

PLAINTIFF WINS IN BANK VS. SWINDLER

NEAR FULL AMOUNT

RELEASERS TOOK ALMOST FIVE HOURS TO DETERMINE CASE FULL OF HARD PROBLEMS TO SOLVE

In the case of the First National bank of Kennewick, Wash., vs. Joshua Swindler and wife, the jury at 1:30 p. m. returned a verdict for the plaintiff. The bank asked \$704.04 of interest, total \$773.65, and costs, as well as attorney's fees of \$250.

The jury, whose foreman was R. S. Hill, decided that the bank was entitled to all it asked save that it considered the amount of attorney's fees excessive, and then it cut to \$200.

The transaction that Swindler had with the bank was at the time he was in Kennewick, and was in the nature of a loan. The bank took its note for \$1,500, which was secured by a chattel mortgage on some horses, and on this note the bank advanced a balance of \$704.04. When the bank sued on the note and attached the horses at Merrill it was supposed to have its contentions met with counter claims by Swindler of about \$500. He asserted that he had money due him on contracts which were sent to the bank by his customers and got properly accredited to his credit. One of the deals he had with the bank was to certain lots in Pasco, which the bank helped him pay for \$700 and sold later for \$1,100. Swindler having given it a trust deed. The bank claimed to have had a lien to quiet the title to the real estate, and also claimed never to have received a quit claim deed from Mr. Swindler and his wife to the property.

Attorney R. Z. Henderson, for the bank, contended that when the defendant put in his side of the case and claimed to have given a quit claim deed to the property, it was the first time the bank had any knowledge that Swindler and wife even admitted that they had no rights in the property. It seems that the lots were in an estate which had not been probated when Swindler took them, and that the fact of the bank not having a quit claim deed from Swindler when it sold the lots left it facing the possibility of Swindler's heirs, in case he died, fighting for the equity remaining in them.

President L. E. Johnson of the bank and Attorney Henderson brought to the city several hundred pounds of bank ledgers, deposit slips and other paraphernalia of banking, which would show transactions with Swindler according to its books.

The trial was one of the most knotty that has been tried in the local court in many a day, and the various contentions made in it gave chance for very delicate figuring by the court and jury. Not until after 8 o'clock last night did Attorney Henderson finish his very smooth and interesting address to the jury. Following this Judge Henry L. Benson delivered his charge to the twelve arbiters of the case, and they retired to the sanctity of the jury room, in company with a trunkful and a tin case full of papers and books, exhibits in the case. Bailiff Clarence O. Morgan was in charge of the jurors, with instructions from the court to get them a pack of sandwiches and some coffee during the nocturnal period, if they reached a stage of hunger. His dictum was that he be not called during the night except for a verdict. It being a civil case, three-fourths of the jury was sufficient to bring a verdict.

But about five hours of argument, pro and con, in the confinement of the little corner room off the court chamber brought all the twelve to one way of thinking. Messrs. Johnson and Henderson told Attorney E. L. Elliott, who was associate counsel in the case, that he should notify them at the White Pelican Hotel in case of a verdict, in order that they might leave in the morning for home. This was done.

Counsel for Swindler were Noland & Crane and Attorney Merryman.

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HAMMOND'S FAITH IN TAFT SEEMS TO BE UNFLAGGING

SAYS HE BELIEVES PRESIDENT WILL BE RENOMINATED AND RE-ELECTED TO OFFICE OF CHIEF MAGISTRATE OF THE NATION

United Press Service
LONG BEACH, Calif., Feb. 10.—John Hays Hammond, resting here after a brief trip into the Mexican zone, declares that in his opinion President Taft will be renominated and re-elected to the presidency.

"La Follette seems to be out of it, and Roosevelt seems to have declared that he will not be a candidate," he said.

SMUGGLING IS CHARGE AGAINST BOAT ENGINEER

Arrested as He Steps Ashore at Washington Metropolis, His Suitcase Is Examined, and Found to Contain Dozens of Cans of Opium

SEATTLE, Feb. 10.—Frank Mason, chief engineer of the steamer Ironquois, plying between Seattle and Vancouver, B. C., was arrested as he stepped ashore charged with smuggling opium. In a suitcase carried by Mason were found 63 five-ounce tins of opium, valued at \$1,500.

George E. Bradnack of the Muller Music Company is confined to his home by illness.

CATRAT COMPANY HAS ODD SCHEME

WILL RAISE FEELINES AND ROYALTIES AND HAVE A PRODUCTIVE, SELF-ACTING, RETRIEVAL ARRANGEMENT

A Portland firm with a unique view of what is valuable in an advertising circular, tells of its wares in the following preamble:

"Dear Sir—Knowing that you are always interested in and open for any investment in a good, live business proposition, I take the liberty of presenting to you what seems to me to be an excellent business proposition, and in which, no doubt, you will take a lively interest. Please advise me

form orator ranking him among the best.

A special invitation is extended to boozers, fighters.

NO SOCIALIST PRESIDENT FOR REICHSSTAG JUST YET

United Press Service
BERLIN, Feb. 10.—Herr Spahn, a Catholic centralist, defeated August Bebel, a socialist, for the presidency of the reichstag, by ten majority.

Dr. F. W. Gussaulus, a famous Chicago divine and educator, head of the Armour Institute of Technology, says of Ople Read that he "will take a place in American literature side by side with Charles Dickens in English literature."

Certain it is that since the announcement that the famous and risible stirring Ople has been announced as to appear at Houston's opera house tonight, the inquiry for Ople Read's books in Klamath Falls has become lively. Everybody that reads has wanted to get hold of something of the author's to see how his writing will compare with his reading this evening.

Chances are that tonight the opera house will be packed to the "gunnels."

COINCIDENCE IN ROMANCE OF PAIR

JOHN H. NAPIER, A KLAMATH FALLS ATTORNEY, IN SAN DIEGO ABOUT SAME TIME J. S. NAPIER TAKES BRIDE

It is a coincidence that in San Diego, Calif., on Monday last a J. S. Napier became a bridegroom, and that John H. Napier, the local attorney and law partner of Fred H. Mills, was in San Diego on the day following.

Napier sued his wife, Mrs. L. M. Napier, for divorce some time ago, and the suit is still pending in the circuit court here. Napier left a few weeks ago, at which time it was said he had gone to Los Angeles for his health.

Here's an item from the San Diego Sun of last Wednesday about the Napier wedding in the city which nestles almost in the southwest corner of the United States:

"A pretty blushing little girl who hung her head modestly was the principal decoration at a quiet wedding yesterday afternoon in the parlors of the New Hotel Troy on Sixth street, when she was married to J. S. Napier by Justice Solon Bryan. Incidentally, it was wedding No. 241 for the justice, who has already added five matrimonial ventures—not his own, however—to his list this month.

"The bride's name was Effie Wise of Los Angeles, and she is 19 years old. The bridegroom is 26 years old, and, according to his statement to J. T. Butler, county clerk, who issued the license, is a resident of San Diego and employed by the street car company.

"Mrs. Napier arrived on the noon train. Napier obtained the license, and they repaired to the Hotel Troy. Soon after the justice came with his Bible. R. L. Palmer, the hotel proprietor, was asked to witness the ceremony.

"It looks like an elopement," whispered the justice to the witness.

"It surely does," whispered the witness to the justice.

Mr. and Mrs. Napier refused to see any visitors or to make any explanation, keeping themselves to their room. His address in the city could not be learned."

CARR WILL SPEAK HERE NEXT WEEK

MEETINGS MONDAY AND TUESDAY, WITH PROPOSITION TO HOLD SESSION TO FORM COUNTY PROHIBITION BODY

Rev. George L. Carr of Portland, field secretary for the Oregon "Out to Win" movement for prohibition, went to Bonanza to speak here today for the cause. He was accompanied by Captain O. A. Stearns of this city.

Tomorrow the two gentlemen will be at Merrill. The original announcement reversed these dates, but it was found impractical to hold the meetings in that order. Monday and Tuesday Rev. Carr is to appear here evenings in the court house. On Tuesday there is to be a mass meeting, at which all interested in the cause of temperance are invited to attend, for the purpose of helping form a permanent county organization. This will be at Library hall at 2:30 p. m.

THIS EVENING IS OPIE READ NIGHT

WELL KNOWN AUTHOR AND HUMORIST TO APPEAR IN LECTURE AT HOUSTON OPERA HOUSE THIS EVENING

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NEUBANKS IS OF UNSOUND MIND

COUNTY COURT ORDERS COMMITTED MAN WHO HAS EXAGGERATED IDEAS OF WEALTH AND UNDERTAKINGS

Edwin T. Neubanks, declared insane by the county court, was taken yesterday morning to the state insane asylum by A. Cameron and one other attendant for the institution.

Deputy Sheriff John G. Schallock made the information on which the state of the man's mind was inquired into. By occupation Neubanks is a carpenter, 35 years of age, and lived southwest of Worden. He had exaggerated ideas of his wealth, and continually talked of a large pumping plant, great buildings and such improvements which he thought he was able to and intended to put on the farm. Neubanks is said to have some time ago had a love affair which resulted unfortunately for him, which caused his depression. This, together with his lonely mode of living, are believed to have undermined his brain.

Drs. J. E. Taylor and George H. Merryman made the examination of Neubanks, the result of which was a declaration of his insanity and an order by the county court committing him.

Neubanks has two brothers in this vicinity.

FREE DELIVERY MAY BE PUT OFF

UNLESS CITIZENS GET BUSY AND BENEFIT THEMSELVES AND SERVICE WORKERS BY MEETING REQUIREMENTS

Postmaster Clyde Brandenburg and his corps of assistants in the Klamath Falls postoffice are still hopeful of getting free delivery, although the seeming indifference of the public toward the possibility of benefitting itself in this direction would not impress the ordinary observer as likely to have much weight in bringing about the improvement.

When he made his last visit here Postoffice Inspector S. E. Morse of Roseburg, who includes this station among those whose work is under his official eye, said that if the matter was not decided by July it might have to go over another year, until the following July. In order to get an appropriation at Washington for the establishment of the free delivery system it must be done within a certain time or it will not be taken up until the next period for considering such items.

While it is true that the city has ordered street signs which have for some time been in course of establishment by the Miles Sign company in accordance with the contract entered into by it with the city council, signs are not all that is needed for the delivery district. Postmaster Brandenburg would like to see the householders conform to the regulations as to numbering their homes and providing receptacles for the placing of mail by the carriers. It is necessary that these things be looked after in order for the city to be eligible for the improvement.

It may be that the Commercial Club and Chamber of Commerce, if the

DEATH CALLS TO MRS. SUTTON

AGED RESIDENT OF KLAMATH FALLS PASSES AWAY AT RESIDENCE OF DAUGHTER—INTERMENT AT ASHLAND

Mrs. Mary J. Sutton passed away last night about 9 o'clock at the home of her daughter and son-in-law, Mr. and Mrs. George Chastain, 238 North Third street, after an extended illness. She had been sinking rapidly of late, and the relatives and friends were, in a measure, prepared for the outcome.

Mrs. Sutton was born in Ripley, Ind., June 9, 1840, moving to Iowa in 1847 and to Oregon in 1864. The Shook family, of which she was a member, settled in Jacksonville, where in 1867 she married James Sutton, first editor of the Jacksonville Post. Some years afterward the Suttons moved to Ashland, where Mr. Sutton, in 1871 started the Tidings, which is still operated there. He died in 1878, and in the winter of 1880 his widow came

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IN THIS CITY IN 1909

MOTHER AND BROTHER OF MAN DIE IN SAME MONTH LEAVING WILL MAKING HIM SOLE LEGATEE

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The mother, Mrs. Normantha Russell, and the brother, Veranus, both died about June, 1911, leaving wills in which Adelbert was named sole legatee and devisee. Both estates, in the aggregate, amount to about \$2000 and he is named as executor in the brother's will, which it is desired to probate.

Attorney Kent is endeavoring to get into communication with Russell, and when he does, and establishes his identity, he will put him onto the necessary legal moves to get in touch with the means left to him.

SHELL IMPERIAL FORT AT KAIPING FOR TEN HOURS

Loyalist Commander Reported to Have Executed Number of Officers Accused of Conspiring With Rebels, and This During Siege

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TIENSIN, Feb. 10.—Republican artillery shelled the imperial fortress at Kaiping for ten hours. It is reported the garrison was forced to surrender. The loyalist commander, during the bombardment executed a number of officers accused of conspiring with rebels.

NEOPHYTES UNINJURED IN TAKING FRATERNITY

SEATTLE, Feb. 10.—Greek letter fraternities of Washington have just completed another initiation without injury to the neophytes. Approximately 150 new fraternity men and sorority women are now wearing pins of their orders.

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HONOR REAMES WITH RECEPTION

LOCAL ELKS WILL HOLD FUNCTION TO MAKE THE LOCAL ANTLERED HERD ACQUAINTED WITH MEDFORD RULER

Clarence Reames, an attorney of Medford Ore., and nephew of Evan R. Reames of this city, is in Klamath Falls on legal business. Mr. Reames is exalted ruler of the Medford Lodge of Elks, and owing to his high position in the order Klamath Falls Lodge No. 1247 will hold an informal reception in his honor tomorrow afternoon at 2 o'clock, at the Elks' club rooms at Fourth street and Klamath avenue.

MAIL FROM NORTH MISSES CONNECTION AT WEED AND FAILS TO ARRIVE HERE

Mail was scarce last night because the connection was missed at Weed for pouches coming south. Thus no mail from points north of Weed, including the Pacific Northwest and other parts from which communication reaches here via that territory, landed here. It enabled the clerks to get through last evening earlier than usual, but gave them lots of chance to explain the trouble. It will mean a heavier mail than usual this evening.

Passengers from north of the well known city which is named for a low

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Get On Water Wagon With Van At Mass Meeting Tomorrow Afternoon

Tomorrow afternoon a great mass meeting will be held at Houston's opera house. The audience will be composed of the united congregations of the city and the many citizens who will be interested in listening to Rev. C. M. Van Marter upon his subject, "Booze, or on the Water Wagon With Van."

This is not only a popular, but a famous address. Mr. Van Marter, while in the city, has already demonstrated that he has points as a plat-