

JURY SECURED TO TRY BANKER ROSS

Lawyers Make Opening Statements.

LEGAL BATTLE BEGINS TODAY

First Move of Defense Will Be to Exclude Testimony.

BASED ON A TECHNICALITY

Attorney Will Object to Any Evidence Offered on Ground That It Does Not Support Indictment of Diverting School Funds.

SALEM, Or., April 20.—(Special.)—A big legal battle in the J. Thorburn Ross case will begin at 2 o'clock tomorrow morning, when District Attorney Manning will offer the first of his testimony in support of the charge that Ross and his associates in the Title Guarantee & Trust Company converted to their own use over \$288,000 of state school funds. This afternoon a jury was secured and the opening statements made by the lawyers. Then court adjourned until tomorrow morning, when the introduction of evidence will begin.

At the very outset the defense will object to the evidence as not supporting the allegations of the indictment, and then will be heard arguments on the technicalities by which Ross hopes to escape responsibility for his part in the pillaging of the state school fund. The arguments upon the questions of law will probably take nearly all day tomorrow, for District Attorney Manning, M. L. Pipes and B. E. Haney, for the state, and Wallace McManis, for the defense, are almost hidden from sight among piles of law books at the state library tonight.

Jury Easily Obtained.

The jury was secured today with surprising ease. The case was called shortly after 1 o'clock and before 3 1/2 jurors had been sworn to try the case. That the defense is satisfied with the jury is evident from the fact that it used only four of the six peremptory challenges to which it is entitled. Before questioning the first juror, Mr. McManis indicated the belief that he would need 12 peremptory challenges, for he asked the court for a ruling upon the question whether he was entitled to six or 12.

The statute provides that in cases involving crimes punishable by life imprisonment the defense shall be entitled to 12 peremptory challenges. McManis called attention to the fact that under the statute defining conversion of state funds a fine may be imposed for double the amount converted. His client, if guilty, could be fined nearly \$600,000, and if he worked out the fine at the rate of \$2 a day he would have to serve 300,000 years. He thought that equal to life imprisonment.

Court's Ruling Adverse.

Judge Burnett held that the statute mentioning imprisonment did not apply to judgments of this kind and that only six peremptory challenges would be allowed. The defense requested M. E. Keister, S. N. Crowe, J. R. Broyles and George C. Sims. The prosecution used its peremptory challenges on J. W. Gamble, C. H. Cannon and A. G. Wolford. J. N. McKay was excused by consent of both sides, he having formerly on occasion. The jury as accepted is composed of Jacob Stalger, F. D. Knight, Charles R. Riches, H. A. Siegmund, George Brown, Joseph Kirach, C. F. Hein, J. P. Short, P. L. Kennedy, James Forbes, Otto Myers and W. J. Habberty. These men are all from the country precincts, none from Salem.

Goes Back Many Years.

The examination of jurors was without particular incident, except that the defense sought to gain an advantage by leading the jury to believe that this case was in some way connected with an alleged controversy between H. W. Scott and Ross nine years ago over matters of legislation. The defense injected this into the case by asking a salesman whether he would be prejudiced against the defendant if the testimony should develop the fact that the controversy referred to existed. The question was objected to by District Attorney Manning as in no way connected with the case.

After a short argument Judge Burnett ruled the question improper. Nevertheless, the idea had been presented before the jury that this case was in some way related to the controversy which the defense intimated might have existed. The defense may gain some advantage from this if the case should be presented to the jury upon the question whether Ross did or did not convert to his own use the school funds of the state.

Pipes Reviews Legislation.

In the opening statement to the jury M. L. Pipes gave a careful and concise review of the history of school fund legislation from the time when the framers of the constitution expressly vested in the State Land Board the exclusive power to control and invest the school funds, down to the session of the last Legislature, when the school funds were expressly exempted from the provisions of the law governing deposits of state funds in banks.

Mr. Steel had deposited the school funds in the Title Guarantee & Trust Company's Bank, and how the officers of the bank, having thus gained possession of the funds, had converted them to their own use to the extent of over \$288,000.

Deposits Not Forbidden.

In behalf of the defense Mr. McManis told the jury that the constitution was not intended to prohibit the Treasurer from depositing school funds in a bank for safe keeping, and that such a practice had existed from the beginning of the state government. He asserted that the deposit was not a loan to the bank, for a loan is payable on oral demand, while a deposit is payable only on check. He said it was not intended that the money deposited in the bank should be kept intact and the identical coin returned by the state, but that the bank had a right to handle the school funds the same as other deposits.

He denied that his client, J. Thorburn Ross, had ever converted a dollar of the school funds to his own use.



Senator W. E. Borah of Idaho, whose maiden speech on Brownsville riot won applause of Senate.

use and, in closing, appealed to the jury to draw a distinction between misfortune and crime.

Big Argument Today.

Tomorrow morning the attorneys will throw out the question whether school funds can be legally deposited in a bank with authority to the bank to loan them. If that question be decided adversely, the question will then be presented whether an officer of the bank is liable for the wrongdoing of the bank over which he exercises control.

The attendance at the session of the court today was very small.

SULTAN EATS HUMBLE PIE

GIVES IN TO ITALY WHEN FORCE IS THREATENED.

Allows Establishment of Postoffices and Italian Settlement in Tripoli—Fleet Is Recalled.

ROME, April 20.—The threatened trouble between Italy and Turkey apparently has ended as a truce in a truce and, for the present at least, there will be no demonstration by Italian warships in Turkish waters. It now seems likely that the incident will produce a better feeling between Constantinople and Rome, leading to an agreement by the attendance on a second day.

Contents Today's Paper

The Weather.	Page 1.
YESTERDAY'S—Maximum temperature, 58 degrees; minimum, 42 degrees.	Page 1.
TODAY'S—Fair; westerly winds.	Page 1.
Foreign.	Page 1.
Russian army besieged by Kurds; floods sweep out relieving force. It now seems likely that the incident will produce a better feeling between Constantinople and Rome, leading to an agreement by the attendance on a second day.	Page 1.
Turkey concedes all Italian demands. Page 1.	Page 1.
Anna Gould and Heile de Sagan to meet in Italy. Page 1.	Page 1.
National.	Page 1.
Borah makes speech on Brownsville riot which wins applause of Senate. Page 4.	Page 4.
House committee tables Free-land currency bill and will recommend monetary commission. Page 10.	Page 10.
Land grant resolution may come up today. Page 2.	Page 2.
Williams accuses Cannon of despotism, but disclaiming that as a result of the incident there would be a personal breach between him and the Speaker, Williams maintained that the action was an unprecedented parliamentary act. On the other hand, the Speaker called attention to the dilatory tactics of the minority leader for the past two weeks, and said it was the Speaker's privilege and his duty to sweep aside a dilatory demand and declare the House adjourned.	Page 1.
Bitter fight on new rule.	Page 1.
The Republicans put through an amendment to the rules, making any day "suspension day," and substituting a majority for a two-thirds vote to pass any measure. Williams and De Armond opposed the rule. Dailzell, its author, notified the Democrats that they could trust to their imaginations for any legislation they would get this session.	Page 1.
After the adoption of the rule, several conference reports were agreed to and one or two bills passed. The Democrats tried repeated roll calls during the day. At 5:13 P. M. the House took a recess until 11:30 A. M. tomorrow.	Page 1.
In making his motion condemning the Speaker's action of last Saturday, Williams spoke of his personal friendship for the Speaker and then, referring to the constitutional right of members to vote by yeas and nays, added:	Page 1.
The Speaker's action is undeniable and is condoned by him. He cannot deny that it was his intention and purpose to cut off the right to demand yeas and nays and that was the reason why he did not make the open ruling, but instead resorted to this unprecedented parliamentary act by ignoring a demand and explaining subsequently through the press, when there was no House to appeal to nor to explain his purpose to.	Page 1.
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Says Speaker Is Despotic.	Page 1.
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Resolved, That the act of the Speaker of the House of Representatives in adjourning the House on Saturday, April 18, 1908, was a breach of the privileges of the House affecting its safety, dignity and the integrity of its proceedings.	Page 1.
Cannon Defends Action.	Page 1.
Craving the indulgence of the House, Cannon declared in reply that under normal conditions the rules of the House were observed. "In the recollection of the chair," he said, "since the present occupant has occupied the chair, respect has been paid to the Constitution and to the rules framed under it." He then quoted the rule regarding dilatory tactics and said:	Page 1.
For two weeks past it is an open secret, time and again avowed by the gentleman who leads the minority, that he was resorting to dilatory tactics for purposes which seemed to him justifiable to emphasize, as he claimed, matters that were pending at the time touching the joint legislation. The gentleman but shortly before the motion to adjourn was made again avowed and sought to justify his action.	Page 1.
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WILLIAMS CALLS CANNON A DESPOT

Speaker Called to Account in House.

MAJORITY SUSTAINS ACTION

Minority Leader Declares His Rights Invaded.

SAYS CANNON INTOLERANT

Speaker Defends Rulings Because Williams' Motion Was Dilatory. New Rule Is Passed After Dailzell Defies Opposition.

WASHINGTON, April 20.—With the exception of Cooper and Nelson, of Wisconsin, Republicans, the House today, by a strict party vote, declared last Saturday in summary adjourning the House was not a breach of the privileges of the House affecting its safety, dignity and the integrity of its proceedings. The dictum was made when a resolution by Williams, holding such a breach to have been committed, was tabled, 146 to 119.

The vote was preceded by statements by Williams and the Speaker. After disclaiming that as a result of the incident there would be a personal breach between him and the Speaker, Williams maintained that the action was an unprecedented parliamentary act. On the other hand, the Speaker called attention to the dilatory tactics of the minority leader for the past two weeks, and said it was the Speaker's privilege and his duty to sweep aside a dilatory demand and declare the House adjourned.

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RUSSIAN TROOPS CAUGHT IN TRAP

Surrounded by Hordes of Angry Kurds.

FLOODS CUT OFF ASSISTANCE

Entire Population of Frontier Rushes to Arms.

GRAND DUKE GOING SOUTH

Nicholas Will Examine Situation Personally—Troops and Supplies Pouring Into Trans-Caucasia to Crush Brigand Tribes.

ST. PETERSBURG, April 20.—The latest news received here of the boundary war—that the Russian detachment had been penned in and was calling for reinforcements—has aroused the anxiety of the foreign office. It shows that the entire population of this district, composed of well armed and warlike tribes, is rushing to the support of the brigands who have been attacked. The situation may become still more serious if the Kurdish bandits who inhabit Russian territory, encouraged by the retirement of the Russian troops, join their Persian kindred and threaten the Russian communications.

Associated Press dispatches setting forth the grave situation of the Russian detachment in Persia are fully confirmed tonight by official reports received at the Foreign Office from the Russian commander at Yelavets, in Trans-Caucasia, 90 miles from Tiflis.

Grand Duke Off to Frontier.

Grand Duke Nicholas Nicolaevitch departed quietly from here today for the Crimea, traveling incognito in a reserved compartment of an ordinary car. The trip ostensibly is for personal reasons and, it is said, will be of short duration, but the Grand Duke's departure just previous to the imperial family reunion for the Easter festivities and to the marriage of Grand Duchess Marie Pavlovna to Prince Wilhelm, of Sweden, is considered an indication of a more important object. It is reported that the Grand Duke is really on his way to the Caucasus to make a personal inspection both of the Persian and the Turkish frontiers, where the situation is arousing considerable apprehension.

Pouring Troops Into Persia.

Despite diplomatic denials, Russia continues to forward reinforcements and munitions of war to the Caucasus. An American traveler returning from that territory recently says that he saw train after train loaded with soldiers, proceeding in a southerly direction, and the rail-

road to Kara is so swamped with military stores that it is unable to accept private freight.

The European military attaches, especially the German, are extending keen interest in the general situation and have made a number of official inquiries, but the general staff estimates that the measures are purely precautionary on the part of Russia and are designed to repair the negligence of past years to put the Russo-Persian frontier in a normal condition for defense.

KURDS HEM IN RUSSIANS

Swarms of Horsemen Surround Force on Persian Soil.

TIFLIS, April 20.—An alarming report has just been received here setting forth the critical situation of a small Russian expeditionary force in Persia, which is menaced by a vastly superior body of Persian brigands. The Russian troops penetrated the frontier in the neighborhood of Belesuvur in pursuit of

DISTRICT ATTORNEY LANGDON WEDS.



MODESTO, Cal., April 20.—District Attorney Langdon, of San Francisco, and Mrs. Myrtle McHenry, the wealthy widow of the late Garret McHenry, were quietly married here today. The ceremony was performed by Rev. Father O'Leary, of San Francisco. The bride party left for the South.

Kurdish brigands who had committed depredations in Russian territory. The Russian commander of the force has sent out a messenger demanding reinforcements of infantry, artillery and cavalry. The Persians who have been joined by a warlike tribe of nomads, surround the Russians with a numerous force, and their horsemen have assumed the offensive. The sending of Russian reinforcements is made particularly difficult by the flooded condition of the country.

Yesterday the Russians had three men killed and ten wounded in various minor engagements with the Persians.

TRAIN-WRECK KILLS 41

COLLISION IN AUSTRALIA HAS HORRIBLE RESULTS.

Wreckage Burns and Destroys Many Bodies—Injured Wait Hours for Rescue.

MELBOURNE, Australia, April 20.—Two trains from Ballarat and Bendigo, respectively, collided late last night at Braybrook Junction, about eight miles from Melbourne, 41 persons being killed and 60 injured.

The Bendigo train, with two heavy engines crammed into the rear of the Ballarat train. Five cars of the latter train were wrecked. The wreckage took fire and was almost completely consumed. Many of the bodies were unrecognizable when recovered.

The Bendigo train suffered but little damage, but the two engines were piled on top of the rear coaches of the other train. Terrible scenes followed, many of the injured being caught in the wreckage, and were with difficulty rescued. It was a long time before doctors and nurses arrived on the scene, and in consequence intense suffering prevailed among the injured.

FORCED TO DESERT BRIDE

Husband Frightened by Threat of Prosecution for Marrying Cousin.

SEATTLE, April 20.—(Special.)—Perry McGee and Miss Nettie Monk were married last week in Tacoma, says a special to the Times from Montevideo, Wash. The family of the bride took exception to the union on the ground that the contracting parties are first cousins. Accordingly, on their return to Montevideo, the father of the bride went to the office of the Justice of the Peace and obtained a warrant for the arrest of the bridegroom.

McGee was then informed that if he would abscond himself from Montevideo for an indefinite period the prosecution would not be urged. The benefit of few days left on the next train for Puget Sound.

Japanese Honor Murray.

TOKIO, April 21.—A most interesting banquet was held Monday in commemoration of the meritorious service rendered Japan by the late David Murray, the American who, from 1873 to 1877, served the government as adviser in educational matters and practically laid the foundation of the modern system now used in Japan's education. The banquet was attended by 160 scholars, professors and pioneer educators.

Continues to Improve.

PASO ROBLES, Cal., April 20.—(Special.)—Admiral Evans spent a very good night, said Surgeon McDonald this morning. "He slept well, ate well this morning, and his digestion is improving. I am certain that the course of treatment which is being followed out here at the hot springs is doing him a world of good."

DENIES CHARGE HE IS PLUTOCRAT

Bryan Says Views Unchanged by Wealth.

GETS INCOME FROM PEOPLE

Nebraskan Discusses Prominence as an Asset.

SNUBS "FRESH" REPORTER

Intimates He Has Monopoly of Gall. Confers With Political Leaders, but Maintains Silence on Political Outlook.

STATUS OF REPUBLICAN CONFLICT.

Name of State	Number of Electors	Number of Representatives	Number of Senators	Total
Alabama	9	6	2	17
Arizona	3	3	2	8
Arkansas	7	6	2	15
California	12	12	2	26
Colorado	3	3	2	8
Connecticut	7	6	2	15
Delaware	3	1	2	6
District of Columbia	3	0	0	3
Florida	9	6	2	17
Georgia	7	6	2	15
Idaho	3	3	2	8
Illinois	11	12	2	25
Indiana	11	12	2	25
Iowa	7	6	2	15
Kansas	6	6	2	14
Kentucky	7	6	2	15
Louisiana	7	6	2	15
Maine	7	6	2	15
Massachusetts	11	12	2	25
Michigan	11	12	2	25
Minnesota	10	12	2	24
Mississippi	7	6	2	15
Missouri	11	12	2	25
Montana	3	3	2	8
Nebraska	3	3	2	8
Nevada	3	3	2	8
New Hampshire	7	6	2	15
New Jersey	12	12	2	26
New Mexico	3	3	2	8
New York	19	19	2	40
North Carolina	12	12	2	26
Ohio	13	12	2	27
Oklahoma	3	3	2	8
Oregon	3	3	2	8
Pennsylvania	21	19	2	42
Rhode Island	4	1	2	7
South Carolina	7	6	2	15
South Dakota	3	3	2	8
Tennessee	7	6	2	15
Texas	12	12	2	26
Virginia	12	12	2	26
West Virginia	5	3	2	10
Wisconsin	10	12	2	24
Wyoming	3	3	2	8
Total	534	434	100	1068

The above is the table issued by the staff managers, brought up to date.

Of the delegates instructed for other candidates, those from Illinois are for Cannon, Indiana for Fairbanks, New York for Hughes and Wisconsin for La Follette.

Derives Income From People.

My income is derived mainly from my lecturing, with some addition from articles written for magazines and a few from my own paper, but the amount has been very small. I am convinced I make more money from my lecturing and from my own paper than I do from my writing. The best test of the effect of my income is to be seen in the things I advocate. My views have not changed upon public questions since I have derived more by doing with the corporate interests that I have obtained than I have made out of lecturing.

Profit in Prominence.

My political prominence has been an advantage, in that it has given me a larger reading circle and a larger audience, but I could have done as well by other ways to gather prescriptive advantage. For instance, I was offered \$25,000 a year as counsel for a corporation, but it would have taken me out of the political field. By lecturing and writing, I can make what I need to live the time and have the rest for public work. President Cleveland found his law income larger after he was in the White House than before, so did President Harrison. This was the experience of Speaker Reed after his service in Congress. Secretary Shaw found his services more valuable after he had been in the cabinet.

Income Quite Legitimate.

Political prominence is an asset in any kind of business. The question is not whether I have made more than I did by other ways, but whether I have made it in a legitimate way, and I think on one who derives his income from the people, derived from a legitimate source. The next question is whether my income has been more by doing with the corporate interests that I have obtained than I have made out of lecturing.

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