

STRAW VOTES DO NOT COUNT, SAYS RALPH WILLIAMS

Republican Committeeman Is Not Worried Because Polls Point to Strong Sentiment for Roosevelt for President.

(Washington Bureau of the Journal.) Washington, Feb. 3.—"According to newspaper polls, it would appear that Colonel Roosevelt is the choice of more than half the people of the United States for president," said R. E. Williams, national committeeman of Oregon, today, "but when it comes to voting at the polls I think it will be shown that a large majority of the votes will favor the reelection of Taft."

DRAMATIC SCENE FOLLOWS VERDICT ACQUITTING WILDE

(Continued from Page One.)

of several of the jury that they were united in his favor. They were told he was never in danger of conviction, and that had the case gone to the jury the result would have been the same.

The jurors were outspoken in their opinions, making such comments as "nothing to it," "we've all acquitted him," and "we would have acquitted him anyway." Despite these statements and the signing by all of the jury of a statement praising Wilde, it is learned that one of the jurors made a contrary remark soon after they were discharged. He is reported to have said "Some of us would like to have had a whack at Wilde."

May Not Be "Out of the Woods." Last night came a startling report that Wilde might not be out of the woods as far as the district attorney's office is concerned. No direct statement could be obtained, but one of the attorneys connected with the prosecution stated that the presentation of new evidence against Wilde before the present grand jury.

Just after Judge Kavanaugh announced his decision Deputy District Attorney Fitzgerald left the courtroom. He went direct to the law library, and District Attorney Cameron later said that Fitzgerald was "looking up cases" that have a bearing on Wilde. He would make no further statement as to what action may be contemplated, but another attorney for the state later declared that another move is likely to be made.

On the other hand, while Wilde or his counsel would make no positive statement, it was intimated that Wilde may soon be expected to take action against those he holds responsible for the prosecution. His next move is likely to be lawsuits, by which he will seek to even up the alleged wrongs and humiliations he has suffered at the hands of the "German-American bank crowd."

Morris May Withdraw Plea. W. Cooper Morris, having pleaded guilty before he took the witness stand against Wilde, is now in the position of having pleaded guilty to committing the crime he has declared was not a crime. District Attorney Cameron last night said that he did not believe the court would be inclined to impose a further sentence on Morris under the circumstances.

It is expected that the district attorney will join with Morris in asking permission to have the plea of guilty withdrawn, after which the indictment can be dismissed. The district attorney will also renew the motion for dismissal of ten old indictments against Morris, which Judge Gatens as presiding judge refused to dismiss.

Cameron takes the position that Morris, all circumstances considered, received his share of punishment when sentenced to serve six years, and will favor a clean slate for him. If Judge Kavanaugh, who now becomes presiding judge, adopts this view, Morris probably will be released on parole next May, one year from the time he entered prison.

Wilde's first comment when the case was ended was characteristic, and referred to a part of one of his jocular letters to Morris produced as evidence in the case.

"I am going to have some of that squirrel whiskey tonight," he said, "and go out and climb a tree."

Gives Brief Statement. After his first exuberant comment with an occasional expletive for the methods of the prosecution, he spent some time shaking hands, and his emotion was plainly evident. After the excitement of the time had passed he gave out a brief statement.

"Knowing my complete innocence," he said, "and having confidence in Oregon courts and juries, I never at any time anticipated any result except a verdict of acquittal and a complete vindication. Naturally I am deeply grateful that this trial is over with."

"I have nothing to say now concerning those who have brought about this prosecution. The victory in the decision by Judge Kavanaugh and the further assurance by part of the jury that their verdict would have been the same is as complete vindication as any innocent man could hope to receive."

"I am terribly grateful to my friends and those who have stood by me during this trial which has naturally been trying and burdensome. To the great disinterested public I wish to say I am conscious of and appreciate the fair and impartial judgment it has passed upon this case."

Mrs. Edward McLean Says She Is Not Superstitious About Hope Diamond



Washington Residence of Mr. and Mrs. Edward B. McLean.

(By the International News Service.) Washington, Feb. 3.—No jewel was ever guarded more jealously than is the Hope diamond by its new owner, Mrs. Edward Beale McLean. Arrangements were made today by which this celebrated stone will be kept in a bank vault, from which it will be taken to the McLean residence, as social functions require, by armed detectives. When it is in the McLean home a particular member of the household will be designated to keep watch over it.

A minute log will be kept of the occasions on which the diamond is worn. In the vault with the Hope diamond will repose the other McLean treasures, including the Star of the East, of 88 carats, once the property of a European potentate, and a gigantic white stone known as the McLean diamond.

The Hope diamond is set in platinum on a hair fillet of rings crusted in smaller diamonds. The great diamond rests in the middle of the forehead and looks like a gigantic blue snowflake under a microscope.

May Be Worn at White House. Mr. and Mrs. McLean have taken a box for the Southern Relief ball next Monday night and are expected to attend the congressional reception at the White House on Tuesday. It is expected that Mrs. McLean will wear the diamond at both these functions.

"I have worn the Hope diamond and it hasn't brought me bad luck as yet. But it did give me the good fortune to have time at our party."

This statement was made to a friend today by Mrs. McLean. The dinner was the most brilliant and costly ever given in the national capital. An attractive feature of the McLean musicale, aside from the Hope diamond, was found in the \$3000 display of golden lilies imported for the occasion from England. In all the dinner, the music and the decorations cost \$30,000.

proceeded to the vital question and said in part: "My judgment, of course, is frail, and in examining these authorities that have been presented, and in an independent investigation which I made for myself, I have not discovered any authority which holds that a case involving the facts presented here comes properly within an embezzlement statute such as ours. It is remarkable that in all the reported decisions and in the various text books treating this subject, we could not find some pronouncement more pertinent to the real question in dispute than we have. This applies to both the contentions of the state and the defense. There are general expressions in several judicial opinions which at first view would seem to illustrate and elucidate this question, but when one examines them more closely and the facts upon which they are based, you find almost invariably that the facts are entirely different, and very often these observations of courts and text writers are made concerning the plainest sort of a case of embezzlement.

Defining Embezzlement. "There are some general expressions in the authorities where they attempt to define embezzlement, that it includes all wrongful appropriation of a servant of the property of the master, and these expressions would seem at first to be sufficiently broad to cover the facts of almost any case where a servant directly or indirectly had betrayed his trust relation. But as I indicated before, when we come to consider the facts upon which the decisions are based and the decisions upon which the texts are predicated, it will usually appear that the cases are based upon simple, ordinary cases of embezzlement and that the language was used in distinguishing the crime of embezzlement from the old common law crime of larceny.

"It is unusual that facts identical, or at least similar, to those presented here should not have gotten into the courts and a construction given by the courts as to whether or not they constitute the crime of embezzlement. The defense has claimed here that this failure is significant, that it has probably been a matter of common judgment of men that this kind of a case which in its nature is prevalent has never been indictable under embezzlement statutes.

Instructs Jury. "I realize that my decision upon this motion is exceedingly important both to the state and to the defendant. On the one hand if this case is submitted to the jury it must be my judgment that a man who does the acts as they appear in evidence here is an embezzler and a felon and is guilty of a crime for which the only punishment is imprisonment in the penitentiary.

"Upon the other hand, the state is interested in honest dealing and proper relations between master and servant and those who go between them, that there be no violation of trust or breach of confidence.

"But it is my view, and I must assume the responsibility for it, that before the court, by its decision, should say that, under the particular circumstances of a given case, in a felon, the state should present some law or some reason based upon the law by which the court can be reasonably certain that, considering the facts to be true as to the proposition, they constitute the particular crime charged in the indictment. I am not satisfied upon that question from the record that has been presented here.

"I have found no authority that would satisfy me that the acts related in the evidence here constitute the crime of embezzlement, and I believe it is my duty, a duty which I seldom exercise and which I am reluctant to exercise, to instruct this jury under all the circumstances to return a verdict of not guilty.

"Gentlemen of the jury, you are instructed now, in view of these considerations, to return a verdict of not guilty as to this defendant."

The jury was made up of good, substantial and average citizens of this county. I regard the fact that the jury as a business man unambiguously concurred in the finding that Mr. Wilde had committed no crime as conclusive evidence of the complete justice of the legal principles involved and the correct interpretation of such principles by the judge presiding at the trial.

Judge's Review of Case. Judge Kavanaugh, in giving his decision granting an instructed verdict for the defense, did not use notes. His review of the legal questions consumed about 20 minutes. After declaring that he did not think the motion well taken on two of the grounds presented, he

been for acquittal. It was apparent that only a desperate resolve to be brave kept the tears from coming as she said: "I am happier than I look. One can never tell exactly, but I had feared that two of the men on the jury were against me. These two men were among the most cordial in their expressions of gratitude over the way the case ended. That shows how we may be mistaken."

When the court had directed the verdict, it was prepared by Warren E. Thomas, of counsel for the defense, and signed by J. B. Tanner as foreman of the jury. It was then read by the clerk of the court, Frank Fields, Jr.

Malarkey Taken Ill. Dan J. Malarkey, head of Wilde's legal staff, was not present in the hour of triumph. After his final argument for the directed verdict Friday afternoon, he was taken ill, and yesterday was in bed most of the day.

Charles E. Sumner, the San Diego attorney who came to aid in the defense of Wilde, announced that he and Wilde will remain in Portland for several days at least, as they have business matters demanding attention.

It is regarded as certain that the remaining indictment against Wilde, charging that he acted with Morris in January, 1907, in the embezzlement of \$12,500 from the bank, will be dismissed as it deals with the same facts similar to the one on which Judge Kavanaugh gave the instructed verdict. District Attorney Cameron said this course probably will be taken, in view of the decision of the court.

Attorneys for the state had nothing to say regarding the decision of the court. They declined to comment for publication on the result. A. E. Clark, the special prosecutor, when shown the statement signed by the jurors, sarcastically said, "I guess he is entitled to it."

From members of the jury it was learned that they signed the statement after it had been read to them by Warren E. Gilbert, a real estate dealer and friend of Wilde. Gilbert talked to them in the room reserved for them after they had been discharged as jurors, and all of the jurors signed their names to the testimonial.

Newsman Makes Statement. This testimonial, it appears, had been circulated about town before the trial and had been signed by 20 or 25 business men who were in sympathy with the Wilde defense. The names of the jurors appear on the document beneath the signatures of the business men. Testimonial having been placed before the jury by Gilbert because it was already prepared and there was not time to write one for the occasion.

Jay Bowerman, of counsel for the defense, made the following statement concerning the result: "Before the commencement of this prosecution no court had ever held that the transactions similar to those for which Mr. Wilde was indicted constituted any crime whatever. Like transactions are matters of every day occurrence, and yet the most zealous prosecutor in the English speaking countries have never, so far as recorded decisions evidence their action, seen fit to brand as a felon any man who has done all of the things with which Mr. Wilde was charged."

"A most careful search through the reports of decisions by all the courts of the United States and all the British reports and all standard text writers fails to reveal even one decision or text book which could even indicate that the facts relied upon by the prosecution were ever considered a crime."

Kavanaugh Fair, Fearless. "As attorneys we are conscious that Judge Kavanaugh fairly and fearlessly discharged his plain duty. As one of Mr. Wilde's representatives I also appreciate the cordial assurance given by the members of the jury that they endorsed the decision of Judge Kavanaugh, and that they would have rendered a verdict of not guilty at the conclusion of the state's evidence, had the case been submitted to them."

"The jury was made up of good, substantial and average citizens of this county. I regard the fact that the jury as a business man unambiguously concurred in the finding that Mr. Wilde had committed no crime as conclusive evidence of the complete justice of the legal principles involved and the correct interpretation of such principles by the judge presiding at the trial."

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Stockton, Cal., Feb. 3.—Information was received in this city today that the Balfour-Guthrie company has purchased 5000 acres of land near Byron, in Contra Costa county, and would form an irrigation district.

It will be the first in Contra Costa county and will have a great effect on alfalfa farms.

The proposed district, which has been surveyed by Engineer Kempke, will irrigate 11,000 acres of land. Farmers are cooperating in the project.

Select patronage with efficient service makes Oaks Rink popular place.

KILLS FATHER, SISTER, BROTHER, THEN SELF

(United Press Lined Wire.) Appleton, Wis., Feb. 3.—"Let us all take poison and kill ourselves. What is the use of living? We will die eventually of consumption anyway."

This, Edwin Mahlan testified before a coroner's jury late today, was the statement of his brother, William, 31, who murdered his sister, a brother and father, Louis Mahlan, 66, on the latter's

farm near Binghamton, late yesterday, and then committed suicide.

It developed at the coroner's hearing that the mother and five girls had died within four years of the white plague and the father and six remaining children were all victims of the disease.

"If I could only get father and Ed out of the way the rest would be easy," neighbors testified that the murderer and suicide told the day before the tragedy. Ed, the older son, with three others escaped by being absent from the farm, but the father fell with his head nearly blown from his body. The throats of Doris, 15, on a sick bed, and John, aged 8, were slashed with a butcher knife. Mahlan then drew the keen blade over his own throat.

A quadruple funeral will be held Monday.

LINN RESIDENTS FORM COMPANY TO HUNT OIL

(Special to the Journal.) Albany, Or., Feb. 3.—The Linn County Oil company, which will endeavor to ascertain whether oil or gas is in this valley, completed its organization last night and placed its capital stock at \$5000 for the present, which consists of 200 shares, at a par value of \$25 each. Over half of the stock has already been subscribed and the balance will be readily disposed of. The company has applied for a charter and hereafter will be known as the Willamette Oil company.

Big Tax Payment. Sacramento, Cal., Feb. 3.—A process

ion of closed express wagons filed from the California National bank to the state capitol yesterday containing \$1,250,000 in gold, representing the amount of this year's state taxes of the Southern Pacific company. The net weight of the payment was 4300 pounds.

Boom in Marriage Licenses. (United Press Lined Wire.) Los Angeles, Feb. 3.—The effect of leap year upon the matrimonial thermometer was made evident today by the announcement that 496 marriage licenses were issued during January, the best previous record being 421, and that was in June. February has started with the highest daily average in the history of the county.



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Our plan is the most liberal because we let you name the terms. It's the most economical because we guarantee to save you 10 to 25 per cent on the cost of your bill. Come in tomorrow and

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The MONARCH Malleable Range

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Set up, including hot water connections. Requires no blacking. Has a polished top. Oven thermometers free. Prices: \$57.00 to \$139.00

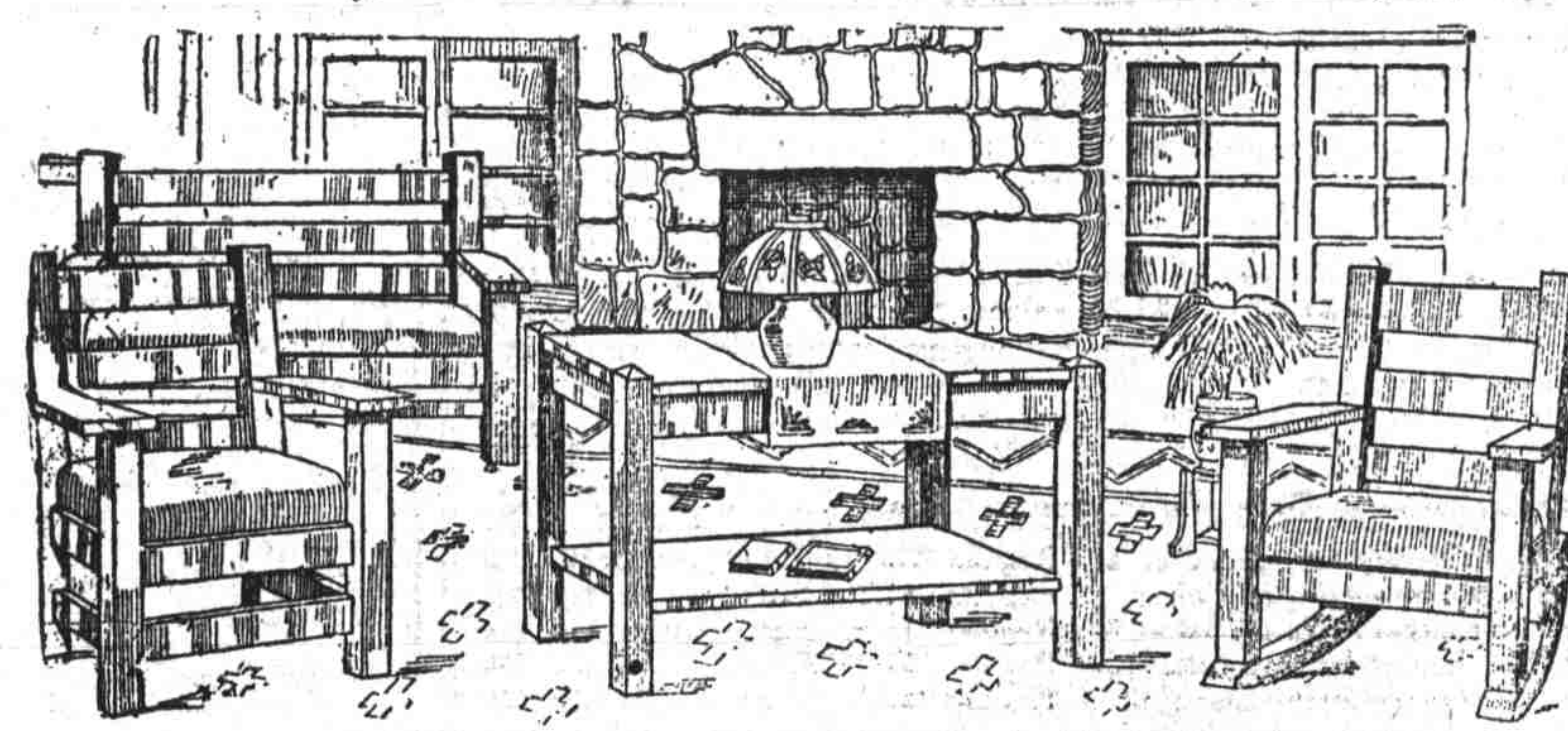


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"MAKE YOUR COOKING A DAILY PLEASURE"

Four Pieces, Fumed Oak and Leather, \$54.50



\$5.00 Sends an Edwards' Quality Library Suit to You

Nothing flimsy or cheap about this; all solid fumed oak, upholstered spring seats, covered in leather, also leather pads on backs of chairs and rocker (not shown). The table is a fine, big one with a drawer. All pieces the very latest design and \$1.00 a week is all the payment required. Quantity is limited, so come early. Price \$54.50

Here's a Complete Outfit at The Price of a Bed Alone



This Complete Bed Outfit \$14.40

Consists of Bed, Spring and Mattress as Pictured

Consists of a guaranteed iron bed, a steel supported spring and sanitary top mattress. When you come in and see this outfit you will appreciate its beauty and value much easier than through reading this description.

The bed is a continuous post design and is built along straight, plain lines, and is ornamented with French chills. The spring is made of best woven wire, strongly secured to the frame by a patented device. The mattress is tufted in a secure manner to insure holding its shape. The complete outfit on sale for \$14.40—\$1 CASH, \$1 WEEKLY.

Magazine Stands \$1.45



Fumed or waxed oak, stands like illustration, ample size; regular price \$2.25, on sale at \$1.45. It will pay you to put one of these away for Christmas. Several other styles to select from if you want a better one.

SPECIAL SALE OF \$20 RUGS AT \$13.85

Every one a \$20.00 9x12 Brussels Rug. If you don't think they are worth it, don't buy them. Come just to see. We know just as well as you do that you can get a 9x12 rug any time for \$13.85 of poor quality. These are No. 1 Brussels.

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