



VOL. XXVI.—NO. 30.

PORTLAND, OREGON, SUNDAY MORNING, JULY 28, 1907.

PRICE FIVE CENTS.

HAYWOOD JURY ALMOST UNITED

All But One for First Degree Verdict.

OTHER FOR SECOND DEGREE

Twelve Men Wrestle With Problem All Night.

HARDLY STOP FOR MEALS

Judge's Instructions Rather Favor Defense — Haywood's Mother Breaks Down, but Prisoner Shows No Perturbation.

BOISE, Idaho, July 27.—(Special.)—At 9:30 this evening there was an unconfirmed rumor that the Haywood jury stood 10 for murder in the first degree and 2 for second degree.

BOISE, Idaho, July 28.—(Special.)—At 1:30 A. M. it is said one of the two jurors consenting for second degree has been won over, the jury standing 11 for first degree and one for second.

BOISE, July 27.—In the small, brilliantly lighted jury room in the second floor of the square red brick court house of Ada County, the twelve men who, many weeks past, have listened to the testimony offered against and in defense of William D. Haywood, secretary-treasurer of the Western Federation of Miners, were wrestling at a late hour tonight with the problem of a verdict.

Five Verdicts to Choose From. It was four minutes past 11 o'clock this morning when the jury, after receiving instructions which were decidedly in favor of the defendant, retired to its deliberations and so far it has failed to agree upon any one of the five propositions laid down by the court.

Still Hope for Agreement. Despite the long time the jury has been out tonight, there still exists a hope among those who have followed the trial that some sort of a verdict may be reached. That affairs have not come to a deadlock was indicated during the afternoon, when the jurors sent out a request to Judge Wood for some of the most important documents introduced as exhibits. These had to do directly

with the alleged conspiracy against ex-Governor Frank Steenbergen, for whose murder Haywood has been on trial and in connection with which C. H. Moyer and George A. Pettibone are yet to face a jury. The first of the exhibits asked for was the telegram which Fred Miller, of Spokane, sent to Harry Orchard the day following his arrest at Caldwell, the little village a short distance from Boise where the assassination took place in December, 1905. Jack Simpkins is said to have engaged Mr. Miller. The second exhibit asked for was the telegram which Simpkins sent to Haywood two days later saying he could not get a lawyer to defend Orchard. The third was the copy of the letter Orchard said he received from Pettibone in the Caldwell jail, telling him that "That was sent to Jack the 21st," and lastly the jury called for the six drafts which Haywood sent from Denver to Simpkins, one being for \$100 and bearing the date of December 21.

Haywood's Mother Breaks Down. The tragic event of the day was the collapse of Mrs. Etta Carruthers, the aged mother of Haywood. Completely



Judge Fremont Wood, who Delivered His Charge to Haywood Jury Yesterday.

broken down and suffering from nervous prostration, she was taken to St. Luke's Hospital, where it was said that while her condition is not serious, she will require attention for some time. The strain of the long trial has told more keenly on the mother than any other member of the prisoner's family. She was not in the best of health when she reached Boise from her home in Salt Lake and for several days past it has been noticed that she seemed steadily to fail. Today as the jury retired and as her son was led away by his counsel, Mrs. Carruthers reached her arm about his great broad shoulders and tenderly kissed him. This

THE HAYWOOD JURY. Retires 11:04 A. M. Goes to luncheon 12:18 P. M. Resumes consideration of verdict 12:45. Goes to dinner 6:31 P. M. Returns to jury-room 6:50 P. M. Reopens on verge of exhaustion. Sends for exhibit 4 P. M. Judge leaves Court-house 10 P. M. Reported to stand 11 for murder in first degree; 1 for murder in second degree.

was the only demonstration in the courtroom, which was but half filled as Judge Fremont Wood delivered his charge and instructions to the jury. Mrs. Haywood, the defendant's invalid wife, has stood the heat and strain of the trial with apparently no ill effect upon her already delicate health.

Bailiff Causes False Alarm. Judge Wood, apparently anticipating that the jury would be long at its task, suggested to the twelve men in the box before him at the end of his charge that they take their chair cushions with them into the jury room. Late in the afternoon the throng of waiting reporters and officials was thrown into a fever of excitement by one of the bailiffs rushing frantically into the courtroom. There was a general rush for position and the jury was expected to report. The bailiff, however made his way to the jury-box and there took possession of two cushions which had been left behind several hours before, and hurried away to the jury room with them. The incident caused much amusement.

The court session which began this morning when the jury was instructed by Judge Wood will continue without interruption until the jury reaches a verdict or until the foreman announces the belief that an agreement is impossible. Judge Wood has not ventured an opinion

(Concluded on Page 2.)

HOPELESS SPLIT IN GLASS' JURY

Deadlocked With Five for Conviction.

LAWYERS TELL SAME STORY

Only Question Is Whether Glass Gave Bribe.

SECOND TRIAL TO FOLLOW

Agreed That Boxton Was Bribed, but Did Glass Do It—Jury Probably Will Be Discharged This Morning.

SAN FRANCISCO, July 27.—(Special.)—After being out for 30 hours without reaching a verdict, the jury in the Louis Glass bribery case was locked up for the night at the Fairmount Hotel. No formal report was made by the jury to the Court after noon today, but at 11 o'clock tonight Bailiff Ryan, who is in charge of the jury, reported to Judge Lawlor that the jurors were still deliberating and that there was no break in the deadlock which developed in the first ballot on Friday night, when the trial was concluded.

It is the understanding of the attorneys, both for the prosecution and the defense, that the jury stands tonight seven for conviction and five for acquittal. This understanding, however, it is admitted by both sides, is not based on positive knowledge, but the fact that both sides agree as to the standing of the jury has caused this statement to be generally accepted. The jury has been balloting constantly since it retired, with the exception of the time from 10 o'clock this morning to 1 in the afternoon, when the jury was in court, whether it went to ask for the re-reading of important testimony.

The testimony which the jury desired read to it was that of the directors of the Pacific States Telephone Company, in order to determine exactly if it were possible for any one other than Glass to have authorized the bribe. The jury is not divided on the question of whether a bribe was paid. On this point it is agreed and is spending the time now in an endeavor to make sure that no one other than Glass could have authorized the bribe.

The jury will be called into court tomorrow morning at 10 o'clock. In case has not reached a verdict by that time, it will in all probability be dismissed. In case the jury fails to reach a verdict, Glass will at once be placed on trial again.

RAGING FIRE IN MEMPHIS

ONE LIFE LOST SO FAR AND SEVERAL INJURED.

Property Loss Will Reach Large Amount, Taking in Many Buildings in Wholesale District.

MEMPHIS, Tenn., July 28, 2:30 A. M.—An 11-story brick structure ruined, one life lost and several other persons injured is the result of a fire which originated in the heart of the wholesale district shortly after midnight and which is as yet not under control. The fire originated in the 11-story brick structure occupied by the Cold Storage & Warehouse Company. This building is completely ruined. Fireman Hickey was killed by falling into a cellar.

Several other members of the department sustained serious injuries by falling walls.

The fire has spread to the building occupied by the Oliver-Finney Wholesale Grocery Company, a seven-story structure; the Greentree lodging-house,

KILL BRUTAL HUSBANDS

Chicago Judge's Advice to Wives Who Are Beaten

CHICAGO, Ill., July 27.—(Special.)—The killing of husbands who beat their wives was advocated by Judge Tutthill in the course of a divorce suit tried before him today. Indignant at a woman's description of the inhuman treatment to which she had been subjected by the man who claimed to be "her master," and aroused by statements that his abuse had taken place in the presence of men who would not interfere, Judge Tutthill declared that in extreme cases violence should be met with violence, no matter what the consequences.

It was the simple and pitiful story of a Lithuanian woman, Mrs. Elizabeth Walciewicz, that elicited this drastic opinion from Judge Tutthill. The testimony given by the wife and a few friends developed the fact that to endure meekly and submissively the beatings and kickings administered by their husbands is considered the duty of Lithuanian women, and that others stand by unconcernedly while the barbarity goes on.

"Do you mean to say," exclaimed Judge Tutthill, "that a man could stand idly by while a woman was being treated in that manner?" Here the interpreter, who was a woman, broke in with, "I have seen such things as that many times myself. My mother had exactly the same trouble with my father."

"I do not think they are men at all," said the judge. "They are brutes—a disgrace to civilization. When they come to the United States they should learn to treat women as they ought to be treated, with kindness and respect. Whenever a brute of a man strikes a woman, it is the woman's duty to get away from him or to kill him."

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RAILROADS YIELD TO STATE POWER

Governor Glenn Wins Victory at Last.

RATE LAW NOT TO BE RESISTED

Will Remain in Effect Pending Appeal in Suit.

FINLEY IS UNDER ARREST

Warrant From State Interrupts Breakfast, but Pritchard Releases Him on Habeas Corpus. Ticket Agent Set Free.

RALEIGH, N. C., July 27.—The State of North Carolina has won its fight to have its passenger rate of 24 cents observed by all the railroads pending an appeal to the courts by the roads of the state which propose to fight the law. The promise of obedience to the law by the Southern Railway and the Atlantic Coast Line Railway, which, since July 1, the date set for putting the rate law in effect, have been violating the law, was given this afternoon at a conference of the railroad officials with Governor Glenn, who has stated that as a precedent to any agreement he might make, the 24-cent rate must first be put into effect. The conference was private.

Governor Glenn tonight gave the following statement to the press regarding the outcome of the state's fight for the 24-cent rate law question: "The Governor considers the victory in the matter of the state against the railroads as one of state's rights. The Governor feels that it is a great step forward for state's rights and that if all the other states of the United States will continue the fight already begun in North Carolina and insist upon their Senators and Representatives in Congress trying to curtail the growing power of the Federal Courts, in future there will be no trouble to control and direct railroads and other corporations."

LET SUPREME COURT DECIDE

Bonaparte Says Meanwhile Rights of Both Should Be Guarded.

LENEX, Mass., July 27.—United States Attorney-General Bonaparte, who is spending the summer in this town, has received no official advice today relative to the controversy between the state and Federal authorities in North Carolina. He said to a reporter of the Associated Press: "It is quite evident that this question should be submitted to the United States Supreme Court, and that pending a decision by that tribunal the rights of all parties affected should be safeguarded that, so far as circumstances may render it practical, they may be placed after the decision where they would have been had it been known in advance what that decision would be."

PRESIDENT FINLEY ARRESTED

Judge Pritchard Promptly Snatches Him From Custody of State.

ASHEVILLE, N. C., July 27.—Developments came quick and fast in the railroad rate law controversy today. Warrants were issued for President Finley, of the Southern Railway, and City Ticket Agent O. C. Wilson, of the same road. The warrant for Mr. Finley was placed in the hands of a policeman, who went to the Battery Park Hotel to serve it. When the police officer called at the hotel for Mr. Finley the latter was eating breakfast, and requested that he be allowed to finish his meal. His request was granted. In the meantime Mr. Finley's private secretary got into communication with Judge Pritchard, who, it is believed, cut his breakfast short, came down town and issued the writ, which was served just as the march to the Police Court began. While it was taken for granted that

Mr. Finley would be released, much interest was aroused by the habeas corpus proceedings. Mr. Finley and all the officials involved, were called to the witness-stand to relate the circumstances of his arrest. The police officer by whom the writ was served, denied that he actually had Mr. Finley in custody. Upon the contrary, the Deputy Marshal testified that he found Mr. Finley actually in the custody of the policeman.

As the warrant for the arrest of Mr. Finley was sworn to by an officer, presumably at the instance of Police Judge Reynolds, it appears doubtful whether the Federal Court can resort to contempt proceedings against the state authorities in this instance. After his release, Mr. Finley authorized the statement that he would remain here for a while.

The warrant against O. C. Wilson, who recently was sentenced to 30 days upon the chain gang for violating the new rate law, and who was released on habeas corpus proceedings by Judge Pritchard in the United States Court, was sworn out before Judge Reynolds, who figured as a witness in the habeas



Senator E. W. Fritts, of Alabama, who Died Yesterday.

corpus proceedings. Wilson was selling tickets to Lake Toxaway when taken into custody, and many passengers, it is said, were compelled to board the train without tickets. It was stated here today that the movements of Police Judge Reynolds are being directed from Raleigh, but Judge Merriman, counsel for the state in the previous habeas corpus proceedings, when Division Passenger Agent Wood was arrested, disclaimed any knowledge of what was going on, and has appealed to Governor Glenn for instructions. United States Marshal Milliken has arrived from Greensboro, which is believed to show that the Federal authorities were not taken by surprise, and the presence of several Deputy Marshals of known courage and determination is commented upon.

Sanford Will Report to Bonaparte.

WASHINGTON, July 27.—Assistant Attorney-General Sanford left this afternoon for Lenox, Mass., to present to Attorney-General Bonaparte, who is spending his summer vacation there, the results of his investigation of the North Carolina railroad rate controversy. Mr. Sanford refused to make any statement.

FIRST SQUADRON LEAVES

Going From Fort Riley, Kan., to Fort Sheridan, Ill., 650 Miles.

JUNCTION CITY, Kan., July 27.—The first squadron, Thirteenth Cavalry, which has been stationed at Fort Riley for the past three years, left today for its march to Fort Sheridan, Ill., a distance of 650 miles. Major Thomas Lewis is in command. The troops are expected to make the march in 45 days, with no travel on Sundays and with stops at Fort Leavenworth and Rock Island Arsenal.

Fairbanks Joins His Family.

BOSTON, Mass., July 27.—Vice-President Charles W. Fairbanks arrived here this afternoon from the West and proceeded soon afterward to join his family at Danvers, where they are spending the summer. While it was taken for granted that

MAY CLOSE FEUD WITH SULLIVAN

Bryan Will Meet Leaders in Illinois.

REGULARS EAGER FOR PEACE

Will Line Up State Delegation for Nebraskan

IF HE WILL BURY HATCHET

Only Condition of Securing Undivided Illinois Vote Is True With Sullivan — Bryan Admits He Is Candidate.

CHICAGO, July 27.—(Special.)—A conference of great importance to Illinois Democrats will take place between William J. Bryan and several down-state party leaders at Havana, Ill., Monday. Whether Mr. Bryan's feud with Roger C. Sullivan, National Committeeman and leader of the state party organization, is to be renewed when delegates to the National Convention are contested next year, friends of both Mr. Bryan and Mr. Sullivan hope may be decided then.

Regulars Eager for Peace.

The reception given him has proved that his popularity in the state is not diminished and "regular organization" Democrats are convinced that any attempt to carry the primaries against him with such a candidate as Governor Johnson, of Minnesota, Henry Watterson's "dark horse," will mean a bitter fight and likely failure. Among party leaders who wish to be regular and who supported Mr. Sullivan in the last state convention are a great many that want to be with Mr. Bryan for President next year and who would rejoice over a treaty of peace being reached that would prevent a factional war. Mr. Sullivan is said to be willing that his friends support Mr. Bryan, only asking that Mr. Bryan make no war on him.

May Make Treaty.

State Senator George W. Cunningham, of Pekin, Senator Burton, of Carlinville, and Congressman Henry T. Rainey are reported to have arranged the meeting with Mr. Bryan Monday, the two former being anxious to avoid a factional contest, and Mr. Rainey, who led the fight against Mr. Sullivan last summer, willing to agree to a peace treaty if Mr. Bryan consents.

MURDER ON BOARD SHIP

Captain Klingenberg to Be Tried for Killing Chief Engineer.

SAN FRANCISCO, July 27.—Captain C. J. Klingenberg, indicted by the Federal Grand jury for the murder of J. D. Paul, chief engineer of the schooner Olga, who was captured at Nome early this month by United States Marshal Powell, arrived this afternoon and was placed in the city prison. The indictment charges Klingenberg with having shot and killed Paul while the latter was lying in bed in the Olga on October 16, 1906.

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HARRY MURPHY SHOWS SEVEN KINDS OF A DEMOCRAT BUT THE SAME OLD BRYAN



AS MANY DEMOCRATS THINK THEIR PARTY SHOULD NOMINATE A NEW CANDIDATE FOR THE PRESIDENCY, MR. BRYAN MIGHT FIND IT A GOOD IDEA TO APPEAR BEFORE THE NEXT NATIONAL CONVENTION IN SOME OF THE ABOVE MAKE-UPS.