

KENNEDY IS FREE

Hillsboro Minister Not Guilty of Burglary.

MUCH AFFECTED AT NEWS

Friends Say He Has Been Confident of the Result.

DECISION IN EARLY MORNING

Judge McBride Convenes Court and Hears the Reading of the Sealed Verdict Before the Defendant and Attorneys.

HISTORY OF THE CASE.

September 1, 1903. 2 A. M.—Home of E. H. Warren, at Hillsboro, Or., entered by a masked and armed burglar. Mrs. Mackinder, a guest, robbed of money, a watch and a ring.

September 2, 1903.—Rev. R. H. Kennedy, of Hillsboro, arrested on charge of burglary, on evidence of the guest and daughter of the house.

September 3, 1903.—Mr. Kennedy released on \$1000 bonds, subscribed with one exception, by citizens of Forest Grove.

January 13-16, 1904.—Trial of case before Judge T. A. McBride. Mrs. Mackinder and Miss Warren positively identify Kennedy as the masked burglar. Mr. Kennedy relies on an alibi.

January 17, 1904.—Jury brings in verdict of acquittal.

HILLSBORO, Or., Jan. 17.—(Special.)—Rev. Richard H. Kennedy, the Congregational minister, has been acquitted of the charge of having entered the house of E. H. Warren, a slight distance east of Hillsboro, on the early morning of September 1, and committing a burglary. The jury was out until about 4:30 this morning, when they agreed, and signed a sealed verdict.

Court convened this morning and the verdict was read in the presence of the defendant and the attorneys for the state and defense. The street report has it that a first ballot stood seven for acquittal and five for conviction.

Mrs. F. R. Mackinder, of St. Helena, Cal., who was robbed while a guest at

the Warrens', left for California on this evening's train.

Mr. Kennedy is today receiving the congratulations of his friends, and the Sunday of January 17 has a special significance to him. His friends say that at no time did he feel that his liberty was in peril, although he recognized that his alibi was weak in many respects.

The Warren burglary has excited more interest in the Northwest than any criminal case of like nature in the annals of Oregon criminal jurisprudence, owing to the high character of the people who were robbed and the man charged with the commission of the crime.

On the early morning of September 1, 1903, the residence of E. H. Warren, situated on the eastern outskirts of Hillsboro, was entered by a masked burglar, and F. R. Mackinder, of St. Helena, Cal., was robbed of a valuable watch, a ring and between \$7 and \$10 in money.

Mrs. Mackinder was awakened by the odor of chloroform, to which she is quite sensitive, and, thinking something was wrong, screamed for assistance.

Miss Minnie Warren, the hostess, answered the alarm and rushed into the room. She struck a match, saw a masked burglar, and ran for the assistance of her father, who slept downstairs. Father and daughter ascended the stairs, found that a lamp had been lighted, and witnessed a man standing in the window, holding a revolver pointed at them.

The burglar then stood in line, secured Mrs. Mackinder's valuables, fired one shot while the ladies were back in their room, and departed. The ladies had escaped to the open air by climbing down a porch, however, before the intruder left the premises.

When the Sheriff arrived on the scene, a few minutes after the alarm was given, the ladies contended that they recognized the intruder as Mr. Kennedy. The minister was arrested a day or so later.

Mr. Kennedy is a native of Little Rock, Ark., is 36 years of age, a graduate of Harvard College, and an ordained Congregational minister; has occupied pulpits at Malden and Pepperell, Mass., at San Mateo, Cal., at Albany and Hillsboro, and has been on a trip to St. Johns, and last he did not return until about 11, and that he very soon afterward retired.

During his defense in the Circuit Court Kennedy had no witnesses that would testify positively that they had seen him between the change of 7 in the evening, August 31, and 6 o'clock in the morning, September 1.

Her Answer Was a Smile.

Mrs. Mackinder and District Attorney Harrison Allen came into town on the West Side train last evening. Mrs. Mackinder was on her way to her home at St. Helena, Cal.

"I'm doubtful if Mrs. Mackinder will talk," said Mr. Allen, and his prophecy was true.

"Now, I absolutely refuse to be interviewed," exclaimed the star witness in the famous burglary case as soon as the reporter was introduced by the District Attorney.

To questions in any way leading up to the subject, Mrs. Mackinder answered with a pleasant smile without uttering a word.

"Oh, I've said it all in court," she explained, "and admitting it has no effect on the verdict of the jury. It has come to light that the verdict was acquittal, and the minister was greatly affected."

Court hears the verdict.

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WANT A LEADER

Democrats Also Sadly Need a Platform.

CHAMBERLAIN IS NAMED

Turner a Possible Nominee for Vice-President.

PARTY AT A LOSS FOR ISSUES

Faithful of Oregon Admit Money Question Is Dead, and May Fall Back on Tariff and Free Trade With Philippines.

OPINIONS OF DEMOCRATS ON PRESIDENTIAL TICKET.

C. E. S. Wood—A dark horse. Governor Chamberlain—Gorman and Turner.

John M. Gearin—Gorman, Parker or Hill.

John Manning—Chamberlain; but Hearst would be a strong candidate.

A. F. Flegel—Hearst. Chamberlain strong for second place.

H. D. Inman—Parker. Hearst has no chance.

H. A. Miller—A man who can unite the factions and draw the independent vote.

Ram White—Oregon will support the nominee of the convention.

While the Republicans of Oregon are of one mind in their choice of a Presidential candidate, the Democrats of the state are united only on the solitary tenet of opposition to the Republicans. On what grounds they will base their hostility to the present Administration they are not agreed. The question of who shall be their standard-bearer is wide open, with little prospect of a harmonious closing. If the Democrats of Oregon may be taken to any extent as typical of their political kin in other states, the National Convention will be characterized by the pleasing harmony, order, unity and sweet accord which marked the famous Chicago convention of 1892.

Governor Chamberlain, who, as the only plumed dispenser of Oregon Democracy has, may be assumed to lead it, thinks that Senator Gorman, of Maryland, will get the nomination for President.

Judge John M. Gearin thinks the sage of Wolfert's Root, the man who said "I am a Democrat," David B. Hill, will be the nominee. And C. E. S. Wood thinks he won't be any such thing.

As to platform, the Democrats are just as badly off as the man who built his house upon the sands. They haven't any. The money question is confessedly dead. Governor Chamberlain would insert a plank insisting on tariff reform. Judge Gearin would do the same, and, moreover, he would oppose the trusts. And C. E. S. Wood arises and asks, "What tariff reform?" "How shall we oppose the trusts?"

With the exception of A. F. Flegel, no temperate follower of Jefferson has yet come forward to support the self-launched candidacy of Mr. Hearst, and it will require careful, judicious and systematic booming on the part of Mr. Hearst's journals and friends to convince Oregon Democrats that his ambition is meant to be considered seriously.

Dark Horse, Says Wood.

"It would be as easy for the Democratic and Republican parties to agree as it would be for the Bryan Democrats to agree with the old-line conservative Democracy," said C. E. S. Wood. "I look for the nomination of a dark horse, whose policy has not been expressed. All the conventions and harmony in the world can never bring the Democratic party together. The real body of Oregon Democrats would favor a Bryan man, though I believe Oregon has made no choice. The Oregon Democrats have even this Gorman and Hill strife of playing politics for power. I have no respect for a man like Parker, who won't say anything, or for one like D. B. Hill, who says 'we must skate swiftly over the thin ice.' The money question is dead. The platform planks will be vague but will probably be on the tariff, corruption and abuse of the Administration. The attack on the trusts will mean as much from one party as the other. I don't think the party can get along without the Bryan wing, as it is the progressive wing. I would not express my opinion of Mr. Hearst, since I do not favor saying anything against a man unless one is positive."

Governor for Gorman and Turner.

Governor George E. Chamberlain expects the Democrats to agree on a candidate from the ranks of the faithful who followed Bryan. "I would like to see Gorman nominated, with George Turner, of Washington, for Vice-President," said Governor Chamberlain. "and I believe Gorman will get the nomination. I believe the Oregon Democrats would favor both Gorman and Turner. I look for a progressive platform, not a fault-finding one, with a tariff plank for revenue only, abolishing all duties between ourselves and the Philippines and the gradual elimination of tariff between ourselves and Cuba. I think there should not and will not be any reference to the money question. Let the dead bury their dead." The Governor seemed not to take the idea of Hearst's nomination seriously.

Gorman, Parker or Hill.

"Gorman, Parker or Hill, I believe would poll the full strength of the Democratic party," said John M. Gearin. "Hill's chances for nomination I think the strongest, and he would undoubtedly be a strong man. Hearst is an impossibility. I don't think he has any idea of securing the nomination. He is a successful newspaper man with plenty of talent. He is spending a great deal of money, it is true, but he is making lots of money and his decided stand is a business matter with him. I think Oregon Democrats have made

no choice as yet. The man who receives the nomination will receive the support of the party. I believe conservative men will stand together and agree on a candidate. There will be no split. The tariff question will, of course, be an issue, as well as antagonism to the trusts and fair treatment of our island appendages. The money question, I think, will not be referred to."

Oregon for Chamberlain.

"Every delegate from Oregon that goes to the National Democratic Convention will be for Chamberlain," said District Attorney John Manning. "Hearst is a strong candidate, but Bryan, I think, favors Tom Johnson, who leans toward the conservative, old-line Democracy. Tariff will be the principal issue, and its elimination between the United States and the islands will be a strong feature. Bryan has some sense and won't fight Johnson, even though the Ohio man does favor the Cleveland Democracy."

Hearst, Says Flegel.

"In my opinion," said Counselman A. F. Flegel, "Hearst is the favorite for the Presidential nomination at the present time. I think we ought to and will have a man who stood with the party during the campaigns of 1896 and 1900, but who is not a strident silver man. Personally I have no admiration for Gorman and think Olney would be the strongest candidate. While it would please the West to have a man like George Turner for Vice-President, we must use discretion and pick the strongest man. How about Chamberlain for second place? He is a strong man who has never been defeated and might add strength to the ticket. The Republican party has about all the old Democratic planks in its platform, but I suppose the issue will be based upon the tariff, that is the abolishment of duties between us and all our island possessions. I think that the Panama question may be an issue, but the money question is dead."

Parker Is Inman's Choice.

"Parker would be the best Presidential nominee, as far as untangling the Democratic situation goes," said Robert Inman. "I don't think Hearst will have any chance for the nomination, or that Parker would unite the Democrats, Oregon, as far as I know, has no choice for the nomination. Hearst would be the main plank and the Panama question may possibly be an issue. I believe the Democrats of this state would favor Parker."

Must Win Independent Vote.

"The Democratic nominee should be a man that will unite the factions of the party and attract the independent and conservative voters of the country," said Colonel R. A. Miller, of Oregon City. "That man very probably is not one of the present candidates, thus far mentioned, nor perhaps is he yet in the public eye. Democrats will doubtless make the tariff their main issue. They have always advocated the isthmian canal, and the moral phase of that question will only be an issue."

Sam White Does Not Prophecy.

BAKER CITY, Jan. 17.—(Special.)—Chairman Sam White said tonight that he had no prophecy to make regarding the Democratic nominee for President. He declined to express his personal preference, saying that the choice of his party would be his choice, whoever he might be.

MEETS SMITHSON'S BODY.

Dolphin Will Carry Philanthropist's Remains to Washington.

NEW YORK, Jan. 17.—The United States dispatch-boat Dolphin, Commander J. H. Gibbons, from Washington, D. C., arrived here today under orders of the Navy Department to await the arrival of the North German Lloyd liner Princess Irene, from Genoa, which is due to arrive here Friday and which bears the remains of James Smithson, founder of the Smithsonian Institution.

The Dolphin will meet the Princess Irene in New York Lower Bay and escort the vessel to her dock. The coffin containing the remains will be transferred to the Dolphin, which will take it to Washington, where reinterment with appropriate ceremonies will be made.

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PRIDE IN THE WAY

Russia Will Not Yield to Japan's Demands.

TWO POINTS OF DIFFERENCE

Both Have Reference to the Province of Manchuria.

PEACE DEPENDS ON THE CZAR

Increase of Russian Naval Force in the China Seas Would Mean Immediate Breaking Out of Hostilities With Japan.

CZAR SPEAKS FOR PEACE.

ST. PETERSBURG, Jan. 17.—Emperor Nicholas' pacific utterances made during the New Year's reception at the Winter Palace, in St. Petersburg, Thursday last, together with the favorable comments of the foreign press, which have been reproduced here, have created a splendid impression, and have had a good effect in perceptibly diminishing the war talk in army and navy circles, which were quick to take their cue from the assurances coming from the throne.

The newspapers which have been discussing the Far Eastern situation with clear freedom, have grown almost silent, and what they do say is commendatory of the improved prospects of peace.

LONDON, Jan. 18.—In what it claims as an authoritative statement, the Daily Graphic this morning announces that the negotiations have arrived at a stage leaving two points upon which neither Russia nor Japan is inclined to yield and as to which no means of a compromise have yet been found.

Both these points concern Manchuria and their acceptance would not, in the slightest, modify the legal status quo or change the administrative situation in Manchuria, but Japan insists that they be embodied in a treaty between Japan and Russia, while Russia, as a matter of honor, refuses to accept such dictation at the hands of Japan. Much, however, is still hoped from the czar's influence.

More Vessels Means War.

"Of course, any attempt of Russia to increase very largely her naval forces in the East by moving her Black Sea or Baltic fleets would make war a question of only a few hours."

This statement seems to be borne out by the Associated Press dispatch from Tokyo yesterday, that Japan had received Russia's communication, saying that Russia would respect the rights and privileges already acquired by the powers in Manchuria, except in the case of the establishment of foreign settlements, which shows that negotiations are continuing on the question of Manchuria.

At the Japanese Legation last night it was said that no fresh news had been received and that the situation remained unchanged.

Excesses of Corban Troops.

The Daily Mail's Tokyo correspondent says that M. Pavloff, the Russian Minister at Seoul, has notified the Korean government that Korean troops have crossed the Chinese boundary repeatedly and committed excesses against the inhabitants. Russian customs officials on the extreme northeastern border report similar occurrences and assert that the Koreans are burning villages and killing people. Minister Pavloff warned the authorities

that such proceedings will necessitate severe measures.

The correspondent says that riots have broken out at Chuyung Choyngdo in the Province of Piyongan, Korea. The Daily Mail's Seoul correspondent, cabling yesterday, makes no mention of these disturbances, but, according to the Daily Telegraph's Tokyo correspondent, the Seoul correspondent of the Jiji Shampo learns that a general rising is imminent at Phung Yang, and that Korean soldiers are co-operating with the rebels. Phung Yang was the scene of the rising which led to the war between Japan and China.

Armored Train in Readiness.

The Daily Mail's Seoul correspondent says that an armored train with quick-firing guns from the ships is ready at Chemulpo to rush men to Seoul at a moment's notice. The correspondent says that the Japanese have secured control of the Korean court and that the Emperor has wired Peking and Tokyo advising a triple offensive and defensive alliance and promising not to leave Seoul.

According to the correspondent, McLevy Brown, supervisor of Korean customs, secured possession of Korean field guns on the pretense that they needed repairs and locked them up in the Custom-House.

Thousands Guard the Track.

The Daily Mail's Port Arthur correspondent estimates that the total number of Russian troops now in Manchuria is 200,000, half of whom are guarding the railway. The correspondent says: "China's firm stand since the reoccupation of Mukden has complicated the Russian arrangements in Manchuria for defense and doubled the difficulties of guarding the long line of communication between the boundaries and the coast line."

The Council of War is sitting daily. The Port of Niu Chwang and ports on the Yalu River are icebound.

The Standard's Tien Tsin correspondent says it is reported that Russia has asked China to send 15,000 troops to Manchuria to protect Chinese subjects.

RUSSIA MAY BACK DOWN.

Attitude of Other Civilized Countries Is Said to Have Had Effect.

LONDON, Jan. 18.—The Times' Tokyo correspondent says that in recent speeches by publicists the claim was made that Japan is fighting for Anglo-Saxon ideals in Asia, instead of military despotism, and that several Tokyo journals rejoice that "America is now in the same camp with Japan."

The Russian correspondent of the Times hears that a special council presided over by the czar arrived at the conclusion that war should be avoided. The inference, they say, is that the speech of Premier Balfour at Manchester, January 11, in which he said, "no one can contemplate hostilities between two great civilized countries without feelings of misgivings and depression," declaring that "Great Britain would carry out to the fullest extent all her treaty obligations, greatly in response to the wishes of the world."

It is reported, too, as a result of this conclusion, Russia intends to open ports in Manchuria, withdraw her pretensions with regard to Korea and possibly even not retain Port Arthur as a military stronghold.

The correspondent of the Times at Moscow comments on the severity of the censorship of all dispatches referring to movements of troops or fleets.

EXPECT WORLD'S SYMPATHY

Japan Is Ready for Struggle, and Calmly Awaits Call to Arms.

TOKIO, Jan. 17.—Japan does not anticipate Russia's rejoinder for at least one week. In the meantime the Nation is prepared and grimly reconciled to war. Political and other distinctions have disappeared and the country is patriotically united.

The Government is receiving many offers of contributions in event of war, amounting to many millions of yen. The Japanese people would welcome an honorable peace, but are resolved to fight before receding from their position in Oriental affairs. They fear the aggression of Russia and believe if it is not stopped now it never will be stopped. They are confident that their demands are fair and moderate, and their diplomacy, which has been patient, has gone to a reasonable limit. They expect the world's sympathy in their struggle and have a splendid confidence in their army and navy. In the event of reverse or a

(Concluded on Page 2.)

FLOP ON CANAL

Hearst Finds Panama Is Popular.

QUITS THE GORMAN POLICY

Democratic Sentiment Is With the President.

SOUTH IS FOR RATIFICATION

Universal Demand for the Canal on the Isthmus Causes Paper to Urge Senators to Join Hands on Measure.

OREGONIAN NEWS BUREAU, Washington, Jan. 17.—The New York American and Journal, the Hearst paper, comes out this morning for the Panama Canal. It publishes dispatches showing the attitude of Southern papers demanding the ratification of the treaty, and as a center-piece prints this editorial utterance:

"While we favor the Nicaragua route for the interoceanic canal we realize that the consummation of that which is so remote as to make the Panama route, with the prospect of work being begun on it in the near future, preferable by far. The canal is an immediate National and international necessity. While we cannot approve of the President's course in the Colombia-Panama affair, and his premature recognition of the Republic of Panama, it is a fact that the republic exists."

"We call on Senators of both parties to join hands to a man and ratify the Panama Canal treaty. We want the canal, and we want it now."

The significance of this movement of Hearst, after having lead for two months an onslaught upon the President's action, is that the Democratic party, through its influential men, are opposing the Gorman policy. Hearst puts himself on the popular side and in opposition to Gorman, whose political vision does not reach beyond Maryland. Opposition to the President's course has been the keynote to the Democrats.

Olney also voiced it in New York. Hearst tried it until he found it unpopular everywhere, and he takes the back track. The man who scared Gorman and Tammany into taking the Democratic convention to St. Louis has made a coup that will cause the Maryland politician much more trouble and will also disturb the other Democrats who have been opposing the Panama treaty in the Senate.

BAILEY IS IRRECONCILABLE.

Will Retire Rather Than Vote for the Panama Canal.

HOUSTON, Tex., Jan. 17.—In a signed statement wired the Post tonight United States Senator J. W. Bailey says that he will "retire from public life before dishonoring my state and party," by voting for the ratification of the Panama treaty.

In his statement, Senator Bailey asserts that the President's personal influence was used to secure favorable action toward the Panama route, as opposed to the Nicaragua route; that when the Colombian Senate refused to ratify the treaty submitted by the United States it was the President's duty to take an alternative, "but in a case of this kind, a reckless disregard of the imperative command of the law which he himself had approved, the President refused to negotiate with Nicaragua and Costa Rica."

"I can understand," he says, "how many people, in their anxiety for a canal, might condone such a course and excuse the spoliation (of Colombia) on the ground that it was demanded by the progress and civilization of the world. This is precisely the same argument with which Kings and conquerors have always justified their wars of plunder and aggression. I have heard it asserted that the people of this country desire a canal and are not particular about the methods by which they secure it. I cannot believe that this is true of the American people. The Panama route is not the only one, nor is it the best one."

"Let us denounce the President's defiance of the law; let us accuse him for his violation of the laws of nature. I would retire from public life before I would dishonor my state and party by assuming that they entertain other and different sentiments."

Missouri Editors for Roosevelt.

ST. JOSEPH, Mo., Jan. 17.—The Republican editors of Missouri in convention here adopted the following resolution:

"Resolved, that the president of this association be instructed to telegraph President Roosevelt its congratulations on his patriotic, consistent attitude with regard to the recognition of the Republic of Panama, and to inform him that the Republican press of Missouri is a unit for his re-nomination at Chicago next June."

HIS NAME GAVE HIM FREEDOM

President Castro Releases Grandson of Garibaldi, a Revolutionist.

CARACAS, Thursday, Jan. 14.—Giuseppe Garibaldi, a grandson of the Italian patriot, was discovered among the revolutionists who were captured last August at Ciudad Bolivar. When President Castro learned of this fact, and after Garibaldi had been recognized by officials of the Italian Legation, he ordered his immediate release.

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