

ACQUITTAL OR FIRST DEGREE VERDICT IS ASKED FOR PENDER

Special Prosecutor Tongue to Have Final Summing Up Before Case Goes to Jury.

(Special to The Journal.) St. Helena, Or., Nov. 21.—A crowded court room listened today to the closing arguments to the jury in the trial of John A. Pender on the charge of killing Mrs. Daisy Wehrman and child near Scappoose, September 4, 1911.

Special Prosecutor E. B. Tongue will make the final summing up and the case will probably be submitted to the jury late this afternoon. The taking of testimony was concluded yesterday afternoon. At the request of the defense, the jury was taken out of the room while formal motions to direct an instructed verdict and to withdraw the hammer, hatchet and revolver from the evidence on the ground of insufficiency were made and denied.

MAYOR INDICATES DISMISSALS WILL FOLLOW HEARING

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against Slover and other members of the department are deemed serious it is probable that a grand jury investigation of the entire mess will be demanded immediately. The investigation was conducted by Commissioner George W. Caldwell and A. E. Clark, John F. Logan, the other commissioner, being out of the city.

Only the charges against Slover, the story of the handling of subscriptions for the Portland News and the gambling charges were made the points of the investigation. Many other charges pertaining to alleged graft, keeping of rewards by detectives when the money should have been paid over to the city, and others will be thoroughly investigated at another hearing to be held soon.

How he had understood that a policy of "standing pat" had meant to deny the gambling charges, and how he had given his promise to do so, was explained by Sergeant A. L. Pressey. While on the stand he clearly brought out that he thought he had been the object of much "double crossing." It was Pressey who had sworn to an affidavit denying the gambling charges and later attempted to retract the signed statement.

"There had been an understanding," said Pressey, "when we heard that an investigation was started to 'stand pat.' I understood it to mean that we were all to deny the charges. That is why I gave my promise to Captain Riley and the others then signed the first affidavit of denial."

Riley Seeks Trouble. "When I returned to the station after signing the affidavit I told Captain Riley what I had done, and he replied that I should not have signed the affidavit, for it was liable to make a great deal of trouble."

"That is a h—l of a note for you to say that now, after we had all decided to stick together," said Pressey. Both of the commissioners stated afterwards that Pressey had apparently been made the "goat."

Captain Riley, while on the stand, stated that both Pressey and Schirmer, who had signed affidavits of denial, had misunderstood the scheme of standing pat. He said that instead of denying the truth of the charges, the men were not to tell on others. The witnesses after Riley had different versions of the "standing pat" agreement, some stating to have thought it meant one thing and others another.

Riley was asked by Commissioner Clark as to why he had gambled, and Riley gave a spirited reply.

Favors Gambling on Square. "There is gambling going on all over town," said Riley, "in many clubs and lots of private homes. I don't see why the members of the police department should be barred the liberties of American citizens."

"Do you mean to say that you favor playing cards for money?" asked Commissioner Clark. "I certainly do when the games are on the square," replied Riley. Riley told of how he had been a member of the police department for about nine years and of how they used to play games in the "good old days." He said that the police court used to be adjourned and everyone went out to "shoot traps."

Among those involved in the gambling charges and some of those who testi-

JURY WHICH SAT IN TRIAL OF PENDER FOR MURDER OF WEHRMANS



Bottom row—Eli Davis, W. H. Wilkinson, C. Hansen, O. O. Nickerson, S. V. Malmsten, N. O. Larrabee. Middle row—O. J. McConnell, D. C. Smith, August A. Friske, Virgil Powell, Irving Knowles, Louis Boeck. Top row—P. W. Harrison and Thomas Watts, bailiffs.

fied as to their gambling were Patrolmen August Schirmer, Johnny Jones, Christopherson, Fuller, Thatcher, Whitesides, Hutolings, Rabior, Maas, Humphries, Cooper, Vrooman, Schad, Anderson and Captain Riley, Sergeants Pressey, Rupert, Casey and Rossie McHugh, a member of the fire department.

Considerable Money Circulated. The full details of the game as run in Patrolman Christopherson's rooms in the Juliana apartments on Trinity "place" were all brought out. Some of the men testified to the amount of money they had lost or won. Sergeant Casey said that he had lost from \$30 to \$40, while it was brought out that Captain Riley was frequently a loser.

How Captain Riley and other men were engaged in a gambling game in the rooms of the Police Athletic association across from the police station the night of two murders in Chinatown was explained by a number of witnesses. It was shown that the station had been left that night in charge of an ordinary patrolman and not a sergeant, as was customary when the captain left the station.

Throughout the entire hearing Chief of Police John Clark sat far back in a corner of the council chamber and there unobserved listened with a great deal of interest to the testimony submitted by his men. Mayor Albee dropped in at the hearing several times and listened from behind a pillar to the tales of his police department. Commissioner Bigelow also was for a short time an interested listener.

Politics Introduced. Captain of Detectives C. E. Baty told of how he had been approached by Slover along in April of this year and asked if he did not want to play a "little politics." All of the details of the deal to get subscriptions for the Portland News were explained by the captain.

"Slover called me into his office one day," said Baty, "and wanted to know if I wanted to play a 'little politics.' I asked him what he meant and he explained that it would be a good scheme for his men to go out and get 10 subscribers for the Portland News, which was then supporting Rushlight for mayor, as well as paying \$3 for one year's subscription to the paper."

Baty also told of how he had approached some of his men and put the scheme up to them. Commissioner Clark at this point asked if it was a common practice for the detectives to play politics. "Sure," replied Baty, "the men are always expected to do something for various candidates. My men thought it would be pretty easy to get subscriptions to the paper and then they would not be required to do anything further in the political line."

Frank Snow Testifies. Detective Sergeant Frank Snow told of how he had been approached by Baty with the scheme, as did Detective B. F. Smith. Both said that they had gotten the 10 names at random from the directory and had paid the \$3 at the newspaper office. Detective Abbott told of being approached and of how he had refused to be a party to the scheme. It was after Abbott balked, the order of Slover was rescinded, according to the testimony.

During the course of the hearing Captain Riley stated that while he had gambled he had done no grafting as other captains had done, nor had he kept any rewards. "What do you mean?" asked Commissioner Clark. "Repeat what you said about the grafting that is just what we want to learn all we can about."

Riley backed down and stated that he had got his information from a member of a former grand jury. He said that he could get further information if the commission would give him time.

Would Implicate Sheriff. "The testimony of Rosa Babcock, a woman of the underworld, who had testified yesterday morning that Slover had attempted to get her to swear that Sheriff Word was collecting money was partially borne out last night by Patrolman John Wendorff."

Cock woman had stated that she had been arrested some weeks ago while Slover was captain, and taken to the station, where Slover had threatened her if she would not swear falsely against Sheriff Word.

"I was in the station when Rosa Babcock was taken into Slover's office, testified Wendorff. 'Soon he had a great deal of noise and some swearing. I looked through the door. There was Slover about to strike the Bab-

cock woman. I was about to rush into the room and grab his arm, which was upraised, when he saw me. He slammed the door in my face."

Found Slover Asleep. J. P. Murphy, a patrolman, testified that he had been sent to the station for being asleep on his beat.

"When I reached the place I was sent into the captain's office," he said, "and there was Slover asleep. I looked at him then spoke loud enough and he awoke. He neither reprimanded me nor did I reprimand him."

Patrolman J. W. Morelock told of how Slover had often been asleep and that he had been sent to "the brush," he thought, because Slover believed that he had "peached" to the chief. "I didn't peach," said Morelock, "but I went to the brush. I was sent to Albin."

Many other incidents pertaining to the workings of the police department were brought to light by the various witnesses. As the investigation is by no means completed, the board adjourned subject to call. It was announced that all patrolmen wanted for witnesses would be subpoenaed when needed.

MEXICO IS THREATENED WITH FUEL FAMINE; NO COAL TO BE PROCURED

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nessy would discuss what moves they contemplated next. There was no confirmation of a report that the rebels had captured Tampico.

Madero in Consulate. Confirmation was received of a story that Daniel and Evaristo Madero, with several of their friends, charged with political offenses but out on bail, took refuge in the American consulate at Vera Cruz when summoned before General Maas, the military commander there, and that United States Consul Canada had telegraphed to Washington for instructions. It was not known definitely, however, that General Maas had asked for their surrender.

Rumors concerning the course General Maas has been ordered to pursue in the event of a landing of American marines at Vera Cruz conflicted absolutely. One version was that Huerta had told him to resist as long as he could; another had it that he was not to interfere and to retreat with his forces toward the capital if necessary.

The ovation which Huerta received when he appeared in congress to read his address late yesterday surprised no one. Both houses are completely under his domination and certainly will follow his orders to the letter.

That it will be the president's policy to have the lawmakers grant the vast concessions the Pearson syndicate has been seeking was considered more doubtful than before Premier Asquith of England reversed Foreign Minister Sir Edward Grey's anti-American policy in Mexico.

Had the Pearsons, through the English government, been able to support Huerta, it was considered a foregone conclusion they would have received the concessions. Since they failed, it was hard to see what Huerta would gain by continuing to favor them, and the chances that they would get what they wanted dwindled.

Worse Than Ward Healers. Los Angeles, Cal., Nov. 21.—Former Alderman Joseph H. Francis of Chicago told today the story of his capture and release by soldiers of the Mexican rebel leader, Villa, who recently captured Juarez.

"I was seized in the streets of Juarez, where I had gone to see the results of the battle," he said. "I was thrown into an adobe hut with some federal soldiers. My pockets were looted of \$200 and some valuables."

"The following morning a rebel officer with a squad of dirty soldiers came for me. I saw that he wore the pin of an order of which I am a member, and I hailed him. He secured my release but refused to return my money. I don't know what became of two other Americans who were seized with me."

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MADERO BROTHERS AT VERA CRUZ ARE GIVEN AMERICAN PROTECTION

(Continued From Page One.)

report circulated in London that President Wilson planned to recognize the government of Provisional President Huerta of Mexico.

"The report is too absurd to warrant further comment," said Bryan.

Maderos Placed on Battleship. (United Press Leased Wire.) Vera Cruz, Mexico, Nov. 21.—Evaristo and Daniel Madero, brothers of the late President Madero, were taken from the United States consulate on board the American battleship Rhode Island in the harbor here.

The two Madero brothers were accompanied by four relatives, also wanted by the Mexican authorities. The fugitives' transfer from the consulate to a place of safety afloat was in direct defiance of a demand from the commander of the Mexican military force at Vera Cruz for their surrender to him.

There had been some hints that force might be used in taking them from the consulate, and it was not only out of consideration for the Maderos' safety but also to prevent such an incident, which must mean an immediate international crisis, that it was deemed best to put the refugees in an entirely safe place. They will be held on board the Rhode Island pending further instructions from Washington.

The supposition was that they would be turned over to a merchant vessel at sea. Consul Canada personally accompanied the sextet from the consulate to the battleship under escort of a detail of six American marines. The Maderos were arrested in Monterey some time ago, charged with plotting to turn that town over to the rebels. After remaining in prison here until Wednesday, they were released on bail. Yesterday General Maas, the Vera Cruz military commander, summoned them before him. Instead of obeying, they fled to the American consulate. Marines were held in readiness on the warships here and at Tuxpan for a landing on short notice. It was hoped it would not be necessary for them to go ashore, but Admiral Fletcher made all the necessary preparations, as a precaution against any sudden anti-foreign outbreak.

The Mexican gunboat Zaragoza sailed today for Tampico with war munitions.

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Old Freighter Dead.

Walla Walla, Wash., Nov. 21.—Robert M. Griffith, pioneer freighter of the Walla Walla valley, died here yesterday at the age of 81 years. Mr. Griffith was born in the Barbadoes, and came to this valley 61 years ago.

Beylein Is Councilman.

Eugene, Or., Nov. 21.—The city council has elected J. F. Beylein member of that body from the fourth ward to

succeed A. N. Striker, who died a few weeks ago.

First Storm at La Grande. La Grande, Or., Nov. 21.—Union county's first snow storm for the winter started last night and continued today. A drop of the mercury to 24 degrees went with the storm.

Murderer Makes Strange Request.

Los Angeles, Nov. 21.—Louis A. Larson, convicted murderer, asked Miss

Lulu Carpenter, for love of whom he killed his wife, to adopt his infant son.

Silver Bar Stolen at Wharf. San Francisco, Nov. 21.—A \$700 silver bar destined for a Shanghai bank, disappeared from the pier at which the liner Chio Maru was loading cargo.

Flies Over Germany.

Prague, Nov. 21.—Aviator Vedrine landed after a 400 mile flight from France without touching German soil.

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