

JURY PROMPTLY CONVICTS ROSS

Guilty of Taking State Money for Own Use.

PORTLAND BANKER DISGRACED

Penalty Means Heavy Fine and Term in Prison.

VERDICT REACHED IN HOUR

Three Votes for Acquittal—McCammant Makes Freakish Appeal to Jury—Pipes Turns the Tide Against the Defendant.

BASIS OF THE CONVICTION.

The charge that J. Thorburn Ross, George H. Hill, J. E. Alchison and T. T. Burkhardt, as officers and directors of the Title Guarantee & Trust Company, came into possession of \$238,000 of state school funds and that they converted the same to their own use.

The verdict—Ross was tried separately and found guilty.

The penalty—imprisonment in the penitentiary for one to 15 years and fine in double the amount converted. Sentence will be pronounced next Monday.

SALLEM, Or., April 23.—(Special.)—

Justice of converting to his own use \$238,000 of state school funds, was the verdict rendered against J. Thorburn Ross by a Marion County jury this afternoon. The jury was out an hour and ten minutes.

From what can be learned it appears that the jury took four ballots, the first showing nine for conviction and three for acquittal.

Means Fine and Imprisonment.

Sentence will be imposed by Judge Burnett on Monday morning. The penalty provided by law is imprisonment in the penitentiary for from one to fifteen years and by fine of double the amount of the defalcation.

The case will, of course, be appealed to the Supreme Court, when the case will be tried practically anew, for the defense objected to nearly all the evidence, saved exceptions, and questioned the ruling of the trial court on all points of law that go to the foundation of the case.

Attorney McCammant declined to discuss the verdict, but was very plainly deeply disappointed.

Burkhardt Trial May 4.

District Attorney Manning says: "The questions of law involved were plain, the facts were clear, and the prosecution was careful not to offer any evidence that could be held improper. Therefore I do not fear the result of an appeal. The jury did its duty fearlessly and a just verdict has been rendered."

The case against T. T. Burkhardt, treasurer of the Title Guarantee & Trust Company, upon exactly the same charge as that for which Ross has been convicted, has been set for trial on May 4. Burkhardt will be defended by C. H. Carey, of Portland.

Remarkable Legal Battle.

In many respects the case which terminated today was the most remarkable legal battle ever witnessed in Oregon. It was by far the most important case that has been tried in Marion County in a quarter of a century, yet the trial proceeded to its close without a single sensational incident. Notwithstanding the prominence of the defendant and the wide attention the case has attracted throughout the state, the crowd in the court room has been exceedingly small.

Though the attorneys fought carefully and persistently every step in the proceedings, not a harsh word passed between the attorneys to disturb the peace and dignity of the court.

Defendant Cool, Unemotional.

On trial for his liberty and with the disgrace of conviction confronting him, Mr. Ross sat motionless throughout the trial, giving close attention to every word of testimony, but never once changing the cold, hard, unemotional lines of his features. Not even when the verdict was rendered did his face show any expression of surprise, disappointment, resentment or other feeling which most men experience. Only when Judge M. L. Pipes was quietly but rapidly destroying the plausible and persuasive arguments of defendant's attorney, Wallace McCammant, did Mr. Ross manifest any evidence of emotion. Then a restless moving of his hands and turning of his head showed that he felt the sands sinking away from the foundation of his defense.

Pipes Address a Feature.

Judge Pipes' address to the jury was easily the chief feature of the proceedings today. District Attorney Manning opened the argument for the prosecution this morning in a clear and forceful presentation of the facts of the case in a general way, showing the nature of the school funds, the law governing their investment, the

manner in which State Treasurer Steel had turned the funds over to the Ross bank and drawing the unavoidable conclusion that this deposit must have been in pursuance of an agreement between Ross and Steel. Manning gave the jury a clear understanding of the case, and paved the way for a more detailed discussion by Judge Pipes in the closing argument.

W. M. Kaiser, for the defense, followed Mr. Manning. He argued that there was no evidence that Ross got a dollar of the school funds, and that, on the other hand, it had been shown that the state will get every dollar of its money back. He made a pathetic plea that the family of Ross be made happy once more by the return of the husband and father without the disgrace of a conviction of crime.

McCammant's Plea Fails.

Attorney Wallace McCammant, whose address had been awaited with expectant interest by the spectators in the courtroom, next occupied the attention of the jury. Wearing a bright green tie which must have excited the warm admiration



J. Thorburn Ross, Portland banker, convicted of converting \$238,000 of state school funds to his own use.

of any Irishman on the jury, he bowed

decently and announced that he appeared before the body of men in behalf of a client "who had been bound hand and foot and delivered into the hands of enemies more vindictive than any Indian who ever inhabited the State of Oregon," enemies who had in recent years forced this client to endure "an ordeal more severe than that which had been suffered by any other man except John H. Mitchell."

Injects Political Feature.

Mr. McCammant then gave an extended account of an address by Father Burke, to which he and District Attorney Manning recently listened in the Armory in Portland. He remarked that Mr. Manning sat up on the platform with other distinguished gentlemen, but that since he, McCammant, belonged to the wrong party to get office in Oregon, he was compelled to sit down in the audience with the "common people."

Though most of the jurymen looked like "common people," they exhibited no signs of having been affected by the attorney's intimation that he is one of them. Neither did they then nor in their verdict later indicate that they had been influenced by McCammant's lengthy laudation of the address of Father Burke.

After speaking briefly about the case on trial, Mr. McCammant treated the jury to another diversion by reciting eight or ten verses of poetry, which, he said, came into his mind during an attack of insomnia last night.

Remarks on Ladd's Absence.

He then returned to the consideration of the case of the State vs. Ross, told the jury that "misfortune is not crime," that though Mr. Ross is a man of family "he has not brought the family into court for the purpose of making a cheap plea for sympathy," and that it is not his purpose to do anything which will "cloud the issues of this case."

He felt impelled, he said, to remark the absence of W. M. Ladd and Frank M. Warren, who were directors of the Title Guarantee & Trust Company, but who, for some reason not apparent, had not been indicted. He said that though he is a friend of both Ladd and Warren, he felt that in justice to his client he must call attention to the fact that they are not here. He intimated that because of their wealth they had been given immunity.

McCammant denounced this as an "infamous prosecution," told of the good faith of this defendant as evidenced by the offer of Mr. Ross to give State Treasurer Steel security, which good faith was further shown by the act of Mr. Ross on October 23, 1907, in signing

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FIGHT RENEWED FOR MORE SHIPS

Pipes Wants to Build Four Steelclads.

VAIN ATTACK ON STEEL TRUST

Gore Proposes to Let Shipyards of World Compete.

HE FINDS NO SUPPORTERS

Hale Says Trust Sells Armor Cheaper Than Foreign Manufacturers. Increase in Appropriation for Submarine Boats.

WASHINGTON, April 23.—As the Senate

was about to conclude consideration of the naval appropriation bill today, Senator Piles, of Washington, proposed an amendment increasing from two to four the number of new battleships to be authorized. As several Senators desired to speak on the amendment, further consideration of the bill was postponed until tomorrow.

An amendment to the naval bill was adopted appropriating \$7,000,000 to begin construction on the two ships authorized by the bill as it was passed by the House. A spirited debate occurred on the amendment for the restriction of the purchase of materials for the construction of the battleships and submarine boats to those of domestic manufacture.

Amendments to remove that restriction from the bill were defeated, Hale stating that since the investigation of the steel trust some years ago the price of steel armor had been reduced from \$550 and \$500 per ton to \$416 per ton.

Beveridge declared that the United States pays less for its armor plate than any other nation except Japan.

Gore Drives at Steel Trust.

The House amendments were offered by Gore of Oklahoma to allow the building of all the new vessels at any shipyard in the world and taking away that restriction in favor of domestic steel. Gore had no support in his first motion to permit the building of the ships abroad, and 62 votes were registered against him. His second motion was to strike out the provision that all the parts of these ships and the steel material used in them shall be of domestic manufacture. On motion of Hale that amendment was laid on the table, 48 to 9.

Gore securing the support of Bacon, Culberson, Davis, Gary, McCleary, Milton, Money and Simons, all Democrats.

In offering these amendments, Gore delivered a passionate appeal to the Sen-

ate to strike a blow at the steel trust. He offered the amendment, he said, to "rescue this country from the tolls of the steel trust," which he regarded as "the tapeworm of the treasury." The steel trust, he said, not only held up the country but it held up the American merchant marine.

Armorplate Now Cheaper.

Replying to a question, Hale said that the United States was paying \$416 per ton for its armor, and that Germany paid \$450, France and Great Britain \$525 per ton. He insisted that the investigation of the steel trust some years ago had brought about a reduction of the price of armor from \$550 and \$500 to \$416.

An amendment proposed by Hale reducing the stipulated speed of the two colliers from 16 to 14 knots was adopted. On motion of Hale, the amount appropriated by the House of \$1,000,000 toward the construction of eight submarine torpedo-boats was increased to \$2,000,000, which may be applied toward the completion of submarine boats heretofore authorized.

An amendment appropriating \$300,000



Lieutenant-General Linevitch, Commander of Russian Army After Retreat From Mukden.

for a "new trunk-in battleship hoist," proposed by Hale, was adopted.

Money for New Battleships.

An amendment was agreed to appropriating \$7,000,000 "toward the construction of the machinery, armor and armament of the vessels" authorized in this bill.

The pay of the enlisted men in the Hospital Corps of the Navy is made the same as that of seamen of corresponding rating, by a committee amendment, which was adopted.

On a point of order made by Lodge, the committee amendments giving Naval staff officers rank on the same basis provided for the Army, and providing that command of vessels shall be exercised only by line officers, were stricken from the bill as general legislation.

On motion of Dick of Ohio the bill was amended so as to allow six months' pay to the heirs of officers and men of the Navy dying in the service.

Must Not Put Men in Irons.

Irons as a means of punishment are barred from the Navy by a provision inserted by Nelson of Minnesota. Nelson had a letter read saying that while irons are supposed to be eliminated from

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VICTORY GAINED OVER RAILROAD

Land-Grant Resolution Passes House.

FORDNEY'S JOKER IS EXPOSED

Rejected by Enormous Majority After Hot Debate.

CANNON HELPS INNOCENTS

All His Lieutenants Support Lumber Millionaires, but Hawley, Humphrey and Jones Force Fordney Into the Open.

OREGONIAN NEWS BUREAU, Wash-

ington, April 23.—After one of the hardest fought legislative battles of this session, the House of Representatives, late this afternoon, by a vote of 247 to 9, passed the Fulton land-grant resolution without amendment. Prior to the vote on final passage, Fordney's amendment was voted down, 43 to 227. The resolution will go to the President by the end of the week and will promptly be signed by him.

Immediately thereafter steps will be taken to initiate suit against the Oregon & California Railroad Company to secure forfeiture of the unold portion of its grant. For the time being, it is understood, no proceedings will be undertaken against lumber companies and other purchasers from the railroad.

Cannon's Men Support Interests.

Seldom is as much feeling injected into a debate as was evidenced today, and rarely do members assail the good faith of another member as several speakers assailed Fordney for proposing and supporting an amendment which, in the opinion of nearly all lawyers, would absolutely defeat the main purpose of the Fulton resolution. Opponents of this amendment did not mince words in declaring it a joker, nor did they spare Fordney in their criticisms.

Fordney had adroitly arrayed on his side the Speaker, Representative Dales, Chairman Jenkins, of the House judiciary committee, and other less prominent members, but the friends of the resolution forced Fordney and his followers into the open, exposed their game and the fight was won. The long delay in considering this resolution, which, for the time appeared dangerous, was actually beneficial, for since the resolution was reported, Representative Hawley and B. D. Townsend have carried on a vigorous and continuous campaign of education among members on both sides of the

House. The success of this quiet campaign was demonstrated on the final vote.

Fordney's Joker Exposed.

Chairman Mondell, who had charge of the resolution, made a strong presentation of the Government's case, and contributed largely to the victory. Representative Hawley, like other members, was given but a brief opportunity to defend the resolution against amendment, but his talk was strong and convincing and was greeted by loud applause and general approval. The last sledge-hammer blow was administered by Representative Humphrey of Washington, who exposed Fordney's perridy, and it was evident from the riotous applause which followed that Fordney's amendment was dead.

In the main the Fordney amendment was supported by the Michigan and Wisconsin members and their friends, these men being appealed to by stockholders in companies which bought large tracts of railroad land contrary to law. But the great body of the House failed to recognize any justice in Fordney's amendment.



Congressman J. W. Fordney, of Michigan, leader of Rich Lumbermen's Fight on Forfeiture of Land Grant.

The final vote was nonpartisan, naturally

so, for it was practically unanimous.

Fordney Amendment Fatal.

When the House assembled Mondell's order for consideration of Fulton's resolution was adopted upon roll call. Mondell then opened the debate, again explaining the provisions of the resolution. He declared that, if the Fordney amendment should be adopted, it would take the ground from under the Government's case against the railroad company. In answer to a question, he admitted that the Attorney-General had assured him that, if the Fordney amendment was adopted, the Government would not institute suit, for to do so would be useless. Robinson, of Arkansas, spoke briefly in opposition to the amendment and demanded the passage of the Fulton resolution without change.

Hawley's Strong Plea.

Hawley was given 12 minutes, in which he made a strong plea for the passage of the resolution without change. He said that since the agitation began he had not heard from a single bona fide settler who had purchased railroad lands who feared he would be injured by the suit. He said the resolution does not alter the status of innocent purchasers, but submits the whole question to a court of equity, where no honest man was ever hurt.

The Fordney amendment, he said, was favored only by sawmill owners who bought large quantities of land in violation of law and by other large purchasers who bought illegally and are holding land for investment. These two interests maintained in the public lands committee that their titles are good. If they

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DELIVERS GOODS TO HIS OLD ENEMY

Sullivan Lines Up Illinois for Bryan.

STRONGER ACTION DEMANDED

Out-and-Out Bryan Man Says Nebraskan Is Sold Out.

PERSONAL LIBERTY PLANK

Chicago Secures Adoption After Bitter Fight With Local Optionists. Delegates Pledged to Support Bryan as Unit.

SPRINGFIELD, Ill., April 23.—The Illinois

Democracy today adopted the unit rule and instructed its delegates to the National convention at Denver to vote for William J. Bryan and to "use all honorable means" to secure his nomination.

After a hot fight in the resolutions committee, which was carried into the convention, the party adopted a platform plank declaring in favor of "the greatest possible personal liberty" to individuals, provided such liberty does not infringe upon the rights of other people. The plank is as follows:

Personal Liberty Plank.

We believe that orderly customs and habits long pursued should not be disturbed by intolerance and we hereby declare in favor of that fundamental doctrine of democracy and free government which gives to the individual the largest measure of personal liberty so long as he does not infringe on the personal rights of others. We are opposed to all sumptuary laws.

Instead of naming the usual four delegates and alternates-at-large to the National convention, it was decided to send eight, allowing each man one-half of a vote. Electors-at-large were also chosen. The resolution endorsing Mr. Bryan was adopted with enthusiasm and a flattering demonstration followed the action.

Bryan Men Not Satisfied.

For all that, however, it was not worded entirely to the satisfaction of Mr. Bryan's most enthusiastic supporters, and in the last few minutes of the convention Judge Owen P. Thompson, of Jacksonville, declaring that Mr. Bryan had "been sold out," demanded that a stronger resolution be passed. He desired to have the instructions so worded that Illinois would be bound to support Mr. Bryan as long as his name was before the convention. His effort was made in the last few minutes of the convention and it met with the usual fate of new business that is sprung upon hot, weary, hungry and thirsty delegates who are anxious to catch trains for their homes. It was swiftly and overwhelmingly defeated.

Enthusiasm for Bryan.

The convention, however, showed sincere enthusiasm for Mr. Bryan. When his name was mentioned there was invariably great applause, and the reading of the resolution in his favor was greeted with cheers. The applause, it is true, came from the delegates from other counties than Cook and other cities than Chicago.

Roger C. Sullivan, who dominated the convention from first to last, did not applaud Mr. Bryan's name at any time, but is not the kind of man who is given to applauding things, no matter how strong his approval may be. When the demonstration was in progress, after the reading of the Bryan resolution, he rose and stood until the cheers subsided and then resumed his seat.

Fight Over Personal Liberty.

The fight over the personal liberty or liquor plank in the platform was warm and long. It delayed the convention nearly two hours and then a minority of seven presented a report urging that the plank be entirely omitted. Fifteen members of the committee favored it, and the convention sustained them by a vote of 48 to 28. Of the total in favor of the plank, 459 votes came from Cook County. Three-quarters of the county delegations voted against it, but the heavy vote of Chicago was too much for them. Considerable feeling was manifested during the roll call which led the minority to report upon the table.

Johnson Men Not in Evidence.

The Johnson men were not in evidence throughout the convention and no resolution bearing his name was introduced. Ten men from Chicago, headed by Maxwell Edgar, did some quiet work in Mr. Johnson's behalf among the delegates, but could produce no impression and abandoned the fight.

In his opening speech Fred P. Morris, of Waukegan, the temporary chairman, warned the convention against discords which would endanger success. He denounced trusts and Republican postponement of tariff revision. He accused President Roosevelt of exceeding his powers and condemned him for his denunciation of the Miners' Federation leaders.

The following eight delegates-at-large to the Denver convention were elected: Roger C. Sullivan, Fred J. Keen, Carroll C. Boggs, Andrew J. Hunter, Samuel Alchinger, Harry M. Pindell, Edward P. Dunne and Frederick M. Ridge.

HURRAH!

Work will begin at once.