

SHOOTS FORMER WIFE, COMPANION, THEN KILLS SELF

In Fit of Anger J. H. Lutes Makes Murderous Attack; Victims Will Recover; Letter Hints of Suicide.

After contemplating suicide for some time, following the action of his wife in divorcing him, J. H. Lutes, aged 45 years, last night went to the home of his former wife, Mrs. Rosalinda Lutes, aged 35 years, 7423 Fifty-eighth street, S. E., intending, it is believed, to bid her a last farewell and then end his life on her doorstep. On arriving at the house, through the windows of which he saw the woman and his former business associate, J. H. Mahaffy, aged 36 years, Lutes was driven insane with anger. Breaking through the front door of the house, he opened fire with a revolver, dangerously wounding both the woman and Mahaffy. Believing them dead, he reloaded his revolver and blew his brains out.

In all, six shots are believed to have been fired, one at Mahaffy, which inflicted a serious wound in the face; four at his wife, one of which struck her in the face, the other three going wild; and one that snuffed out his life instantly. Both Mrs. Lutes and Mahaffy are scarred for life.

In two letters, found in the dead man's pockets this morning by the coroner, every indication is that for the past two weeks the man has contemplated taking his own life. The thought of injuring his wife in any way never entered his mind. Time after time he spoke of his deep love for her and the heartache her action had caused him.

Woman Jumps Through Door.

When Lutes entered the house last night he first turned his attention to Mahaffy, who was struck by the first shot. When Mrs. Lutes jumped through the door, with Lutes following her, in the struggle Mrs. Lutes received her injury. She fell to the porch. Lutes fired at her again. Then he ended his own life.

Motorcycle Patrolman Larry Evans, who was in the vicinity looking for a highwayman, heard the shooting and rushed to the scene, finding both the woman and her companion just recovering consciousness. Mrs. Lutes refused to tell him of the trouble, but a search of the premises disclosed the dead body of Lutes.

Both the injured persons were taken in charge by Evans, and the coroner was notified. Mahaffy was taken to St. Vincent's hospital. Neither is dangerously injured.

One letter left by Lutes was dated November 17, in which he gives directions for the disposition of his affairs and remains.

Last Letter.

The other letter was written yesterday, as follows:

"This is written by J. H. L., called Harry Lutes—Portland, Nov. 23.—At last the time is near when I realize that I shall be called upon to do what I do, either to go out and face the world at labor, with no one to care for me, no one to encourage me to try to do nothing to live for but just to live.

"Yes, I could do as hundreds of thousands are doing, labor on each day, but what a home to so many as to me, a small bedroom in a large building, where you know no one and none to greet you when you get there. I'd you get labor and the little food you eat and a few clothes.

"No, since my wife told me she loved me no more my heart has been broken, and after her admission that she loved another I have only wanted to die, so as to be away from it all, for I cannot forget, try as I will, and I have tried to forget her, and those old happy days with her, but it is no use. I cannot, and so being so very tired and about sick, with no one to love me, I will be better off dead, and the world will be just as well without me. And so at last the time arrives when Rose will always be reminded of the husband who loved her not wisely but well.

Portland, Or., Nov. 17, 1911.—To whomsoever I find this: Should aught happen to me, as I have expected will at some time, which will require the help of others in the final closing of my affairs, first notify George W. Taylor, 48 North Sixth street, clerk of Prospect camp No. 146, W. O. W., in which I hold a policy for \$2000 in favor of my former wife, Rosalinda Lutes, but as we are divorced this will now descend to the niece, Miss Anna Higgins, last heard from at 534 East Forty-sixth place, Chicago. Also notify Mrs. Rosa Lutes at 7423 Fifty-eighth street southeast, and H. J. Laury, at 6043 Forty-first avenue southeast, and Dr. Clayton Seaman, Macleay building.

"Of my personal effects, I care little who gets them, but prefer that Mr. Laury take them if he wishes, as it is hardly likely that Mrs. Rosa Lutes would want them. At present they are in room 41, Palmer house.

"I wish it to be known that no man ever lived that was truer to his wife than I was, until the break came. Now I realize how true this:

"'Tis the wink of an eye, 'tis the draught of a breath, From the blossom of health to the paleness of death, From the gilded saloon to the bier and the shroud, Oh, why should the spirit of mortal be proud?

"At last, alone and broke and friendless, old and crippled and a thing of the past, J. H. LUTES.

WHO FIGHTS UMATILLA PROJECT? THE MOTIVE BEHIND ENMITY SOUGHT

(Continued from Page One.)

tion is not so sudden as the recent protest meetings would seem to indicate. These meetings are said to be but a last resort. Previous opposition, however, has not been open.

ings is not doubted. The interests of the Stanfield people are the same as those of the Furnish people, and the settlers on the Meadows are naturally opposed to any scheme that would confiscate their lands to the government at prices which they believe to be too low. Furthermore, they declare, the Birch and McKay creek ranchers have been in fear for their water rights ever since the reclamation attorneys instituted the adjudication suits, and would naturally be easy subjects to inflame against any project in which there would be the remotest possibility of injury to their own claims.

Without question there have been many individual complaints against the proposed extension from men who might suffer from it, but it is declared there never would have been any organized resistance or formal protest had not lieutenants worked among the men who took a leading part in the Stanfield meeting and were present at the Pilot Rock meetings also.

Furnish Says It's the Settlers.

W. J. Furnish disclaims being in any manner connected with the meetings. To this Journal correspondent in this city yesterday he had no statement to make other than that the protest meeting at Stanfield was entirely a matter belonging to the settlers, and that he was interested only in so far as his interests were identical with those of the settlers. He declared he was not even invited to attend, and certainly had no inclination to mix in the matter at all. "You may say for me," he declared, "that I disclaim any activity in the matter whatsoever."

Hermiston and Umatilla people are indignant over the open attacks being made on the extension at a time when the government is considering crowning their efforts with a grant of money, and they will probably hold a meeting of their own in the near future.

AD WOLGAST GOES UNDER KNIFE; HIS WELSH BATTLE OFF

(Continued from Page One.)

Welsh, "and it seems that fate is determined that I shall not meet the champion. I am heartily sorry for Wolgast and sincerely hope that he will quickly recover. I have the highest respect for him as a man and a fighter, and the news of his sudden illness is a distressing shock to me. I do not suppose that he will be in condition to fight on New Year's day, but if he is ready to meet me on Washington's birthday I will gladly take him on."

Preliminaries to Be Staged.

Promoter Tom McCarey said: "I sincerely trust that the little champion will soon be on the high road to recovery. He is one of the squarest fighters in the world, and if his condition will permit I will be glad to fight the Welsh battle on Washington's birthday. My financial loss will be heavy, as I had gone to considerable expense in arranging to stage this fight. Hundreds of fans are here from outside points. For their benefit I will let the preliminaries go on as arranged, and have Freddie Welsh box 10 rounds each with Gus Anderson and Kid Dalton. I had already sold \$30,000 worth of tickets for the Wolgast-Welsh affair."

BRANDEIS SAYS FISHER POLICY NOW IN ACCORD WITH INSURGENT VIEWS

(Continued from Page One.)

been found as to the administration's actions.

Absolute unanimity of decision was reached by all who took part in the inquiry and who now announce their design to insist that the progressive constructive program of Alaska must be assisted. They declare a belief that the prospects are bright for carrying through such a program this winter, involving the leasing of the coal lands, rigid control by the government of all transportation, rail and water, with a government railroad and strict control over all docks and all terminals, probably, in addition, insisting that the government retain title to all mineral, oil and gas lands.

PHILLIPS SMILES; CASE AT KALAMA IS IN HIS FAVOR

(Continued from Page One.)

and gave valuations on the Central Manufacturing company and W. S. Miller's property. The Central plant had a value of \$7500 or \$8500.

Can't Help Tears, Says Bennett.

"Hugh C. Phillips was not smart enough or mean enough to be a successful banker," said A. S. Bennett, in making the opening statement for the defense. Bennett's voice shook with emotion as he paid tribute to what he declared was the honesty of the former banker. "He perhaps made mistakes. He was not experienced in banking, and he had no more business in a bank than a live sheep in a butcher shop," exclaimed the attorney.

Bennett apologized to the jury for his display of emotion, saying the tears came involuntarily. Phillips' attorney further made the surprising announcement that there is yet doubt as to the inability of the Commercial bank to pay dollar for dollar. He said Aldrich turned in real estate valued at \$145,000 to secure loans of \$73,000. He pointed out that \$27,000 in real estate and loans held by the bank are unquestioned by testimony of the state and he placed the liabilities of the bank at \$311,000. Bennett further defended the Rector & Daly account, saying the firm has \$30,000 or \$40,000 assets, and declared a good deal will be realized from the Swank & Co. stock.

"Fond to Be Phillips' Friend."

Superior Judge Sol Smith of South Bend, Pacific county, was the first character witness for the defense. He said he was proud to be counted a friend of the accused banker. Testimony further made the surprising announcement that there is yet doubt as to the inability of the Commercial bank to pay dollar for dollar. He said Aldrich turned in real estate valued at \$145,000 to secure loans of \$73,000. He pointed out that \$27,000 in real estate and loans held by the bank are unquestioned by testimony of the state and he placed the liabilities of the bank at \$311,000. Bennett further defended the Rector & Daly account, saying the firm has \$30,000 or \$40,000 assets, and declared a good deal will be realized from the Swank & Co. stock.

Close of State's Case Dull.

"The state rests," was the brief announcement by Prosecuting Attorney Tempes at 3:37 yesterday afternoon, signaling that all the testimony had been presented upon which the prosecution

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DR. WALTER E. CARLL DIES AT OREGON CITY



Dr. Carll, for three years mayor, former president of the state medical association, first exalted ruler of Oregon City Elks.

Oregon City, Nov. 28.—Dr. Walter E. Carll, a prominent physician of this city, died here this morning and arrangements for his funeral will be made tonight by the local lodge of Elks, of which he was the first exalted ruler. He has been ill for some weeks and his death was due to a complication of disorders.

Dr. Carll was a native of Massachusetts and was born at Chicopee, October 26, 1858. His ancestors settled in this country previous to the Revolution. After attending the public schools he went to Harvard university, where he took a special medical course and was graduated in 1885. After a year abroad he came to Oregon and practiced two years in Portland, then came to Oregon City. For many years he had been chief surgeon for the Willamette Pulp & Paper company and the Crown Columbia Pulp & Paper company.

For three years Dr. Carll was mayor of this city, his last term expiring last January. He had been a member of the state board of health and was a former president of the State Medical association.

tion would ask for the conviction of Phillips.

The final evidence for the state consisted of formal proof regarding mortgages against the property of Frank Aldrich, now held as security by the bank. The entire afternoon session of yesterday was of little interest to the spectators. Perhaps the most important bit of testimony was in the following: The Commercial bank did keep a cash blotter, from which the daily cash balances were made. Receiver M. B. Kies and John Y. Richardson, expert accountant, had previously testified they searched for a book of that kind, but it was not in the bank.

State's Case Falls Rather Short.

In some respects the case made out by the state has fallen short of expectations. Although the Aldrich loans were made one of the objects of attack, and the securities turned in by the former partner of President Phillips have been questioned, the values placed upon these securities by Aldrich himself have been left practically undisturbed. And if the jury, having no other direct testimony as to what the Aldrich lands are worth, accepts his valuations, it will decide that the Aldrich loans were amply secured on December 16, 1910, and are still fully protected.

And if the jury, following the case closely and is not interested in the result predicted at the close of the state's case that if Phillips is convicted it will not be because of the Aldrich loans. Taking the Aldrich factor out, \$28,000 of the sum included in the assault by the state is eliminated.

In proving insolvency, the state has been limited by the court's rulings to the condition of the bank and the value of securities on December 16, 1910, or prior thereto. Testimony by the former partner of President Phillips has been questioned, the values placed upon these securities by Aldrich himself have been left practically undisturbed. And if the jury, having no other direct testimony as to what the Aldrich lands are worth, accepts his valuations, it will decide that the Aldrich loans were amply secured on December 16, 1910, and are still fully protected.

How to Cure Rheumatism

Prominent Doctor's Best Prescription Easily Mixed at Home.

This simple and harmless formula has worked wonders for all who have tried it, quickly curing chronic and acute rheumatism and sciatica. "From your druggist get one ounce of Toris compound (in original sealed package) and one ounce of syrup of Sarsaparilla compound. Take these two ingredients home and put them in a half pint of good whiskey. Shake the bottle and take a tablespoonful before meals and at bedtime. Good results come after the first few doses. If your druggist does not have Toris compound in stock he will get it for you in a few hours from his wholesale house. Don't be influenced to take a patent medicine instead of this. Insist on having the genuine Toris compound in the original, one ounce, sealed, yellow package. This was published here last winter and hundreds of cases were cured by it in a short time.

The defense leans heavily upon what the state has failed to prove, as well as upon the story to be told by its own witnesses. Attorney Bennett, chief counsel for the defense, said last night he did not believe it would be necessary for the defense to introduce any testimony on the valuation of the Aldrich property, since the testimony of Aldrich himself, called as a witness by the state, stands practically unchallenged.

The defense is expected to make much of the fact that both Phillips, president of the bank, and his chief borrower and ex-partner, Aldrich, have turned over to the bank the homes in which they lived. Both declare they have turned over all they possess, and this is expected to strike a responsive note with the jury. Phillips appears to be confident of acquittal.

Martin L. Pipes and Prosecuting At-

torney Tempes, at the close of their case, seemed well pleased with the showing made, but admitted disappointment over the failure to place Mohundro's letters in evidence. Several of the missives sent by the state bank examiner to Phillips in 1909 and 1910 were written in scorching terms. The court held that the replies sent by Phillips were sufficient in themselves to show what Phillips was writing about, and from the admissions contained in some of these letters, even without those of Mohundro, the state will be able to show he was repeatedly warned for making loans deemed unsafe, and acknowledged the necessity for trimming sail.

The Missing Cash Blotter.

Testimony showing the Commercial bank kept a cash blotter for about a year before the bank closed, from which entries of cash at the close of the day's business were made in the journal, was given yesterday afternoon by Sylvester Goodnight, who was assistant cashier. The lack of this book, missing from the bank when the receiver took charge, somewhat hampered the work of the experts. Goodnight said the cash blotters, referred to by Attorney Bennett as a "memorandum," were not preserved for any length of time. The defense will argue the disappearance of this "memorandum" was of no consequence. In the trial of the Oregon Trust & Savings bank case at Portland the cash blotter furnished some of the most effective evidence against the officers of the bank.

E. E. Beard, editor of the Vancouver Columbian, identified bank statements published on June 30, 1910, and following. From these the state will argue that deceptive statements were given out by officials of the bank. Beard also testified the plant of the Central Manufacturing company, about four blocks from the home of Phillips.

Central Mfg. Co. Failure.

S. M. Bernard, a lumber dealer, and one of the trustees now in charge of the Central Manufacturing company, a lumber and sash concern, testified the assets of that company were about \$10,000 when he took charge last February, and the liabilities \$29,000, and said the assets had not changed to any extent from the time the bank failed. This firm owed the bank \$13,000.

J. V. Field of Troutdale, Or., once foreman of Frank Aldrich's stock ranch at Toppensish, testified as to assets of the Toppensish Livestock company. He valued the stock and land on hand last December at \$25,050, exclusive of \$0 head of horses and mules and admitted that he and Aldrich were not friendly.

During the testimony of Deputy State Bank Examiner Hayden, the defense took advantage of the opportunity to identify and place in evidence a photograph of the Phillips residence in Vancouver, which has been turned over on his stock liability.

Minor Findings of the Court.

Judge McKenney ruled out a certified copy of the adjudication of Moore & Hardin as bankrupts last March, also a like adjudication as to Rector & Daly, and a statement of assets and liabilities of the last named firm at the time of the bankruptcy proceedings. The bankruptcy of these firms and the condition of their accounts had been shown by previous witnesses, however, and the lack of this formal proof is of little consequence.

The court admitted a copy of a decree of the superior court of Clarke county under which Receiver Kies was required to turn over to the trustee for Moore & Hardin the property previously turned to the bank as security for loans of that firm to the amount of \$10,000. As \$10,000 was considered paid and the notes withdrawn when the property was turned in, which was prior to the time the receiver took charge, Kies now has neither notes nor security.

RUSSIAN GOVERNMENT ASSAILED FOR FAMINE

(United Press Leased Wire.)

St. Petersburg, Nov. 28.—The government is being bitterly assailed by the opposition in the duma for its failure to take cognizance of the famine conditions threatening a large part of the empire. Latest reports show that in a score of administrations the peasants are in serious want and that unless relief is provided they will face starvation.

In addition to this, typhoid and scurvy are rife, due to improper nutrition. Charitable organizations are formulating relief measures but it is predicted that they will be utterly incapable of coping with the situation.

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More and more people were here early this morning, ready and anxious to take advantage of the extremely low removal prices, for it is now generally known and acknowledged that this sale measures to and beyond any past piano event ever held on the Pacific Coast.

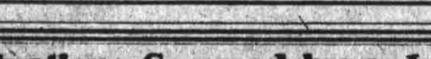
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Song, Miss Henderson
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Song, Mr. Alex Berthold
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