# **JURY FINDS** SCHMITZ

Second Ballot Declares **Mayor Extorted** Money.

### REJOICING IN AUDIENCE

Agreement Reached So Quickly Heney Misses His Triumph.

### SCHMITZ KEEPS HIS NERVE

Still Protests Innocence, Says Judge Was Prejudiced.

### SPENDS NIGHT IN PRISON

No Hesitation When One Opposing Juror Has Heard Argument of Eleven-Judge's Charge Commended for Fairness.

HOME IN SHERIFF'S CARE. SAN FRANCISCO, June 13 .- At a late hour tonight Mayor Schmitz was

taken to his home in custody of the

...................... SAN FRANCISCO, June 13 .- A jury of 12 of his peers has declared Mayor Eugene E. Schmitz guilty of the crime of extortion as charged against him by

the Oliver grand Jury. The jury was out just one hour and thirty-five minutes. It elected Charles to an informal ballot. This was cast asked whether he desired to make any verbally and stood 11 for conviction, statement of the case. This was his-remaker cast the dissenting vote. Then the 12 men began a discussion of the evidence, which lasted for nearly an At the end of that time the first formal ballot was cast. 'It was a written ballot and was unanimous for conviction. The jurymen issued this state ment to the Associated Press immediately after their dismissal by the

In justice to Mr. Burns it should be explained that he did not vote for ac quittal because he was dissatisfied with the evidence or believed there was any doubt of the defendant's guilt. Two forms of verdict were given to the jury and the consecutive reading of thes. momentarily confused Mr. Burns. As on as he understood the matter, he cast his vote with the other 11 and conviction was accomplished. Mr. Burns approved this statement as correct.

### Rush to Hear Verdict.

On the wings of rumor spread the report, "The jury has reached a verdict." and even before Judge Dunne reached the synagogue, hurried thither by ar automobile, nearly 1000 men had gathered in Bush street and were clamoring at the doors to be let in. They were kept out until the 12 men had ben brought in and seated. As Judge Dunne entered his chambers by a rear way, the crowd surged into the building from the front.

Then there was another walt of five minutes. The Mayor had not arrived. He came puffing up presently in red touring car, Mesers Metson, Fairall, Barrett and Drew accompanying him They pressed down the aiele and that end of the counsel table farthesi from the jury. Mr. McManus, the clerk, stepped to the door of the chambers and announced:

### Jury Announces Verdlet.

"All ready for you, Judge. They're Judge Dunne took the bench at

"Lot the jury be polled," he said.

"Poll the Jury," repeated Mr. Moore the bailiff, to the clerk. That official told off the names of the twelve. "All present, your Honor," he re-

Then turning and addressing them

"Gentlemen of the jury, have you agreed on a verdict?" he said. Mr. Capp, the foreman, rose very slowly in his seat at the far end of th

lower tier. "We have," he said, solemnly.

"What is your verdict? Is the de-fendant guilty or not guilty?" Mr. Clapp said very slowly and very low: "Guilty."

Rejoicing Among Audience.

The silence was broken in a hundred places at once like a wave drain-

ing from the rocks. A long-drawn "Ah!" ran through the crowd. Then "Good!" cried a voice in a far corner, "Good, good!" echoed another farther front.

Rudolph Spreckels, whose wealth made possible the whole bribe graft prosecu-tion, was walking swiftly down the right aisie as the sentence fell from the fore-man's lips. He sank into a near seat as though arrested by some sharp command.

All over the house people were jump-ing up now, and some of them turned to the strangers at their elbows and thrust ut their hands in the enthusiasm of ong-looked-for moment and said:

"Gentlemen of the jury," said the clerk, listen to the verdict as recorded: " 'We, the jury in the above entitled ase, find the defendant, Eugene E. Schmitz, gullty as charged in the indictment.' Is that your verdict, so say you one, so say you all?"

"So say we all," answered back the 12, their voices jumbling and jarring on the

### Schmitz Taken Into Custody.

Mr. Metson, of counsel for the defense, poke: "We ask that the jury be polled," the 12 were called, and each was asked: "Is that your verdict?" Each replied: "It

"The judgment of the court will be pro-



William J. Burns, Who Collected Evidence Which Convicted Mayor

nounced on Wednesday, June 27," said Judge Dunne. "The court will at this time listen to any motion that may suggest itself to the prosecution."
District Attorney Langdon arose.

"We will ask that the usual course be oursued," he said.
"You mean," questioned Judge Dunne that you desire that the defendant be

taken into custody pending the prouncement of sentence?" "Yes, your honor, we think that should

e done," responded the state. "The Sheriff will take the defendant into custody pending the further order of the court." Saying this, Judge Dunne arose abruptly and quit the bench. In E. Capp foreman and at once proceeded his chambers a moment later he was

> "Please say for me that the law has taken its course. It took the bailiff and Elisor Biggy's deputies all of a half hour to drive the crowd out of the synagogue. It wanted to

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## **GRANT NO JOINT** RATE THIS YEAR

Prouty Forecasts Decision of Board.

### SOUND LUMBERMEN TO WAIT

Not Allowed to Crowd Out Oregon Shippers.

O. R. & N. CARRIES CAPACITY

Interstate Commission May Grant a Joint Rate When North Bank Road Is Completed-Looks to the Future Needs.

OREGONIAN NEWS BUREAU, Washington. June 13.-While it is impossible to forecast decisions of the Interstate Commerce Commission, the Portland contingent now here to oppose the granting of a joint rate on Puget Sound umber via Portland and the O. R. & N., feels quite confident that it has won its battle. Its victory may not be perma nent, but it feels that as long as Portland's eastern railroad connections are inadequate, as at present, it will not be handicapped by being forced to give way to Puget Sound traffic.

True, the remarks made today by commissioner Prouty may not reflect the views of the entire Commission, and, as Mr. Prouty himself said, he may not ultimately think as he does today, yet the fact remains that Mr. Prouty shows more interest in this case than any other member of the Commission and is the only Commissioner who heard every word of testimony. Likewise, he asked more questions and showed deeper interest than any of his col-leagues, and these facts tend to make his personal views the more signifi-

cant. Oregon Has First Claim.

It is apparent that Mr. Prouty him self is not averse to permitting shipment of Puget Sound lumber through Portland and over the O. R. & N., except for the fact that the O. R. & N. is now unable to handle anything like the business that is offered along its own lines. He takes the very reasonable view that, if this road cannot handle its own business, it is certainly not able under existing conditions to undertake the transportation of lumber from a foreign territory. But when Portland has another outlet to the East, as, for in stance, upon the completion of the North Bank Road, and when part of the business now handled by the O. R. & N. goes by that line, Mr. Prouty and the other Commissioners may then be will ing to give Puget Sound an outlet for its lumber over the O. R. & N., but not until then.

### No Discrimination to Be Made.

The Commissioners' decision will robably not be handed down before late next Fall or possibly Winter It is promised that the North Bank Road will be open as far as Pasco by Jan-uary 1 next. Puget Sound interests hope to secure a joint rate via Portland to become operative when the North

sooner, and it may be that their sizing up of the situation is correct.

But those who followed the testimony are very well satisfied that there will be no joint rate via Portland on Puget Sound lumber until Portland has ample means of getting its own products to Eastern markets. In other words, the Interstate Commerce Commission appears to be unwilling to discriminate in favor of Puget Sound when such discrimination would

work injustice to Portland.

This attitude of the Commission is partattributable to the fact that Messrs Prouty and Lane are both personally fa-millar with the serious condition that prevalls throughout Oregon and Washington at the present time on account of car

O. R. & N. Already Crowded.

Assistant General Freight Agent Skinner, of the O. R. & N., this morning testified that his road is now handling a freight, including lumber, that it can take care of with its present equipment. It is running, he said, at full capacity. If compelled to take addi-



Francisco, Convicted of Extertion

tional lumber from Puget Sound, it could not handle it with satisfaction to itself or its patrons. He said there is no amount of merchandise from the East to Puget Sound now passing over its road, but admitted there would be ne when the new line from Portland to the Sound is completed.

Mr. Prouty asked how his expected to handle business that would originate tributary to its line, say five years hence, if it is now run-ning at its full capacity.

Mr. Skinner admitted the O. R. & N. would not be able to handle the increase, though certain improvements now under way would slightly increase its capacity. He expected another road across Oregon would ultimately relieve the congestion. Without another road Portland's business could not be properly handled. He said the O. R. & N. is not now handling all business offered, though not from lack of desire. He admitted its inability to adequately handle all wheat offered in Eastern Oregon for shipment to Port-

When Mr. Skinner concluded, Mr. Teal asked him to repeat important parts of his testimony, and was again sharply called down by Mr. Prouty. Teal then clamored to secure further recognition, and Mr. Prouty said:

"You may ask just one more ques-That elicited nothing new and the

case was closed. Prouty Forecasts Decision.

Mr. Prouty significantly explained that no early decision would handed down, because it was evident from the testimony that, if such a rate should be granted, the O. R. & N., now overcrowded with Portland and other Or egon business, could not handle Puget Sound lumber, unless it should discrimin ate against lumber originating along its (Concluded on Page 6.)

THIS IS WHAT THEY'LL BE DOING NEXT.

## GREAT CLIMAX IN ORCHARD'S STORY

Tells Motives Prompting Confession.

### PROMISE OF LENIENCY

self Moved Him.

WORDS CARRY CONVICTION

Penitent Assassin Denies Hope of Saving Life Held Out and Admits Attempt at Sulcide-Story Concerning Bradley Sustained.

BOISF, Idaho, June 13 .- (Special.)-The cross-examination of Harry Orchard closed today. He had been on the stand six full days and parts of two, having been called at 9:30 o'clock on June 4, and his cross-examination being finished at 2:30 o'clock this after noon. In his direct examination eight and one-half hours were consumed while his cross-examination occupied 26 hours. He left the stand apparently stronger than when he began his testimony, and tonight he is in excellent spirits, according to the statement of the warden, feeling relieved after thus unburdening himself of his long story of crime of every grade from murde

A canvass made this evening of persons attending the trial shows that the opinion is universal among all who are not direct sympathizers with the defense that the climax of the examination was reached this morning, when the witness gave his reasons for making his confession. A good many men who have been skeptical are prosounced in the belief that the witness has told the truth. A correspondent of a paper that has always been a partisan of the defense stated this evening be had wired his paper that the story told by Orchard fully justified the state in

### Great Climax of Drama.

was a most remar table climax of the long, terrible story. Mr. Richard-son was probing insistently for the reason for the confession. It was to the advantage of the defense to show, if possible, that Mr. McParland had dictated the story in some features at least, and that he had promised or held out hope of immunity, but the efforts of the attorney were without result. Finally Orchard delivered himself of to a climax, declaring he had confessed from conviction that it was right for him to do so, and that it was his duty to his God and his country to tell all he knew of the facts.

### Jury Listens Intently.

Mr. Richardson sought to shut him off, but the court permitted him to proceed, and amid deathlike silence he made the statement. The members of the jury leaned forward to catch every word, and it was manifest that every one was im pressed with the earnestness of the man, who made the statement with manifest emotion and with tears starting to his 

ARCHI DUT LAND

LIKE EMPEROR

THE WANTS ALL TR

### eyes, rendering it necessary for him to use his handkerchief.

Surely if Harry Orchard has not told the truth, he is the most brazen liar on earth, but there are few who do not believe he has told the truth excepting the partisans of the defense, who have always attacked the state and all connected with it in this matter. Candid citizens. who declared before he went on the stand that they would never believe him. penly admit their entire confidence that he has told the facts correctly.

### Surprise for Defense.

The calling of Crook, the Bradley milkman, to the stand this afternoon was a great surprise to the defense. Their agents have been trying for several days and have entirely failed to connect him with the case.

Tomorrow the state will finish up with the San Francisco end of the case excepting as to two witnesses not yet here. It will then put on a few unimportant witnesses whose testimony can be taken at one time as well as another, as they are anxious to get away.

### SOLE MOTIVE IS FORGIVENESS

Orchard Withstands Violent Assault on Motive of Confession.

BOISE, Idaho, June 13 .- The men who are battling to save the life of



Francis J. Hency, Who Secured Con-

William D. Haywood and the good name of the Western Federation of Miners made their greatest assault upon Harry Orchard today when, carry-ing the review by cross-examination of his life of crime down to his confesmotives. Six days they spent in strip-ping him before the jury of every shred of morality, of character and then, suddenly turning upon him in final fierce attack, they fought with every means | Japan on the part of this Government. | known to the legal craft to convince | One of the questions which ha the Jury that Orchard was committing lives of innocent men in the hope

### Tells of Penitence With Tears.

The series of quickly delivered atinterest, that gripped and held every listened. Orchard falled when they recited to him the tale of King David and Uriah that Detective McParland related to him when he came seeking a confession. He fought to save himself. but the tears filled his eves and he rocked unevenly like a fainting woman. His voice lowered to huskiness and he hid his face in a handkerchief. Then he steadled himself and went strongly to the end. He defended his notives by saying that he had finally found true conversion and in penitence had resolved to make all possible reparation by freely confessing all. Mr. McParland had told him that he was doing a great service to the state and that states were kind to men who served them; there was no other

### Sole Desire Is Forgiveness.

"You knew that if you confessed to the Steunenberg murder the state would put you out of the way?" hammered Mr. Richardson.

Yes, sir." "And would do it quekly?"

"I believed they would put me out "But somewhere along the line the thought came to you that you could

get out of it by laying it on somebody else?" "No, sir, that was not the thought

at all. And here it was that Orchard gave a remarkable explanation of the me tives that impelled him to confess. His voice fell to a low tone, but there was no show of emotion. Complete silence gave every word to the entire room. The whizz of an electric fan overhead was the sole accompaniment to the re-

cital. I thought," he said, "of putting my "I thought," he said, "of putting my-self out of the way, but I thought over my past life. I did not believe in a here-after at all, but I was afraid to die and I thought at times that I had been suc in unnatural monster-my crimes had been so great-that I would not be for-

Who told you that?"

"Who wrote that out for you?"
"No one, but after I had seen a Bible and had read it some I came to the conclusion that I would be forgiven if I made a confession of everything. I began to think that the grave did not end everything and I made up my mind to tell the truth about the whole thing."

### Duty to Tell Truth.

"So you thought you would make your case with the future by having some-ody else hung, did you?" asked Mr. Richardson,
"No, sir. I think any man can make
his peace with the future if he wants to.
I believed it was my duty to tell the
truth. I did not see any other way, re-

(Concluded on Page 5.)

## **ROOT GIVES AOKI** CAUSE TO THINK

Weary of Japan's Fuss About Trifles.

### PROTESTS GROW MONOTONOUS

Complains That Boys Smash Few Panes of Glass.

IRRITATION GROWING IS

Aoki's Visit About Petty Affair at Berkeley Makes Root Tired-Told to Make Allowances for San Francisco.

WASHINGTON, June 13 .- (Special)-Viscount Aoki, the Japanese Ambassador, called at the Department of State today and made a formal complaint because some small boys broke a few panes of glass in a greenhouse belonging to a Japanese in Berkeley, Cal. Ambassador Aoki was greatly disturbed when he left the office of Secretary Root and was con-siderably annoyed when asked about the Japanese situation "I have no time to talk," stated the

Ambassador. It was clear that his feelings were much ruffled. While Mr. Root and the Japanese Ambassador decline to discuss the matter, Mr. Root undoubtedly some plain talking to Viscount Aoki in regard to the action of the Japanese in attempting to magnify into an international question every

### which a Japanese living in the United

Weary of Japan's Protests. For some time there has been consider able impatience on the part of the Administration on account of the action of the Japanese. The Government is irritated by the persistency with which the sion, they bitterly assailed his guiding Japanese Ambassador has pressed unimportant matters on the attention of the Department of State, especially as the United States has taken particular pains to show that there is no hostility against

arlsen is to whether the Ambassador is a crime in falsely swearing away the so persistent on his own initiative or lives of innocent men in the hope of whether he is acting under instructions from his Government. Mr. Root has re peatedly explained to the Japanese Ambassador the scheme of the American form of government and the fact that tacks gave to the trial, amid the scenes it cannot force state governments to centering around the big witness chair act in the matter of giving protection in Judge Wood's court, a depth of to Japanese, but that in each instance dramatic intensity, a compelling human where foreigners have been molested the state authorities are urged by the

### who watched and Federal Government to act,

Must Make Allowances. In dealing with the Japanese situation in San Francisco, which is just recovering from an earthquake and fire which destroyed the city and where chaotic conditions exist, it has been explained that there is necessarily more disorder and hoodlumism than in cities where such disasters have not occurred. While the Federal Government is in no way defending the attacks, the Japanese have been informed that the ut-

### PAPERS CHANGE THEIR TONE

most patience must be shown.

### Japanese Begin to Regard San Francisco "Outrage" in True Light. TOKIO, June 14.-The Jiji this morning.

in its leading editorial, which is evidently inspired, says that the recent assaults on Japanese in San Francisco were merely incidents growing out of the industrial troubles in that city and that they do not constitute a cause for diplo-The editorial advises that the authori-

### ties be trusted to mete out justice and deprecates excitement over the matter. AOKI DENIES THE INTERVIEW

Intimates That Russia May Get Wrong Impression From Reports. WASHINGTON, June 13.-Viscount Aokl, the Japanese Ambassador, tonight

requested the Associated Press to publish

the following statement: "What purports to be an account of an interview with Viscount Aoki having been published today, the Japanese Ambassador desires to state that he has given no interview to anybody. The viscount would not have felt called upon to point out the baselessness of the alleged interview if it were not for the remarks therein contained, which are

rented against a power (Russia), in

friendly relations with Japan. Dr. Masulin Klyakawa, of San Francisco, the Japanese lawyer who filed the suit against the San Francisco School Board in the now famous school case, has been asked by the Japanese of the Pacific Coast to visit Tokio to discusa the passed at the last session of Congress. with a view to removing the ban against the importation of Japanese coolie labor. He, however, has declined the mission and, according to telegraphic advices, he has received A. Tsukamoto, prominent in the Japanese colony in San Francisco has been selected as the envoy who will visit Toklo. Dr. Kiyakawa says he

(Concluded on Page 6.)