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JURY DISAGREES ON THAW'S GUILT

Hopeless Division on Plea of Insanity.

FIVE WERE FOR ACQUITTAL

Thaw Must Stand Another Trial Next Fall.

JURORS TELL OF BALLOTS

Seven for Conviction of First Degree Murder, but Ready to Compromise on Manslaughter—Thaw's Heart Is Bowed Down.

them fight it out among themselves until they should call for assistance. This appeal came at 4:15 P. M., and then followed a hunt for counsel, both Mr. Jerome and the attorneys for the defense having temporarily left the building. When they arrived Justice Fitzgerald notified them of the jury's communication that a disagreement seemed inevitable. Everyone connected with the case seemed willing to accept the situation as offering no hope, and then followed the brief courtroom proceedings at which the disagreement was publicly announced. The jury dismissed and the prisoner remained. Entering the courtroom at 4:35 P. M., the jury was free eight minutes later.

Thaw Deeply Disappointed.

Thaw, when he had returned to the Tombs, gave out the following statement: "I believe that every man on the jury possessing average intelligence, excepting possibly Mr. Bolton, comprehended the weight of evidence and balanced it for acquittal. All my family bid me goodbye with courage. I trust (D. V.) we may all keep well."

To his attorneys Thaw said he was deeply disappointed. "But I could hardly expect anything else, in view of the events of the last few days," he added. Early in the day Thaw had given out another statement in which he said he



Justice Fitzgerald, Who Tried Harry K. Thaw.

NEW YORK, April 12.—Hopelessly divided—seven for a verdict of guilty of murder in the first degree and five for acquittal on the ground of insanity—the jury which since January 23 last had been trying Harry K. Thaw reported today, after 47 hours and 8 minutes of deliberation, that it could not possibly agree on a verdict. The 12 men were promptly discharged by Justice Fitzgerald, who declared that he, too, believed their task was hopeless. Thaw was remanded to the Tombs without bail, to await a second trial on the charge of having murdered Stanford White.

When this new trial will take place no one could tonight express an opinion. District Attorney Jerome declared there were many other persons accused of homicide awaiting trial, and Thaw would have to take his turn with the rest. As to a possible change of venue, both the District Attorney and counsel for Thaw declared they would make no such move.

Jerome Will Oppose Bail.

Thaw's attorneys will have a conference tomorrow with the prisoner to decide on their next step. They may make an early application for bail. Mr. Jerome said he would strenuously oppose it. He added the belief that as seven of the jurors had voted for "guilty," his opposition probably would be successful. In that event Thaw has another long summer before him in the city prison, for his case on the already crowded criminal calendar cannot possibly be reached until some time next fall.

The scenes attending the announcement by the jury of its inability to agree were robbed of any theatricalism by the general belief that after their long division of sentiment, the jurors could make no other report than one of disagreement.

How Thaw Received News.

Thaw, surrounded by the members of his family, received the news in absolute silence. When it became known that the jury voted to make it his duty to stand, and sit with his right arm thrown about her until he was commanded to stand and face the jurors. Smiling and confident as he entered the courtroom, he sank limply into his chair when Deming B. Smith, the foreman, in response to a question by the clerk as to whether a verdict had been agreed upon, said: "We have not."

The mother, her features hidden behind a dense veil of black, sat stolid and motionless. In ill-health of late, she had felt severely the strain and stress of the long hours of anxious waiting. The wife gripped her husband's hand tightly as the jury foreman spoke, and then, when he sank down by her side, she tried to cheer him as best she could by saying that she believed he would now be admitted to bail, and that a second jury would surely set him free. The members of the family, the sister, the mother and the brothers, pale and well-nigh exhausted by their tedious, nerve-racking wait for a verdict, were permitted to speak with Thaw for a few moments to bid him adieu with good cheer, before he crossed the "Bridge of Sighs" to the cell which until a few minutes before he had hoped that he would be about to quit forever.

Crowds Shut Out of Court.

Outside the big square Criminal Courts building only a few hundred persons were gathered. Thousands had been there earlier in the day, but police reinforcements had arrived with instructions to keep everyone moving, and this had soon thinned the idle and curious into a willingness to depart. The courtroom itself was half empty. Only the newspaper men, the court attaches and a few favored friends were allowed to enter to hear the verdict. Justice Fitzgerald feared a demonstration of some sort should the general public be admitted, and he gave strict orders against this.

It was 4:35 P. M. when the jury filed into the courtroom. Harry Thaw had been waiting for a summons to face the jurors ever since shortly after 3 A. M. He felt that today would bring a crisis and that either a verdict would be reached or Justice Fitzgerald would discharge the jurors from any further consideration of the case. This was the general belief, and the only remarkable feature of the case was the dogged manner in which the jurors continued at their task and declined to ask to be excused. Justice Fitzgerald had determined to let

BOISE JURY HAS INDICTED BORAH

Charges Against Him Not Given Out.

OFFICIALS WILL NOT TALK

People of Idaho Astounded by Announcement.

BITTERLY RESENT ACTION

Many Refuse to Believe There Can Be Grounds for Prosecution. Senator May Be Taken Out of Steunenberg Murder Case.

BOISE, Idaho, April 12.—(Special.)—The correctness of the statement that the United States grand jury voted yesterday to indict Senator W. E. Borah, in connection with the Barber Lumber Company timber case, has been fully established. What more has been done remains to be revealed. This morning the jury filed into court and returned a batch of indictments, but no one has perfect knowledge whether one was returned against the Senator. While there is doubt in many minds that it was returned at all, the source of this doubt cannot be run down. In the afternoon the grand jury was excused until June 17.

Not one of the indictments was made public, and the court officers refuse to tell whether there is one on file against Borah. Judge Beatty, when asked about it, said he did not look at the names when he looked over the papers, and did not know whether the Senator was among those indicted. District Attorney Rulick refused to deny or affirm, when asked if such indictments had been returned, and Assistant District Attorney Johnson answered in the same manner. All else is theory and rumor.

A story is afloat that the grand jury refused to stand by its action this morning, but that does not receive much credence. Another is that the Department of Justice at Washington, D. C. asked Rulick not to indict the Senator until it had passed upon the matter. Some credence is given to this, by reason of the fact that the unusual method of taking a stenographic copy of the testimony before

the jury has been followed, a copy of the same going to Washington. It is possible the indictment and others will be made public tomorrow, but there is no forecast on that point.

The voting on the indictment has caused a profound sensation here, and it is bitterly resented, people refusing to believe there is any ground for it. Referring to official knowledge of his indictment, Senator Borah declined to make any statement on the subject. An important feature of the matter is the understanding that the indictment will take Borah out of the Steunenberg murder case, thereby crippling the state.

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TODAY.—Probably fair; cooler; westerly winds.

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THREE RICH MEN ARE VERY SCARED

Los Angeles Telephone Men Hire Lawyer.

THEY ALL EXPECT INDICTMENT

Shortridge Wins Contempt Case on Appeal.

NEED NOT GO TO PRISON

Motion to Again Disqualify Sheriff and Coroner Causes Contest Before Judge Dunne—Denounced as Creatures of Abe Ruef.

SAN FRANCISCO, Cal., April 12.—(Special.)—As a result of their two recent visits to San Francisco, three Los Angeles millionaires are badly scared citizens. A. B. Cass, president of the Home Telephone Company of Los Angeles; J. S. Torrance, financial backer of the corporation, and J. H. Adams, of the Adams-Phillips Company, have been forced to look the inevitable in the face and admit to themselves that, despite anything they or their money can do, they are at the mercy of the San Francisco grand jury.

The refusal of Adams and Torrance to testify before the grand jury yesterday, when they were called to the witness stand a second time, was due to the advice of counsel, secured after their first appearance. George A. Knight, of the San Francisco law firm of Knight & Hesterly, admitted today that he has been retained to represent the Home Telephone Company officials of Los Angeles, and that their refusal to testify was due to his advice. He admitted that he has already been retained to defend Cass, Torrance and Adams, and that he made a trip to Los Angeles a few days ago to discuss matters with them and arrange the method which they were to adopt when they were called to this city to complete the giving of their testimony concerning Home Telephone Company affairs.

as the civilized government. Every person who reads our San Francisco papers must have noticed an authorized publication by some one who is not sworn to keep secret everything that happens in the grand jury room, to the effect that my clients were to be indicted anyway; and I could see no reason why, under the circumstances, they should not avail themselves, for the present at least, of a constitutional right."

SHORTRIDGE WINS ON APPEAL

Defect in Contempt Proceedings. Argument About Disqualifying.

SAN FRANCISCO, April 12.—The District Court of Appeals freed Samuel M. Shortridge from the contempt order and full sentence imposed by Superior Judge Dunne; Justice McFarland announced that the State Supreme Court will not make known before next Monday its decision on Abraham Ruef's application for release on habeas corpus from the custody of Elmer Biggy; Judge Dunne reiterated his total lack of confidence in the Sheriff and the Coroner to honestly summon a fresh venire of takersmen to complete the Ruef trial panel and adjourned court until next Monday to give the defense an opportunity to prepare counter-affidavits in sup-



Theodore Hardee, Assistant to the President of the Lewis and Clark Fair, who has been appointed Executive Officer of the International Arbitration and Peace Congress.

port of its objection to the re-disqualification of the Sheriff and the Coroner. These were today's developments in the bribery graft investigation. No session of the grand jury was held.

Where Judge Dunne Erred.

Mr. Shortridge, of Ruef's counsel, more than a month ago was by Judge Dunne declared guilty of contempt of court and ordered confined in the County Jail 24 hours, because after repeated admonitions to sit down he persisted in objecting to a question asked of Coroner Walsh during the examination of that official incident to his sworn declaration that he—the Sheriff having been disqualified—was unable to find and arrest Ruef, a fugitive from justice. The Appellate Court in refusing to sustain Judge Dunne takes the position that the latter, as respondent to Shortridge's application for discharge on habeas corpus, failed to set forth the fact that at the moment of the declared contempt Shortridge's client, Ruef, was a fugitive from justice.

The Supreme Court sits in Los Angeles next Monday, and the Justices departed today for the South. There was a general impression abroad that they would either make known their decision in the Ruef habeas corpus before leaving the city or would direct that it be announced after their departure. Justice McFarland corrected this impression by saying today that the court has not yet determined the matter and will not announce the result before Monday.

Attack on O'Neill and Walsh.

In Judge Dunne's court a lively session was held. Ruef's prosecutors moved the re-disqualification of Sheriff O'Neill and Coroner Walsh for bias and prejudice in favor of the defendant, the ordering by the court of a special venire of 100 or more names from which to complete the trial panel, and the appointment of an alisor to summon the veniremen. The defense objected with a show of spirit, and verbal battle between counsel followed. The prosecution filed affidavits to prove personal interest of the Sheriff and the Coroner and, though Judge Dunne stated from the bench that he had no confidence in those officials and was satisfied that they could not properly be allowed to summon additional jurors or have charge of the jury after it had been chosen, he nevertheless granted the defense until Monday morning to prepare affidavits in contradistinction to those filed by the state. The court refused to permit witnesses to be called in refutation of the charges of bias, stating that in the form of affidavits only would counter testimony be admitted. Adjournment was taken over Sunday.

Attorneys Cross Swords.

Replying to the motion of Mr. Johnson, the special prosecutor, for the disqualification of the Sheriff and Coroner and the appointment of an alisor, Henry Ach, for the defense, requested that Mr. Johnson separate his motions.

"For," he said, "there will be no necessity of disqualification and appointment unless the special venire is ordered. Let the gentleman address himself first to the motion for a special venire. Should the court deny that motion, the summoning of jurors from the regular list would be a mere ministerial act, and anybody could perform it."

"The last part of Mr. Ach's statement," replied Johnson, "is untrue. The Sheriff having already been disqualified in this case, the summoning by him of any jurors would invalidate their service and render the whole panel liable to challenge."

The first affidavit, read by Mr. Johnson,

JEFFERSON, WHOM DEMOCRATS LOVE

Proudest of Writing Declaration.

HIS SERVICES TO THE COUNTRY

Most Methodical in Keeping Record of Events.

SECRETS OF EARLY DAYS

Father of Democracy, Whose Birthday Is Celebrated Today, Loved Fiddling, Writing, Mathematics and Building Houses.

BY FREDERICK J. HASKIN.

WASHINGTON, April 7.—(Special Correspondence.)—One hundred and sixty-four years ago today Thomas Jefferson was born at Shadwell, Va. Since the time of his death at Monticello, adjoining Shadwell, at the age of 83, his birthday has been celebrated almost every year. In the last two or three decades the Jefferson day celebrations have generally taken the form of banquets arranged by Democratic political clubs, and many of them have been the occasion for the launching of a "boom" for some particular candidate or of some new policy. If Mr. Jefferson were asked, there is little doubt that he would frown upon the whole thing. While he was President a friend asked him: "What is the date of your birth, Mr. President?"

"Of what possible concern is that to you?" queried the great Democrat in reply.

"We wish to celebrate it fittingly," The President then said:

"For that reason I decline to enlighten you. Nothing could be more unbecoming to me than what you propose and when you address me, I shall be obliged if you will omit the 'Mr.'"

His Many Works and Honors.

Such was the man who left behind the inscription to be placed on his grave-stone:

"Here was buried Thomas Jefferson, author of the Declaration of Independence, of the statutes of Virginia for religious freedom, and father of the University of Virginia."

The request was complied with, and the stone which marks the last resting place of this great American does not disclose the fact that he was twice President of the United States, that he was Vice-President and Secretary of State, that he was Governor of Virginia or that he had been honored in many other ways by the people of his state and of the new Nation which he helped to found.

No mention is made of the fact that the man buried there was he who broke the power of the Barbary pirates, to whom European nations had paid tribute for years; that it was he who extended the dominion of the United States across the great Mississippi by the Louisiana purchase; that it was he who claimed the rich Oregon country for the Stars and Stripes by sending his private secretary, Meriwether Lewis, with Captain William Clark to explore the great unknown Northwest; that it was he who opened up the States of Ohio and Indiana and Illinois and others of the Northwest Territory by inducing the quarreling states to cede the territory to the general Government. Nor does that simple stone legend record the fact that under it lies buried the man who drafted a charter for the first Republic of France, the man who led the fight against the odious edict law enacted by Congress in a wave of reaction toward monarchism and which, if they had been allowed to stand, would have cut off the rights of free speech and a free press in the United States.

Kept Record of Everything.

Six feet, two inches tall, with sandy red hair, light hazel eyes, an angular face and a thin, awkward body—Thomas Jefferson was not a prepossessing man in appearance. In his habits he was method incarnate. No public man of America has left so much in writing of the history of the times and of the history of his own thoughts. Jefferson seems to have been writing all the time. He kept every letter or scrap of writing that came into his possession, and he preserved a copy of every letter he wrote. For many years, especially while on his mission to France, he kept copies of his letters by means of impressions on wet tissue paper, the ordinary copypress method. Unfortunately, most of these impressions are so faded that they cannot be made out. Jefferson realized the inadequacy of that method, and therefore betook himself to the most irksome and laborious method possible of keeping copies of the letters he wrote.

He employed what he called a "polygraph," but what is now called a "patograph," and is used for copying or enlarging drawings. This cumbersome instrument was made of silver, and was a series of connecting paral-

SOMEBODY SHOULD THROW HIM AN ANCHOR



(Concluded on Page 4.)

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