

# FOREMAN OF JURY DECLARES STATE'S CASE AN INSULT

(By United News)  
San Francisco, Dec. 5.—Shrading that "one of the two minority members" of the Arbuckle jury told fellow members at the commencement of deliberations that "she would cast her ballot for conviction and would not change it until hell froze over," were made Sunday night in a signed statement by August Fritze, foreman of the jury.

Fritze's statement purported to tell the "inside story" of what the jury did during the 48 hours it was locked up and unable to agree on a verdict in Arbuckle's manslaughter trial.

Fritze criticized the prosecution for "indecently" making the women on the jury and denounced Assistant District Attorney Milton U'Ren bitterly. He said he made the statement as a "duty to the public, despite an agreement among members of the jury not to make individual statements."

None of the other members of the jury made any pertinent statements.

**VOTED ON EVIDENCE**

Mrs. Helen Hubbard, said to have been leader of the "conviction contingent," refused to answer any questions whatsoever.

Fritze's statement said:

"I make this statement as a duty to the public.

"I believe, as foreman, that it is well for those interested in the administration of justice, that the citizens of San Francisco should have all the facts.

"The 10 members of the jury who voted on the last ballot for acquittal felt that they voted on the evidence, fully considering it all.

"One of the two minority members refused to consider the evidence from the beginning and said at the opening of proceedings that she would cast her ballot and would not change it until hell froze over.

"The other was fluctuating, sometimes casting a blank ballot, sometimes voting for the defense and sometimes voting for the prosecution. Considering all the evidence it seemed to us that the prosecution's case was an insult to the intelligence of the jury.

**DIDN'T LIKE LANGUAGE**

"It asked us to substitute conjectures for facts without showing what had been done and asked us to guess what might have been done and to guess one way only.

"Human liberty and American rights should depend not upon the guesses of anybody, but upon evidence.

"The one feature of the case that filled some of us with disgust and caused us some surprise was that the presiding judge refrained from action of disapproval of Deputy District Attorney U'Ren's address to the jury. Its language and intonation were particularly shocking to the proprieties. Morals should surely have some recognition in the courts, certainly in the offices of the attorney's office, which is supposed to represent the people. There can be no excuse for coarse and vulgar remarks on objection. This is particularly applicable where women sit on juries."

**ARBUCKLE'S RETRIAL  
IS SET FOR JAN. 9**

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declined to discuss today a report published here that he had received telephonic threats at night from Miss Louise Hubbard. Fritze admitted he might have some statement to make in a "day or so," but refused to affirm or deny that he had been threatened.

**ASK TO SEE JUDGE**

Arbuckle faces a federal charge of having liquor in his possession and this prevented him leaving at once for his Los Angeles home with his wife, her mother and his sister.

The end of the famous trial came Sunday at noon.

The jury had returned to their deliberations at 10:30 a. m. after spending the night locked in their hotel rooms. They took one ballot. It stood 10 to 2—3 men and a woman voting for a verdict of guilty and 6 men and 4 women for acquittal.

At 11 o'clock the jury for a third time asked to see Judge Louderback. He was reached by Bailiff Harry McGovern and arrived at the Hall of Justice shortly before 12. He came into the courtroom at the stroke of 11 and 10 seconds later the jury filed into the courtroom and into the jury box.

Jury Foreman Fritze reported that it

# Arbuckle, Lawyers, Judge, Jury Foreman



On the second ballot, which was taken immediately afterward, the mysterious person changed to "not guilty," and Kilkenny voted "guilty," making the count 3 to 3 for acquittal.

Kilkenny shifted to the "not guilty" column on the third ballot and stayed there for the fourth also, which was taken after considerable discussion, making the count 10 to 2. Then, after a long argument, a fifth ballot was taken, Kilkenny again shifting to "guilty" and bringing the count 9 to 3, where it stayed until this morning, when Mrs. Wintburn changed her vote to "not guilty," with the result that those figures were given to the court as the final stand of the jury.

**THREE TYPES SHOWN**

Those hours of deliberations, of wrangling, of acrimonious dispute (for as they are described) afford an interesting study in the contrasts of the feminine juror. Three types of mind were shown, and it may be said, three opinions. Two of these "opinions" were set for and against Arbuckle, the third vacillated, torn by the agonies of conscience.

It is this last person, Miss Wintburn, who is, perhaps, the most interesting of the three. She is a woman of the type who she felt lie so heavily upon her. She is a studious, cultured woman of marriage, possibly 40, charmingly dressed but quietly and unobtrusively. She has read much about men and things. She has undergone several severe operations as the result of an accident, and thus was more conversant with medical terms than the others and understood the technicalities of the expert testimony.

With a man removed the floodgates of speech were loosened and the jurors began to talk. Some reluctantly, others willingly, and the details of what transpired during those two days in the jury room began to get the light of day. There was but an exception. Mrs. Helen Hubbard would not talk. She was met by a friend at the door of the courtroom.

"Get me out of here quickly," she said, and the friend took her down the rear elevator and out through police headquarters into an alley. She declined to discuss the matter with reporters.

But the other women felt differently, and what they had to say was received with special interest. This is the first big criminal trial in which women jurors have sat and their attitude was eagerly sought.

There were five women on the Arbuckle jury. Three of them, Mrs. Kitty MacDonald, Mrs. Dorothy O'Dea and Mrs. Adelaide Nelson, were for acquittal, first, last and all the time. Miss Louise Wintburn vacillated. She voted for acquittal and she voted for conviction, but she rather favored a conviction. Mrs. Hubbard was for conviction from the start and never changed her vote. It was she who really "hung" the jury.

**KILKENNY SHIFTS**

All the men were for acquittal, except one, Thomas Kilkenny. He shifted his vote several times from "innocent" to "guilty," but he was inclined to believe Arbuckle guilty, and the last ballot found him voting with Mrs. Hubbard for an adverse verdict.

Twenty-two ballots were taken, on paper, and many more orally. The first five ballots ran as follows:

Not guilty.	Guilty.	Blank.
10	3	1
9	3	2
10	2	3
9	3	3

On the first ballot Kilkenny, who has had considerable jury experience, cast a blank ballot. Mrs. Hubbard, Miss Wintburn and some persons whose identity never has been disclosed, voted "guilty."

At 11 o'clock the jury for a third time asked to see Judge Louderback. He was reached by Bailiff Harry McGovern and arrived at the Hall of Justice shortly before 12. He came into the courtroom at the stroke of 11 and 10 seconds later the jury filed into the courtroom and into the jury box.

Jury Foreman Fritze reported that it

# GOV. OTTIE IS NO LONGER A JOKE TO BLUEBEARD LANDRU

By Hudson Hawley  
United News Staff Correspondent  
Paris, Dec. 5.—Bluebeard Landru is whipped.

The assassin of trusting women, now called by many the "monster of the Gambia villa," has completely lost his nerve since the jury found him guilty and sentenced him to lose his head on the guillotine.

Hope has left him. He sits in his cell, hour after hour, never speaking to his jailers, scarcely touching the food brought to tempt him, exploring the depths of despair.

Landru's jailers predicted this change in him, the only instance of any one's forsaking a mood of this assassin's mad. During the two years that he lay in jail awaiting trial his nerve was strong, his manner flippant and defiant. He joked about the guillotine then, always insisting, however, that he would never lay his head upon the "moon"—the guillotine block where the murderers of France met their end.

Even in court during the long days of stress when his fate was being prepared by the prosecutor, Landru maintained a coolness and indifference toward those who tried in vain to place him in this or that jangle of unusual mentality. But the jailers always said that when Landru actually came to the guillotine he would break.

Now he is fast losing weight. He sits with his head bowed, thinking of the hour when he will be called from his cell to pay with his own life for those of the 10 women and one man whom he killed. The jailers say he is seized with a terrible fear of that sharp, whirling knife on the scaffold.

Landru has one more chance, but he bases his hope upon it. That chance lies in his appeal from the decision of the jury in the Versailles court. If the appeal is successful, he must wait on the coast of the wretched prison and the awkward wooden sabots of the passage of the prisoner.

When his last hour comes he will be led out at dawn and placed in a narrow box-like arrangement, strapped to a chair and lifted forward, his feet on his neck directly under the blade of the guillotine. There will be a signal, "Monsieur Paris" will press a button and Landru will go no more.

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# U. S. BUDGET GIVES OREGON \$1,600,000

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increase of \$700 over the current year.

For care of Alaskan insane under contract with the sanitarian company of Portland, \$124,150, an increase of \$7100 over the current year.

Quarantine station, mouth of Columbia river, \$11,000.

**DAWES TRIMS MILLIONS FROM U. S. 1922 BUDGET**

By H. K. Reynolds  
Washington, Dec. 5.—(U. S. S. P.—) President Harding today submitted to congress a definite and comprehensive statement of the financial requirements of the federal government for the next fiscal year.

The national budget of 1922—the first in the history of the United States—calls for appropriations aggregating \$3,505,754,727. This is a reduction of \$422,167,529 from the 1921 budget, and compares with \$1,632,941.29 for 1922; war department, \$360,500,323.47; compared with \$318,536,062.41 for 1922; compared with \$41,611,174.42, compared with \$9,000,000 for 1922; navy department, \$245,052,357.13, as compared with \$425,847,973.47 for 1922; interior department, \$44,848,945.89, compared with \$46,000,205 for 1922; pensions, \$352,350,000, as compared with \$325,000 for 1922; department of agriculture, \$2,412,000, as compared with \$3,241,750.55 for 1922; department of agriculture, \$48,860,648, as compared with \$48,860,648 for 1922; United States veterans' bureau, \$385,521,702, as compared with \$320,578,820 for 1922; other independent offices, \$22,997,001, as compared with \$21,875,215 for 1922; department of Columbia, \$27,195,476.75, as compared with \$22,555,712.99 for 1922; reduction in principal of the public debt, \$98,828,800, as compared with \$87,842,200 in 1922; interest on the public debt, \$17,000,000, total exclusive of postal service payable from pumping plant in operation Saturday, and the city again has water in all sections. During the flood of two weeks ago the high and low pressure lines supplying the city from Mill creek were washed out. If the pumping plant proves satisfactory the city may abandon the high line and use the pump continuously for the higher portions of the city.

# 2 JAPANESE HELD ON LIQUOR CHARGE WORRY OFFICIALS

United States immigration officials find themselves in a position similar to the fellow who "held the sack" while his jovial friends beat the brush for snipe to drive into the receptacle. It all comes about from the fact that two Japanese liquor smugglers were arrested on a shipboard, taken forcibly ashore by customs inspectors and sent to jail after conviction in the federal court.

Now the immigration department, which has the job of keeping undesirable aliens out of the country, is powerless to act until the prisoners get out of jail. By that time the ship that brought them into Portland will be well on its way back to Japan, which means the United States must pay for the deportation of the smugglers.

The 25 cases of "Scotch" whiskey found aboard the Japanese steamer Denmark, prompted the little game after locating the whiskey the customs officials arrested Jichitara Kuno, quartermaster, and Tsunan Kono, firman, and charged them with illegally possessing liquor in the United States.

The customs officials relieved themselves of further responsibility by presenting the evidence to the United States attorney and by signing a complaint before the United States commissioner. The commissioner soon discharged himself by issuing a warrant for the arrest of the men and turning the warrant over to the United States marshal.

The marshal's worries were not long-lived, for within a short time he had the defendants removed to the federal corridor of the county jail.

**ACTION IS RAPID**

Friday the United States attorney absolved himself of further responsibility when he took the two men before the United States district court. The grand jury found them guilty of it, taking the judge only a few seconds

# Ku Klux Klan Faces Receivership With Arrest for Leaders

Philadelphia, Dec. 5.—Receivership for the Ku Klux Klan and possible criminal action against Edward Young Clarke and Mrs. Elizabeth Tyler probably will be the next move on the part of thousands of Klansmen who have resigned from the organization after the nationwide exposures of the Klan's working.

F. W. Atkins, former grand goblin of the Atlantic domain who admits he was "fired," is authority for the statement, paraphrasing legal action. His announcement closely followed word from Atlanta that "Imperial Wizard Simmons had taken to the mountains for his 'health.' Clarke is said to have been left in full control of the tottering bloc.

Atkins said: "Receivership is my idea of what should be done. The other grand goblin who was fired at the same time I was will help in exposing the true state of affairs. Whether we will also file criminal charges will depend on the consensus of opinion.

**MILTON ODD FELLOWS ELECT**

Milton, Dec. 5.—At the last meeting of the I. O. O. F. lodge the following officers were elected: Noble grand, S. R. Ramsey; vice grand, C. A. Biles; financial secretary, W. E. Dawn; recording secretary, C. M. Truendale; treasurer, J. F. Craddock.

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## Freewater Store to Be Given New Life

Mercantile company, which has been in business here for the last 12 years, has passed into the hands of a number of business men and ranchers, and will be incorporated for \$40,000. J. H. Hall, who formerly lived in Freewater but who has been in Walla Walla for many years will be the manager. He, with E. P. Jensen, H. S. Murray, J. F. Hansen, W. A. Goghill, J. H. Moeller and E. Martland, are the stockholders.

## Toledo Residents Have Water Again

Toledo, Or., Dec. 5.—Toledo's new pumping plant is in operation Saturday, and the city again has water in all sections. During the flood of two weeks ago the high and low pressure lines supplying the city from Mill creek were washed out. If the pumping plant proves satisfactory the city may abandon the high line and use the pump continuously for the higher portions of the city.

## East Is Warned of Coming Cold Wave

(By United News)  
New York, Dec. 5.—A cold wave, following a snowfall, is expected all day Sunday, will prevail throughout Monday, according to the weather forecast. The snowstorm was the first experienced by New York, in fact the entire Atlantic coast.

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records as they are released. December numbers are now here—Sunny Tennessee, "Home," "Tuck Me to Sleep," "Say It With Music," "Bimbi Bay," and other great hits, at special prices. 75c.

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