed a great deal some months ago tonight in a local sanitarium. His ill-but nothing came from it and those ness was Bright's disease, but it did favoring such a plan are again promot-

ing the proposition.

At present each district has its own organization as do other lines of industry and while some are favoring mixed with vipegar is excellent amalgamation, others oppose it on the

erent associations are not always iden-ical and conflicts within the organiza-ion would be unavoidable.

The matter will be discussed at a neeting to be held in Centralia early

FARMERS TURN DOWN BIDS ON GRAIN BAGS

(Special Dispatch to The Journal.)
Walla Walla, Wash., Dec. 17.—Alsugh 13 firms made bids on the 4,000, 000 grain bags to be furnished to the farmers of the Walla Walla valley next year, the Farmers' Union at the meeting here this afternson declared them all oo high, and will sak for new prices.

The price last year on the bags was \$5.47% per hundred, and while it was not announced today what the lowest bid was, it is well understood that it was in the neighborhood of \$5.30, and that it was made by Balfour, Guthrie

H. H. McLean was elected president of the union for the coming year, to ceed himself.

High Tide at Toledo.

(Special Dispatch to The Journal.)
Chehalis, Wash., Dec. 17.—Mrs. Anna Knapp, who sued the city of Chehalis for damages for personal injuries, received from falling on a defective sidewalk, was awarded \$2000 by a jury in the superior court today.

The first agreement as to wages and achinists and an organization of aeroplane manufacturers, was reported the other day by the New York district council of the International Association of Machinists. The agreement is be-tween the Aerial Navigation Company of America, which has branches in sev-eral cities where aeroplanes are made, and the International association of Machinists and is terminable on 30 days'

WILL BE SETTLED

San Francisco Scores Point Over New Orleans by Securing Early Action-Date Is January 17.

(By the International News Service.) a Washington, Dec. 17. — California cored first blood in the exposition fight today. The committee on rules reported

High Tide at Toledo.

(Special Dispatch to The Jeans).)

Toledo, Or., Dec. 17.—Yesterday's wind and rain storm drove the water in the bay, making the highest tide experienced this year. The water got through the dike and floded the engine and dynamo room of the electric light plant. It was thought for a time that they would be unable to operate the plant last evening, but the storm abated, allowing the water to recede.

Four Inches of Snow at Clem.

(Special Dispatch to The Journal.)

Clem, Or., Dec. 17.—The first snow of the season, fell here yesterday, and this morning there is about four inches. This snow breaks one of the longest spells of damp, forgy weather ever seen here.

Everybody is well prepared for a long siege of winter as there is an abundance of feed in the country.

Woman Gets \$2000 Damages.

(Special Dispatch to The Journal.)

Chebalis, Wash, Dec. 17.—Mrs. Anno. Knapp, who sued the city of Chebalis for damages for personal infuries, re
ioday. The committee on rules reported favorably on Kahn's resolution and set January 17 as the day when the house shall settle for all time the contentions of San Francisco and New Orleans to be chosen as the city for holding the world's Panama exposition in commemoration of the camps of the Californians and depression among the Californians and depres

"The sentiment of many our The sentiment of many congressmen is against aid to expositions. Frankly, if we were asking for aid I don't think that we would have a chance to win, but the fact that San Francisco has raised \$17,500,000, and that she is able and willing to assume the burdens of the great undertaking, has challenged the admiration of the members of conthe admiration of the members of con-gress, and I feel satisfied that a good-'ly majority of the members will regis-ter their votes in favor of our city."

Union of North America, founded in 1859, and incorporated by congress in that year, is the only labor organization which ever received a charter from the United States government.

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