



GALLAGHER PUT IN SCHMITZ' SEAT

First Step in San Francisco Reform.

SOON WILL YIELD TO ANOTHER

Schmitz Will Fight Removal to Finish in Court.

DWYER NEXT IN LINE

Supervisors Obey Langdon, Only Two Resisting—Entire Schmitz Administration to Be Removed When the Change Is Made.

SAN FRANCISCO, June 17.—Acting under instructions from District Attorney William H. Langdon, the Board of Supervisors shortly after 7 o'clock tonight adopted a resolution declaring Mayor Eugene E. Schmitz temporarily unable to perform his official duties and appointing Supervisor James L. Gallagher acting Mayor. The latter says he will assume the Mayoralty at once and he denies that he has made with the District Attorney or with any one else an agreement to resign at command, in order to make way for a reform Mayor, whose name is yet to be announced.

Mr. Langdon, Assistant District Attorney Heney, Rudolph Spreckels and their immediate associates in the bribery-graft prosecution are by this move placed in actual control of the municipal situation. That they will be allowed so to remain without legal contest by the convicted Mayor's attorney is not suspected. It is the plan of the prosecuting forces to ask for the resignation in a few days of some one of the 18 Supervisors. This forthcoming, acting Mayor Gallagher will appoint to the vacancy a man named by the District Attorney. So soon as he takes office, Gallagher will resign from the Mayor's chair and his resignation will be accepted. The board, acting under orders from the prosecution, will then elect the new member its president pro tempore and by virtue of that office he will at once become acting Mayor.

Dwyer Suggested for Mayor.

The man most persistently mentioned for this place is Joseph Dwyer, an attorney and president of the Independence League, but that political connection is said to render him unacceptable to Mr. Spreckels, the financial guarantor of the whole bribery-graft investigation.

The first act of the reform Mayor, if the prosecution's program is carried out, will be to demand the resignation of practically the entire Schmitz administration, whose places will be filled with reform agents as fast as the vacancies are created. Unless disturbed by the courts, the new regime will endure until next January, the time for the induction of the officers to be chosen at the municipal election next November.

Schmitz Will Fight Removal.

Schmitz, convicted last week of the crime of extortion, remains a prisoner in the City and County Jail. He is to be sentenced by Judge Dunne June 27. His lawyers maintain that his incarceration does not disable him from performing the duties of office, and they say today's action of the Board of Supervisors is revolutionary and entirely illegal. It is understood they will test the latter claim by instituting quo warranto proceedings, applying for a writ of review or asking for an injunction restraining Gallagher from assuming the Mayoralty.

The resolution declaring the Mayor's chair vacant and appointing Gallagher to fill it, was adopted after a fight on the floor. It was opposed by Supervisors Tvelmoe and O'Neill. It was voted for by 12 supervisors, each of whose confession to bribe-taking is transcribed in the grand jury records. As none of these has been indicted for bribe-taking, the general understanding is that they are to escape punishment if they continue to do the bidding of the District Attorney and his prosecuting associates. No denials of this have been made by Mr. Langdon, Mr. Heney or Mr. Spreckels.

Move to Counter on Informers.

The attorneys for Schmitz announce their determination to take his case to the United States Supreme Court if Judge Dunne overrules their motion for a new trial on June 17 and the Appellate Court makes a similar denial.

It was reported tonight that interests other than the graft prosecution had engaged attorneys to look up the law on immunity and ascertain how far it could be made to extend, with a view to pressing prosecution against members of the Board of Supervisors and others who have been granted immunity in consideration of their turning state's evidence.

Judge Sewell today postponed until Wednesday the hearing of the case against Chief of Police Dinan, accused of malfeasance in office.

Schmitz Allowed to See Lawyers.

SAN FRANCISCO, June 17.—Judge

Lawlor today signed an order permitting Mayor Schmitz to leave the County Jail this afternoon in the custody of Sheriff O'Neill to visit the office of his attorneys to consult with them regarding his appeal from the verdict of conviction. The order specifies that the consultation shall be for "private" business only, and that at the conclusion Schmitz shall be returned to the County Jail.

The order was made by Judge Lawlor, owing to the absence of Judge Dunne, who is resting in the mountains.

ANOTHER INDICTMENT COMING

Heney Gives Calhoun's Lawyer a Pointer and Makes Him Angry.

SAN FRANCISCO, June 17.—The cases against President Calhoun, General Manager Mullally, Chief Counsel Ford and Assistant Counsel Abbott, of the United Railroads, for bribery of supervisors, were up before Judge



John L. Gallagher, Chairman of San Francisco Board of Supervisors, Appointed Acting Mayor.

Lawlor this morning for hearing of motion to set aside the indictments.

Important information of other indictments to be brought against Calhoun and his alleged accomplices for bribing a Supervisor not yet mentioned came out in the hearing this afternoon.

A. A. Moore demanded as one of his rights that witnesses whose names appear on the indictments, but whose testimony does not appear in the transcript, be summoned as witnesses. Forty names are set forth in the indictments, but the testimony of half of this number has not been forthcoming. This, the prosecution explained, was because there was no stenographer present when they testified.

Mr. Heney objected to Moore's demand. Nevertheless he said:

"I'll do this for you. The grand jury is about to bring another indictment against Trelby L. Ford and others for bribing a Supervisor who has not yet been mentioned. If your honor is willing, we will file a complaint before him as a committing magistrate and on an information supported by the testimony of these witnesses we will ask that they be held for trial before a jury. This will give you the testimony you desire and will not unduly take up the time of the court."

Mr. Moore became very angry at this affair and characterized it as "an indecent bluff." He said he would have nothing to do with such a matter before a court as high as the Superior bench.

Judge Lawlor said that he had no time to begin the proceedings and, though the offer stood, it was passed over by the defense.

HOW MUCH FROM SPRECKELS?

Calhoun's Lawyer Wants to Know What Heney Is Paid.

SAN FRANCISCO, June 17.—When the case of Patrick Calhoun and other United Railroads officials were before Judge Lawlor, Mr. Moore, for the defendants, called Rudolph Spreckels to stand in an effort to secure testimony in support of his motion to quash the indictments. He sought to learn what money Mr. Spreckels had contributed, and directed his attention to the hiring of F. J. Heney.

The court sustained objections to that line of examination, holding that no evidence could be reached that does not bear directly upon the alleged disqualification of a grand juror. The matter went over until tomorrow morning, at which time the gas cases will also be taken up.

ASKS TO BE RECOGNIZED

Representative of Provisional Government of Honduras Arrives.

WASHINGTON, June 17.—Senator Ugarte, representing the provisional government of Honduras, arrived in Washington and notified the State Department that he desires to be presented to Secretary Root, and recognized as the duly accredited diplomatic representative from his country.

While the provisional government of Honduras was established by President Zelaya, and General Davila was selected president of the Republic, it is understood that the Nicaraguan government, though Minister Corea, will oppose the recognition of Senator Ugarte by the American government.

Bourne Pushes Land Grant Suit.

WASHINGTON, June 17.—Senator Bourne is uncertain when he will return to Oregon and may remain in Washington several months longer. He has many Oregon matters pending before various departments and wishes to have them attended to before leaving the capital.

Mr. Bourne is making an effort to have the Department of Justice expedite grant proceedings and will not leave here until this and other departmental matters are closed, and when this is done he will return to Oregon.

BABY IS LOST TWO NIGHTS ON DESERT

Found Unharmed Eight Miles From Home.

500 PEOPLE HUNT FOR CHILD

Rescuer Hears Infant Chattering in Sagebrush.

BOY ONLY 19 MONTHS OLD

Little One Disappeared From Its Parents Near Caldwell Saturday Evening, Wandering 36 Hours Without Food or Shelter.

BOISE, Idaho, June 17.—(Special.)—Unharmed after wandering eight miles into the sagebrush and spending two nights without food or shelter, a 19-months old boy, son of Mr. and Mrs. Lawrence, of near Caldwell, was found this morning by a searching party and safely returned to the anxious parents.

The little fellow was missed from home shortly after 6 o'clock Saturday evening. Search was begun and continued all night. Large parties were formed Sunday morning, and the country scoured in every direction. The Warden of the penitentiary at Boise was appealed to to send hounds, and did so. The dogs could do nothing. The tracks were lost in a broken country and the search on Sunday failed. Early this morning there were fully 500 people in the field hunting over a great area.

"Pretty Pony," Calls Out Baby.

Harold Hawthorn, with his horse, finally found the little one eight miles east of his home. He was searching in that direction with a party, but others had turned back, declaring the child could not have traveled so far. However, he pushed on. He found some baby tracks, but these were soon lost. He kept on, leading his horse and selecting what seemed the most probable route.

After he had gone half a mile from the point where his companions both left him, he heard a child's voice saying, "Pretty pony, baby ride pony." Looking over the sagebrush Hawthorn saw the little one standing there, unconcerned and reaching out his arms to him. He picked it up and hurried to the top of the ridge, from which he signalled.

While the others galloped to notify the parents, Hawthorn put the child

in his saddle and started back. He had a bottle of milk from which the child partook ravenously until he took it away. The feet and legs of the little one were scratched, but it was otherwise none the worse for its experience.

Where the child was found is a broken sagebrush country between the Boise and Payette Valleys, some 16 miles northeast of Caldwell. The missing child was found standing behind a sagebrush and seemed perfectly well, though it had been out two nights without food.

Mr. and Mrs. Marsh live 12 miles northwest of Caldwell.

WATER POWER ON RESERVE

Southern Pacific Gets Permit for Cascade Forest.

OREGONIAN NEWS BUREAU, Washington, June 17.—The Forest Service today granted a permit to the Southern Pacific Company of Kentucky to con-



Mrs. Cora Peabody, Daughter of Governor Caldwell, Who Testified at the Haywood Trial.

struct a dam, conduit and power-house in the Cascade forest reserve, the conduit to be 1.2 miles in length and the power-house site to be five acres in area for the purpose of generating electric power for general commercial use.

It also granted a permit in the Innaha National forest to Haas Brothers, of Innaha, Oregon, 280 acres of land for the purpose of a roundup and pasture and a permit in the Bitter Root National forest, Idaho, to P. R. Kelsey and F. B. Bursell, of New Home, Idaho, to occupy a right of way three and one-half miles long, beginning at a point on Pilot Creek 20 feet below the mouth of Roaring Creek and extending to a point on Baldy Creek 450 feet above the intake of the old Montana placer mining ditch, for the purpose of constructing a ditch to convey water needed for the development of the Montana placer mining claims.

Northwest Postal Affairs.

OREGONIAN NEWS BUREAU, Washington, June 17.—Gillis O. Disney has been appointed regular, Charles M. Disney substitute, rural free delivery carrier, route 1, at Madras, Or.

Bulah J. Atherton has been appointed postmaster at Nolin, Or., vice W. W. Atherton, resigned.

ORCHARD AGAIN TO BEAR WITNESS

State May Recall Informer Today.

DOUBT ABOUT ADAMS' EVIDENCE

Latest Story Is State Will Leave Him to Defense.

BROAD EFFECTS OF LAW

Conspiracy Law Held Not to Require Direct Proof of Haywood's Complicity in Steunenberg Murder.

BOISE, Idaho, June 17.—(Special.)—

Nothing has transpired today respecting the plans of the prosecution in the Haywood case for tomorrow. The attorneys for the state are keeping their own counsel very closely, and the people will not be admitted into their confidence to any great extent until they disclose their plans in court. It has been asserted tonight that Orchard will be put on tomorrow in indirect examination, but that statement cannot be verified. It is known there are a number of witnesses on the way who will not be here until tomorrow or the next day, and it is possible Orchard will be put on, so that all the other witnesses shall be on hand when the introduction of corroborative evidence is renewed.

Mystery About Adams.

There remains much mystery about the manner in which Steve Adams is to be handled and conflicting reports are circulated. The attorneys for the prosecution have always stated it to be the purpose of the state to put him on before the case is closed, but they have never stated whether it would be in direct testimony or in rebuttal, nor have they intimated whether they have any reason to believe he will testify.

It is known there will be further testimony in corroboration of the story of the attempt on the life of F. W. Bradley, about Orchard's visit to the Coeur d'Alene just before he returned to this locality to carry out his murder purpose, of the pursuit of Judges Gabbert and Goddard, and of the vindicator story, and it is stated several other points of the story will be corroborated by witnesses. Still it seems probable that some of the strong witnesses for the state will be held for

rebuttal, as there are a number here supposed to be well informed, respecting whom there seems no likelihood that they will testify in the case in chief.

Effect of Conspiracy Law.

A great error in the public mind arises from misconception of the law of the case, heretofore explained in these dispatches. This is held to be so strong that, had Orchard blown up that boarding-house full of non-union men at Globeville, all these conspirators who are charged with employing him to go about the country on such errands could be held responsible for the crime. When it is contended that the law is so broad as that, the mistake of those who assume that there must be corroborative proof of Haywood's having personally participated in sending Orchard on the Steunenberg mission becomes very plain. This case is being prosecuted exactly as though all these men were on trial together; testimony against one of them is against all of them as members of the conspiracy, and the state has only to



Charles A. Siringo, McFarland's Bodyguard, One of the Most Famous Pinkerton Detectives in the West. He Figured in the Haymarket Riot Cases.

show that they were acting together generally in such a conspiracy as alleged.

ADOPTS PLAN OF CAMPAIGN

Prosecution Will Recall Orchard, but Let Adams Alone.

BOISE, Idaho, June 17.—When the Steunenberg murder trial is resumed tomorrow morning Harry Orchard will be the first witness called to the stand by the state. He will at first be in the hands of the defense in order that a series of formal impeachment questions may be propounded and then the prosecution will take him over for his direct examination. Despite his long stay on the stand, several points relative to the Steunenberg murder and the alleged conspiracy behind it were not developed and these the state will bring out. The prosecution also wants to clear up several matters dealt with by the defense when Orchard was under cross-examination.

When Orchard was brought back from Caldwell his guards took him to the office of James H. Hawley, senior counsel for the state, for a conference as to his testimony and at the conclusion of

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UNJUST CHARGE ON SHIPPING REMOVED

Differential Tax at Last Rescinded.

ACTION BY SHIPOWNERS' TRUST

Portland Now Placed on Equal Footing With Puget Sound.

MEANS 30 CENTS A TON

Result Achieved Through Efforts of Chamber of Commerce—Bar Tonnage and Cost of Removing Ballast Absorbed Locally.

After maintaining for four years what has always been regarded as an unjust differential of 20 cents a ton against Portland on all grain ships loading at this port, the International Shipping-Ship Owners' Association has at last decided to make the rates the same as from Puget Sound ports.

The union, which includes in its membership the owners of sailing ships of approximately 1,200,000 tons register out of a total of about 1,700,000 tons available for grain loading, met in Bremen, Germany, yesterday, and agreed to equalize the rates, providing grain ships loading at Portland were exempt from pilotage charge and from the old charge of 20 cents a ton for carting ballast away from ships' tackle.

This information was called to E. W. Wright yesterday by Secretary Pollak, of the union, with whom Mr. Wright, acting for the Chamber of Commerce and the railroad companies, has been conducting negotiations for several months. As the provision for which the union stipulated had already been met through an arrangement by which the O. R. & N. Co. had agreed to take care of the pilotage charge and the Pacific Bridge Company of the ballast, the matter is regarded as settled, and the new rate will take effect in time for new season's business.

Determined Fight Succeds.

The elimination of this differential is largely due to the efforts of the Chamber of Commerce, aided by the O. R. & N. Co. and the Northern Pacific, although all of the prominent exporters in the city have at all times, by discriminating against union ships wherever possible, contributed in bringing about the result. Although the differential was levied against the port four years ago, it was not until last summer that a determined effort was made to have it removed.

The Chamber of Commerce and the railroads sent E. W. Wright to Pacific last October to meet the directors of the association and obtain from them specific grievances on which they based the differential against Portland. These causes were numerous, but some of them were very old and out of date, so that Mr. Wright was enabled, with the data and credits he carried, to adjust satisfactorily everything except the bar pilotage charge and the charge of 20 cents a ton for carting ballast away from the ship.

Neither of these charges prevails on Puget Sound, and the directors of the union were firm in their refusal to consider an equalization of rates until these charges were done away with. They agreed, however, that whenever Portland would make them an agreement to pay to any organization which would take over the towing business the amount of pilotage on any grain ships coming to this port, and it was to take advantage of this offer and thus insure free pilotage that the Port of Columbia bill was passed and the organization effected.

The O. R. & N. Co., which had been operating the bar towboat service to protect its grain trade, had for a long time been towing a much greater number of lumber vessels than grain ships, and was accordingly averse to continuing the work under a free pilotage arrangement. The T. B. & N. Co. did except the bar pilotage to any organization which would take over the towing business the amount of pilotage on any grain ships coming to this port, and it was to take advantage of this offer and thus insure free pilotage that the Port of Columbia bill was passed and the organization effected.

The Pacific Bridge Company then came to the rescue when an agreement to handle all ballast from ships' tackle.

With these two sole remaining disabilities against which the shipowners complained removed, Mr. Wright was again sent to Europe in March, and after numerous conferences in London and Liverpool, received a definite promise from a majority of the directors of the union that an equalization of rates would be made at the next meeting. This promise was made at that time with the same provision named in the cablegram received from Mr. Pollak yesterday. It was fully covered in a proposition submitted for consideration at the meeting, but since Mr. Wright's return some of the enemies of the Port of Columbia bill have written to the shipowners' union, endeavoring to discredit the offer made by the Chamber of Commerce and the railroad companies.

On receipt of yesterday's message Mr. Wright promptly called back that free pilotage and no charge for ballast was guaranteed all vessels loading grain at Portland.

Portland's Enemies Defeated.

Mr. Wright, who has represented the railroad companies and the Chamber of Commerce since the beginning of

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