Berlin, Will Retire From Diplo

BERLIN, Oct. 4.--Ambassador Tower has written President Roose velt asking that he be permitted to

retire from the diplomatic service next Spring.

to present a reasonable demand in a gen-tlemanly way," said Mr. Perham today,

HAVE TELEGRAPHIC SHOOT

PORTLAND AND CINCINNATI PO-

LICE ARRANGE MATCH.

Teams Consisting of Ten Crack

Shots From Each Department to

Be Picked-Distance 20 Yards.

CINCINNATI, O., Oct. 4 .- (Special.)

Addleman writes that there are some

crack shooters on the Portland force,

who are anxious to lock horns with 10

good shooters of the Cincinnati police

force. Chief Miliken has given his con-sent and will communicate with Colonel

Moore, Oregon's Chief of Police. Ser-

geant Williams will pick the 10 best shots

In the department to compete. The match will probably be at 29 yards and

Wave Sweeps Over State-Five Suc-

cessful Attempts.

## JURY STRUGGLES WITH FORD CASE

VOL. XLVI .- NO. 14,610.

Climax in San Francisco Graft Trial.

#### GRAPHIC SCENE AT THE CLOSE

Heney Tells Why Ruef Was Not | finally shouting that, if Lonergan's con-Called to Testify.

#### SUSPECTED MORE BRIBES

Lawyers Outdo Themselves in Fury of Denunciation When Closing Argument in Trial of the Accused Bribegiver.

JUBY IS STILL OUT.

BAN PRANCISCO, Oct. 4 -- At 11:30 clock the jury in the trial of Tirey Ford was locked up for the night. Ford, in charge of a deputy Sheriff, went to his bed.

.........

SAN FRANCISCO, Oct. 4 .- The case against Tirey L. Ford, chief counsel of the United Railroads and ex-Attorney General of California, accused of bribery of ex-Supervisor Thomas F. Lonergan went to the jury at 6:25 o'clock tonight. Assistant District Attorney Hency con cluded the closing argument for the pros ecution, a speech of great power and effect, at 5:40 o'clock. He spoke for two nours, following Earl Rogers, who, in a brilliant and vigorous argument, closed for the defense. Judge Lawlor began the reading of his charge to the jury five minutes after Mr. Hency finished. In iplent applause was quelled a score of times, and once, when Mr. Hency fisshed a atunning answer at Mr. Byington who had interrupted him, the big crowd broke into a storm of ciapping. A bailiff pointed out to the court the two men who had shouted and Judge Lawlor had

After Judge Lawlor concluded his charge, the jury was taken down stairs to the courtroom of Judge Dunne to deliberate. At 7:30, no verdict having been reached and none being in sight, Judge Lawlor sent the jury to the Fairmount Hotel for dinner and himself went to his club, saying he could be found later at the theater if the jury had anything to report. If no verdict should . he reached by 11:30, he said, the jury would be locked up for the night.

#### Denies Evidence Is Direct.

fense, Albert A. Moore reminded the jury that the prosecution had not even attempted to introduce a word of direct testimony connecting Ford with the commission of the crime, charged-the bribing of Supervisor Thomas F. Lonergan. Mr. Moore stigmatized as a figment of a distorted imagination, in substance and effect a downright lie, the accusation that Ford bribed Reuf and Reuf bribed Gallagher and Gallagher bribed of his 17 fellow Supervisors. asked if the defendant, a full of years and honor, were to be deprived of his liberty and his character and in effect, his life, by "such weak halting, inconclusive and suspicionable testimony as the prosecution has here adduced, when Mr. Ford has been by no evidence connected with the crime."

He repeated that the only accusatory allegations against Ford in all the vast bulk of the transcribed testimony were

First-That Ford drew a large amount

Second-That Ford saw Ruef in the latter's bathroom at his temporary quarters immediately after the fire.

Third-That Gallagher, the perjurer, said that Ruef told him Ford

#### had given this money to him. Rogers Appeals to Sentiment.

Moore finished at 11:10 o'clock and after the usual morning recess of ten minutes had been taken, Earl Rogers began the closing argument for the defense. The crowd in attendance was greater than the seating capacity of the synagogue and many people stood.

Mr. Rogers opened by painting an imtions that existed in San Francisco immediately after the earthquake and fire. He said that the first man to bring a biscuit into the smouldering city was Thornwell Mulially; that Patrick Calhoun was the first man to say: "My fortune goes into San Francisco; how about yours?"; that George Chapman, then general manager of the United Rathroads, walked shimself into the grave going up and down among the ashes of a rulned metropolls feeding the hungry and sheltering the homeless with the food and nder the roofs of the United Railroads; that "the first spadeful of dirt in the rehabilitating of San Francisco was turned by the United Railroads, which carried the penniless populace free in their cars until stopped by Rudolph Spreckels from doing so, and then opened

"And now," cried Mr. Rogers, lifting his voice till it rang under the dome of the painted tabernacle, "now their associate, Tirey L. Ford, who intored that is our business," snapped Mr. them and for you, side by side and that is our business," snapped Mr. Heney.

aboulder to shoulder, through days that Heney.

"Is it not a fact," persisted Mr. Byingsociate, Tirey L. Ford, who labored with and of terror, is to be sent to the peni-

entlary-why? because Rudolph Spreckels

#### are you going to stand for it?" Lawyers Shout Contradictions.

Taking up "the case of Lonergan," Mr. Rogers charged that his confession to the San Francisco Examiner, secured "be-fore Mr. Spreckles got to him."-a confes-sion that contradicts his story on the stand-was made under threat by the Examiner to accuse him of "a hideous crime" unless he "told the Examiner the story of the Board of Supervisors skul-

Assistant District Attorney O'Gara in corrupted Mr. Rogers at this point with the declaration that the newspaper in cident did not happen until after Longer gan had been before the grand jury, and that the insinuation that Lonergan had revamped his testimony at the behest of Mr. Spreckels was "deliberately and inqualifiedly false."

The two lawyers thundered at each ther for several minutes, Mr. O'Gara



Tirey L. Ford, General Counsel of United Railroads Company, Whose Case Is in Hands of Jury.

fession to the Examiner was made unde should be viewed by honest men as a lie-All Testified Under Coercion.

Mr. Rogers snapped this up, replying hat under that reasoning the jury must view the testimony of all the Supervisors in this case as a web of lies, for every one of them testified under the weight of coercion, imposed by Mr.

Spreckels, Mr. Burns and Mr. Heney. Mr. Rogers then requested a brief adurnment, as he was obviously exhausted by the vehemence of his pleading. His quest was granted.

#### Why Did Not Ruef Testify?

Mr. Rogers, resuming at the afternoon session, impressed upon the jury the exaction of the law that the burden of proof is upon the prosecution, and that the defendant must be acquitted unless all of the testified circumstances are consistent with his guilt and exclude beyond a reasonable doubt his innocence. He laid powerful stress on the failure and refusal of the prosecution to make a witness of Ruef after promising in its opening statement to prove by the testiopening statement to prove by the testi-mony of Ruef that Ford paid the \$200,000 of bribe moneys to him.

Mr. Rogers demanded to know why, if Patrick Calhoun desired to bribe the Su-

ervisors he did not trans here secretly, and so hide his tracks, in-stead of passing it publicly through the Mint in broad daylight, and through the Rellef Corporation, at the time the most puone place in San Francisco, if not in the country. He asked the jury why Mr. Heney did not "fulfill his boasted prom-ise" to show that this \$290,000 was never entered in the United Railroads' books, and continued:

When we brought our books here, Mr Hency sidestepped—he evaded his promise— he made no attempt to make good.

## Says Hency Has Fallen Down.

if Mr. Hency is going to get a conviction

If Mr. Heney is going to get a conviction by tracing paper money—if he is going to send a man to the penitentiary on the denominations of currency, perhaps he will be adroit enough to harmonize for you the testimony of his own Mint officials that the largest bills they gave General Ford were gold certificates of the denomination of \$100 and the testimony of his own immunity-bathed Supervisors that they got \$500 bills.

They charge in the indictment, and solemnly in their opening statement promised to prove that charge to you, that Tirey L. Ford gave and offered to Thumas F. Lonergan a bribe. I defy them now to point to one word of testimony introduced in this case in substantiation of that charge and that promise. They've fallen down—they have not delivered the goods, yet they're trying to collect a verdict from you just the same as if they'd kept their pledge and vindicated their dammable charge and earned conviction at your hands.

In conclusion, Mr. Rogers demanded to know where was the link connecting Ford with Ruef. "It isn't here." he answered

know where was the link connecting Ford with Ruef. "It isn't here," he answered.
"They couldn't forge it, though they kept
the fires of their secret forge blazing
night and day."

#### Heney on Corruption.

In his closing argument Mr. Hency said that the cause of corruption in municipal government was the want of the criminal element and public service corporations for something that they are not entitled to under the law.

"They want money—beloved money."

They want money-beloved money." He continued:

He continued:

And how shall it be easiest made by such corporations as the United Railroads? All you have to do is to change a \$20,000,000 corporation over night into a \$90,000,000, and. It you take enough from the cars to pay interest at a or 5 per cent a year upon your \$50,000,000, you will find bankers who are willing to buy your bonds and stocks and who will thereafter deplore and denounce the men, who, from a sense of public duty, demand that this sort of thing shall stop, because, say these bankers, they are hurting business; they are hurting our town. Yes, and when the surgeon applies the knite and removes the cancer, the patient says.

"That hurts, can't you give me an oplate? I can't stand the pain."

Why Ruef Was Not Called.

#### Why Ruef Was Not Called.

After summing up the evidence, Mr. Hency explained why Abraham Ruef was not placed on the witness stand by the

"It was," he said, "because we do not trust him." "You do not trust him," interrupted

Mr. Byington, of the defense, "and he has not been sentenced for six months? What are you keeping him for?"
"What are we keeping him for? Well, that is our business," snapped Mr.

## STERN MEASURE

Suspends Steamer Captain Who Races.

### HIS OWN VESSEL IS BEATEN

Says Master of Hartweg Risked an Accident.

#### SENDS INSPECTOR ORDERS

Man Who Carried Pittsburg Delegation Past President's Boat Loses License for 90 Days for Taking Risks.

EVANSVILLE, Ind., Oct. 4 .- (Special.)-President Roosevelt has telegraphed a peremptory order to United States Inspector of Hulls Williams, of this port, directing that the license of the steamer Fred Hartweg be suspended immediately. The Hartweg is a swift little Ohio River steamer and carried the Pittsburg delegation down the Mississippi on the notable journey which ended at Memphis today.

The Hartweg yesterday gave its sister steamers a chance to show their speed, and ran past the Mississippi, upon which the President was guest of honor. The license of the captain of the Hartweg was suspended at once by Mr. Williams. The message from the Chief Executive follows:

Chief Executive follows:

Memphis, Oct. 4.—On board U. S. S.
Mississippi.—Supervising Inspector of Vessels, Evansville, Ind.: I direct that the
license of the master or whoever is responsible for the Fred Hartweg during
the present voyage be suspended at once
for 99 days. I wish this done by telegraph, wherever it may be, if such procedure is possible. Colonel Sears can
give you the details of the misconduct,
which has been of a serious nature and
might have at any time caused an accident to this boat as well as to other
boats. THEODORE ROOSEVELT.

The steamer Fred Hartwer's home port

The steamer Fred Hartweg's home port is Cairo and it is inspected at Evansville, While details are awaited from Colonel Sears, it is believed here that the President did not relish the sight of another boat running past the one on which he was.

The race in which the Hartweg participated yesterday was only of short duration. She challenged the Alton, upon which members of the Business Men's League, of St. Louis, were guests and showed a clean pair of heels. But the Alton stuck to the smaller boat tenaciously, and in the course of events both the Alton and Hartweg passed the Mississippi.

#### NEW ORLEANS IS TIED UP

Dock and Cotton Handlers' Union Goes Out With 8000 Men.

NEW ORLEANS, Oct. 4 .- The imense cotton shipping business of this port was tied up at 6 o'clock tonight by the strike of \$600 members of the dock and cotton handlers' union.

The cotton handlers have arrayed against them all the business exhanges of New Orleans, which have declared that the commercial life of the port depends upon the outcome of this strike. From 10,000 to 12,000 men probably will be involved, because the rallroad freight handlers have served notice that they will not work with non-union men at the docks.

Operators' Strike Involves Road. DENVER, Colo., Oct. 4.-H. B. Perham national president of the Order of Rail-way Telegraphers, arrived in Denver yes-terday to take personal charge of the

# Denver & Rio Grande Raliroad, acting as adviser to the committee composed of the chairmen of the grievance committees on the roads west of the Missouri River, who have been called together to consider the situation. Reinstatement of R. H. Skeggs, discharged because of his refusal to test Western Union wires at Grand Junction, has been demanded by the telegraphers and flairly refused by the Denver & Rio Grande officials. "We have not come to talk strike, but BEEN MURDERED

Surveyor-General Found Dead.

## SKULL FRACTURED BY BLOW

**Doctor Doubts Correctness of** Accident Theory.

#### FRIENDS ADHERE TO IT

Well-Known Official Appears to Downstairs - Keenly Disappointed at Being Supplanted.

John D. Daly, United States Surveyor-ieneral for the State of Oregon, was and dead at the foot of the stairway in he Park-street entrance to the Selling Hirsch building at 4 o'clock yesterday norning. The body was found by P. Walton, who was returning to his apartments in the building, and who immediately notifled the police. When the deputies from Coroner Finley's office arrived on the scene the indications were that death was due to accident, but later it has developed that Mr. Daly may have been murdered and his body left where it was found by dis assatlants

Dr. Fred J. Ziegler, City Physician, examined the body at the morgue yesterday morning and found that death resulted from a fracture of the skull near the right temple. This fracture, according to Dr. Zeigler, could hardly have resulted from a fall, but was more likely made by some blunt instrument. The fracture is circular in shape, and is about three-quarters of an inch in diameter. If made Sergeant Williams, captain of the crack by a fall the fracture would have been police team of pistol marksmen, received oblong and several inches in length, Dr. a letter today from J. A. Addieman, of Ziegler says. The fact that Daly really had no business in the building at that hour in the morning also tends to support Portland, Or., but formerly of this city, asking that arrangements be made for a telegraphic pistol shoot between a team the murder theory, for his presence there of 10 crack shots of the Cincipati dehas not yet been explained. partment and the same number of the

Captain of Police Balley began an in vestigation last night on being informed of Dr. Ziegler's theory, but up to a late hour last night had not reported prog-When the body was found a plec of the balustrade from the head of the stairway was found near the body, and it was thought that this might have been used as a weapon, but there were no signs of blood on it, nor was there any indica-tion of a struggle. From the position of the body after falling such a distance it is strange that the neck was not broken. There were a number of contusions on the head in addition to the fracture men-COLORADO tioned, but these may have resulted from falling or being

the stairway. The murder theory is scouted by 'Mr Daly's friends, who think that he wan-dered into the Selling-Hirsch building while mentally unbalanced over the receipt of a telegram to the effect that President Roosevelt had decided not to

Several days ago Mr. Daly, who term of office had expired, received news that he was not reappointed by the President. Brooding over the disappointment is thought to have been the indirect ca of his death. Mr. Daly was 65 years of age, and his friends think that the unexpected blow to his hopes unsettled his mind, in which condition he wandered into the Selling-Hirsch building and met his death. Mr. Daly had no reason to visit the building at that hour of the morning

#### Roosevelt Appointed Him.

John D. Daly was appointed to the position of United States Surveyor-General four years ago by President Roosevelt,

#### ried in his coat pocket a telegram from Senator Fulton, saying that another man was to be named by the delegation. Friends who saw him at 1 o'clock yesterday morning say that, while he was rather depressed, he exhibited no marked signs of mental trouble. Nothing is known of his actions after this until he was heard in the hallway of the Selling-Hirsch building, about 1:30 o'clock, by Mrs. P. Walton, wife of the Oregon Hotel chef. She heard Mr. Daly stumbling about in the darkness for some time, and finally heard him fall down the stairs. When Mr. Walton reached home at 3 A. M., his attention was called to the peculiar case, and he investigated, find-ing the body, crushed and cold, at the foot of the steps. It had fallen fully 30 feet. Death had occurred a long time previously, according to City Physician Zeigler, who was called by the police. Deputy Coroner Finley removed the body to the Finley undertaking establishment. John D. Daly was born in 1888 in New York City, where he passed his early youth. While in his young manhood he



rent to San Francisco, reaching there with but a few cents to his name. He there, and remained for several years, from there going to Stockton. He was very successful in business there, becoming a partner in a large mercantile house, and made a comfortable fortune. He ost this, however, and became estranged from his wife, who left him. She died in

Seattle about four years ago. He leaves a daughter, Julia Grant Daly, ving at the Genevieve Hotel, 445 College There is also a son, on the op eratic stage, it is said, under the name of John Dunsmore. When last heard of he was in New York. Miss Daly was society editor of the Seattle Post-Intelligencer for a number of years, recently resigning to take a vacation trip to Virginia.

#### Lived Here 20 Years.

Daly came to Oregon 20 years ago, set ling at Newport, where he founded a newspaper. He was also employed by various railroads, and was in charge of the construction of the Elgin and La Grande branches, and was at times with the Southern Pacific Company. In 1894 he was elected joint representative from Lincoln and Benton Counties. He was re-elected. He was later elected State Senator for Benton County and served two terms, achieving fame as the author of the state school text-book law. He

#### (Concluded on Page 8.) CONTENTS TODAY'S PAPER

The Weather.

YESTERDAY'S -- Maximum temperature, 78 degrees; minimum, 55. TODAYS Fair, followed by increasing cloudiness and rain; cooler,

Foreign. Revolutionary riots in Calcutta. Page 8.

National. Roosevelt speaks at Memphis condemning undesirable citizens, discussing water-ways and corporate lawbreakers. Page 2, License of racing steamboat captain sus pended by Roosevelt's order. Page 1. convention on preservation of National re-serves to be called by Roosevelt. Page 8. Defeat of Judge Wickersham abuse of Sena-iorial power. Page 18.

changes in Rossoveit's Cabinet likely. Probable that prohibition for Washington City will pass Congress. Page 3.

Ida Tarbell's brother tells how Standard bounded him. Page 3.

Daughter of Standard Oil King marries Englishman secretly. Page 2 Gladys Vanderbilt must become Catholic Englishman secretly. Page 3.

Starving woman offers to sell her skin. Page 20 incinnati and Portland police matched for pistol shoot. Page 1.

Portland 'wins third game from Oakland. Page 7. Washington and Philadelphia each win game, thus strengthening Detroit's chance of penant. Page 7. Pacific Coast.

Ford case given to jury after stormy argument; jury out all night. Page 1.

Net of evidence closing around Brown's assassina. Page 1.

Lane refuses immunity to Southern Pacific official. Page 4. Common laborers paid \$8 a day on Klamath Government project. Page 6. Steamer and passengers reported stranded in Yukon. Page 6.

Portland and Vicinity.

Surveyor-General Daly falls downstairs and is instantly killed. Page 1. Rabbi Wise discusses recent Baker City tragedy. Page 15. Council committee makes no selection of garbage crematory site. Page 12. Park Board may plant roses in park blocks.

Thirteen divorces granted by State Circuit Court, Page 14. Woman's Club maps out a big year's work for coming season. Page 11.

Trouble brewing in local Mystic Sunshine circle, Page 13. Good progress being made on Tillamook railroad. Page 20. Commercial and Marine.

Active buying of oats and barley on Eastern account. Page 19. New York stock market almost stagnant. Page 19.

Wheat weaker at Chicago on heavy selling. Page 19. Steamships Craighall and Goto Maru have been chartered for outward grain. Page 13.

## WEAVING NET TO CATCH ASSASSINS

Evidence Points to Three Guilty Men.

### BROWN CHOSEN AS EXAMPLE

Killed to Terrorize Enemies of Federation.

#### FUSILLADE IN EARLY MORN

Guards at Mayor's House Exchange Shots With Skulking Dynamiters. Man in Woman's Dress Is Supposed to Be Assassin.

#### DEVELOPMENTS PMENTS IN MURDER CASE.

BAKER CITY, Or., Oct. 4 .- (Spe cial.)—J. W. Lillard, uncle of Steve Adams' wife, says he paid Brown Federation money to testify in behalf of Adams at Wallace and later paid him \$166, and that Brown was in the employ of the Federation at the time of the murder

Three men were engaged in the murder, one of whom wore a kimono to disguise himself as a woman. The kimono was bought in Baker City the afternoon before the mucder, Five rapid gunshofs, fired shortly

before 3 A. M. Friday, are reported to have been exchanged by the pohalt near the Mayor's house, but the olice deny the story.

The woman suspected of aiding the

plotters is Mrs. Charles Kinnison. The bloodhounds led up to the home of her father-in-law, H. J. Kinnison The woman is a Federation

The detectives and police say they expect to make arrests shortly.

It has been established that the tallest of the three men wore the

kimono and he bears a striking reemblance to a person known as a Federation extremist, who has been absent from the city for a long time The man in the kimono was seen by ing on the sidewalk leading past Brown's house

## BAKER CITY, Or., Oct. 4 .- (Special.)-

A network of facts and circumstances is weaving to encourage the belief that the officers are following closely the dynamite murderers of Harvey K. Brown, Indications point more strongly than ever to Federation radicals as the assassins. a warning to all foes of the Federation who have not "had the fear of God put in their hearts," as the miners have

The network of evidence is tightening around several local characters who are known to be Federation extremists. That they know they are suspected is realized by the detectives and officers. Considerable evidence has been gathered, but not enough yet for arrests, and now another anxious night has drawn its blanket over the city for the troubled people to sleep under.

Last night a gunshot encounter be-tween the Sheriff and bold characters, the night before an attempt to kill the bloodhounds in the county jail and threats to demolish it-these occurrences are causing the people of Baker County to wonder if tonight will bring forth another deed of terror.

#### Killed to Strike Terror. The assertion of Mr. Lillard that he

paid Federation money to Brown for his testimony in the Adams trial and that Brown was in the service of the Federation is borne out by Clarence Darrow, legal counsel for the Federation officials, and by Haywood that the miners re-garded him as a friend. But this is not believed as a sure sign that the Federation did not desire Brown's murder. Detectives say that Brown or Mr. Sutherland, ex-Sheriff of Shoshone County, Idaho, were marked for slaughter, in or der to strike terror into the hearts of the Federation's foes and intimidate the jury in the Pettibone trial, next to be called in Bolse. Several attempts have been made to kill Mr. Sutherland, Because Brown had open town enemies in Baker City, he is believed to have been chosen for death, in order to give the world at large the idea that they enacted the horror, while foes of the Federation and jurors would know better. A prominent anti-Federation man from Idaho said in Baker City today that the miners always regarded Brown as an enemy.

Mr. Lillard scouts the theory of Federation murder sympathizer of that organization. He is an uncle of Steve Adams' wife, and Adams was arrested on his ranch by Brown and James A. Panting, of this city, led by Detective S. C. Thiel. Mr. Lillard was in Baker City most of to-

Last night's gun volley was exchanged near Mayor Johns' residence by a special Deputy Sheriff and persons who refused to halt at his command shortly before 3 o'clock, Officers tried to hush up the matter and denied all knowledge of it, but too

(Concluded on Page 5.)

DENVER, Colo., Oct. 4.—A suicide wave swept over this state yesterday and today. Five persons killed them-selves and one other made an unsuc-cessful attempt.

Portland police force.

the department

SUICIDES IN

Trolley Car Has Narrow Escape.

ASHTABULA, O., Oct. 4.—Fifteen passengers on an electric railway had a narrow escape last night from plunging to their death from the Ashtabula & Pennsvivania Electric Railroad viaduct to the sylvania raserie rainosa vianuct to the Ashtabula River, 100 feet below. The pas-sengers were in a panic, and several were injured by flying glass. The car was saved by a trolley pole. The body of the coach left the tracks and one end hung

### suspended over the river.

Fractures Skull by Fall. VANCOUVER, B. C., Oct. 4.-Hubert R. Morton, Australian millionaire, slipped on the steps of the Vancouver Opera-House last night fractured his skull, and will

A LITTLE TETE-A-TETE BETWEEN THE BOOMER AND THE MOSSBACK.