

HEMBREE JURY VOTES GUILTY

Fifth Ballot Decides Prisoner's Fate.

VERDICT REACHED 10:30 P. M.

Tillamook Man Convicted of Killing His Daughter.

SLAIN IN LONELY CABIN

Defendant Formerly Convicted of Murdering His Wife, but Is Paroled by Governor—Prisoner Calmly Hears Verdict.

DALLAS, Or., May 21.—(Special.)—Gilty of murder in the first degree is the verdict of the jury in the case of Ab Hembree, charged with the murder of his daughter in a lonely cabin in the mountains of Tillamook County.

Five ballots were taken by the jury, which retired at 6 o'clock this evening, and announced an agreement at 10:30 o'clock, after a deliberation of four and one-half hours.

Verdict Fails to Move Prisoner.

Hembree maintained his nerve to the end, and showed no change of countenance when the verdict of the jury was read in open court shortly before 11 o'clock tonight. Judge Burnett announced that he would pass sentence June 21, and Attorney Pipes for the defense, announced that he would then file a motion for a new trial.

When the jury failed to bring in an immediate verdict, it was the general opinion on the streets tonight that there would be a disagreement or acquittal. The evidence against the prisoner was entirely circumstantial.

Convicted of Killing Wife.

Hembree was convicted once before in Tillamook County on the charge of wife murder. The verdict was second degree, and after serving part of his sentence in the Penitentiary, Hembree was paroled by Governor Chamberlain. His second arrest and trial followed because the people of Tillamook County believed the man guilty of killing his wife and daughter and setting fire to the home to cover up traces of his crime. Intimacy with the daughter was one of the charges made by the prosecution.

Hembree's second trial was held in Dallas because the defendant believed he could not obtain a fair trial in his home county.

TWO CHILDREN ARE KILLED

Home in Kansas Demolished and Mother Badly Injured.

CONCORDIA, Kan., May 21.—Mrs. Fred Baker was badly hurt and her two children killed near Lynn, in Washington County, last night. Their home was demolished by the storm.

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INVADER OF HOME QUICKLY KILLED

VENGEFUL HUSBAND THEN SURRENDERS HIMSELF.

Stanley Peek Shoots Fellow-Employee in Reno Baggage-Room for Winning Wife's Love.

RENO, Nev., May 21.—Stanley Peek today shot and instantly killed Andy Sattero, a fellow employe in the Southern Pacific baggage room here. Peek then went home and telephoned Deputy Sheriff Branton to come and get him, giving him the first intimation of the crime.

Peek gave as the reason for his act



Rev. J. L. Neulsen, Newly Elected Methodist Bishop, Now Professor in East Theological School, Berea, Ohio.

alleged undue intimacy between Sattero and his wife. Sattero was married, his wife and two children being absent on a visit to Virginia City.

INDORSES DIRECT PRIMARY

Bryan Says Uninstructed Delegates Often Betray the People.

HARRISBURG, Pa., May 21.—William J. Bryan spent an hour and a half between trains in this city today in conference with Jere S. Black, of York; Warren Worth Bailey, of Staunton, and other prominent Bryan men, who were defeated in the Democratic state convention here yesterday in their attempt to have the delegates at large instructed for the Nebraskaan.

When asked about the result of yesterday's convention, Mr. Bryan said:

"I appreciate very much the efforts of the Democrats who attempted to secure a resolution in the state convention in harmony with the vote of the Democrats at the primaries. The difference between the primaries and the state convention illustrates forcibly the necessity for primaries. When voters speak for themselves they say what they think and do what they please. When voters put their interests in the hands of uninstructed delegates they take chances on the delegates using the power for themselves and against the voters. It is just such betrayals of public trust that have led to the extension of the primary system." Mr. Bryan left her for Altoona.

CHILDREN GREET KAISER

Honage Paid Francis Joseph by the Youth of Vienna.

VIENNA, May 21.—The school children of Vienna, numbering upwards of 85,000, gathered early today in the park of Schoenbrunn Castle, the suburban residence of Emperor Francis Joseph, to pay homage to the aged ruler, who this year celebrates the 60th anniversary of his accession to the throne. The Emperor appeared at a balcony of the palace and was greeted with great enthusiasm.

The children sang several hymns, after which the Emperor descended from the balcony, walked among the children and talked with them. His path was strewn with flowers by the little girls. He appeared to be in splendid health.

MOHMANDS FIGHT HARD

Charge Right Up to British Bayonets and Fall.

SIMLA, May 21.—The Mohmand mountaineers are offering a stout resistance to the British punitive expedition under the command of Major-General Sir James Willcock. There was heavy fighting at the Umir-Killa. The tribesmen repeatedly charged up to the British bayonets. Two British officers were killed and one wounded and a score of Sikh troops were injured. The losses of the Mohmands were over 200.

DIVORCE FOR VANDERBILTS

Referee's Report Seems to Be in Favor of Wife.

NEW YORK, May 21.—The report of the referee on the suit of Mrs. Elsie French Vanderbilt for divorce against Alfred G. Vanderbilt, the head of the Cornelius Vanderbilt branch of the famous family, was handed to Justice O'Gorman in the Supreme Court today. All the papers in the case were at once sealed and filed. An intimation that the report of the referee was favorable to Mrs. Vanderbilt was given when the attorneys made a motion that the report be confirmed. The motion was taken under advisement.

CHOICE OF THIRD BISHOP IN SIGHT

Rev. Edwin H. Hughes Is Probable Choice.

LEADS IN THE FIFTH BALLOT

Rev. C. W. Smith and Rev. W. S. Lewis Also in Race.

TWO ELECTED ON SECOND

Drs. Anderson and Neulsen Received Necessary Number of Votes—Church Will End Fight With the Labor Unions.

BALTIMORE, May 21.—The battle for the bishopric was hotly waged today and before the adjournment of the Methodist Episcopal general conference the fifth ballot had been cast and was in the hands of the tellers, who were instructed to report the result to the conference at its opening tomorrow morning.

Later tonight it was learned from a thoroughly well-informed source that the ballot resulted in no choice, but that it shows Rev. Edwin Hughes leading only about a score of votes. He is followed by Rev. C. W. Smith and W. S. Lewis, in the order named. It also shows that Rev. J. B. Hingeley, secretary of the conference, has gained about 50 votes.

The election of Rev. Edwin H. Hughes on an early ballot is looked for confidently. The ballots thus far show marked gains for Rev. Charles L. Goodell, pastor of Calvary Church, New York, whose votes have increased from 194 on the first ballot to 202 on the fourth.

Two on Second Ballot.

Rev. W. F. Anderson, secretary of the board of education of the Methodist Episcopal Church, residing in New York City, and the Rev. J. L. Neulsen, professor in the East Theological School, Berea, O., were elected on the second ballot.

There were 765 effective votes cast, 510 being necessary to a choice. Dr. Anderson received 568 and Dr. Neulsen 540. Those receiving more than 500 votes were:

Drs. William A. Quayle, of Chicago, 381; E. H. Hughes, president of De Pauw University, Greencastle, Pa., 354; W. S. Lewis, president of Morris Institute College, Sioux City, Ia., 338; Charles W. Smith, editor of the Pittsburg Christian Advocate, 336; Robert J. Cooke, book editor of the Methodist Episcopal Church, 305; H. C. Jennings, Cincinnati, publishing agent of the Western Book Concern, 284; M. C. B. Mason (colored), Cincinnati, one of the corresponding secretaries of the board of education, Freedmen's Aid and Sunday school, 275; David G. Downey, assistant secretary of the same board, 272; Joseph B. Hingeley, of Minneapolis, secretary of the general conference, 243; Charles L. Goodell, of New York, 233.

Before the third ballot was taken

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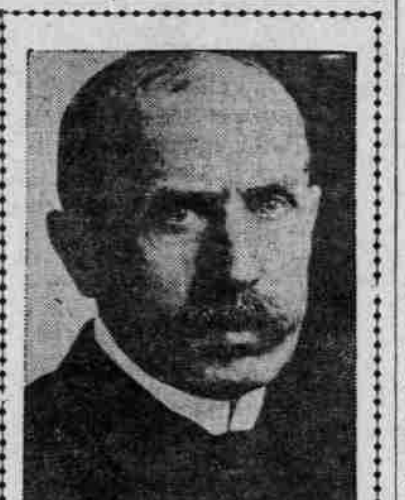
NEW ENGINEER FOR COLUMBIA

MAJOR MENDOE TO SUCCEED COLONEL ROESSLER.

Change in Management of River and Harbor Work in July—Roessler Goes to Newport.

OREGONIAN NEWS BUREAU, Washington, May 21.—Major James F. McIndee, engineer officer now stationed at New Orleans, was today ordered to proceed to Portland as soon as possible after July 1 to relieve Colonel S. W. Roessler. The order of the Chief of Engineers follows:

"Major James F. McIndee will temporarily transfer the duties in his charge to First Lieutenant Wilbur Willing and will proceed to Portland, as soon as practical after July 1, and relieve Lieutenant Colonel Solomon W. Roessler of the fortification and harbor works in his charge, together with the money,



Lieutenant-Colonel S. W. Roessler, Army Engineer in Charge of Department of Columbia, to be succeeded by Major McIndee.

property and records pertaining thereto, and will also report to the commanding General, Department of the Columbia, for duty as chief engineer officer of that department to relieve Lieutenant-Colonel Roessler, who will proceed to Newport, R. I., and relieve Major Harry Taylor of the duties in his temporary charge pertaining to the Newport engineering district."

Major McIndee has for a long time been stationed at New Orleans, where he has had charge of Sabine Pass and improvement of the lower Mississippi. He has also been on duty in Washington, and is highly regarded in the engineering corps.

General Mackenzie, chief of engineers, said tonight that Major McIndee is one of the finest and most competent young men in the corps, and fully competent to handle the work of the Portland district. Major McIndee has long been anxious to go to Portland. He has relatives at Astoria.

Major James F. McIndee, who has been ordered to Portland to relieve Lieutenant Colonel Solomon W. Roessler, United States Engineers, in charge of the Department of the Columbia, is a graduate of the West Point Military Academy. He was appointed a cadet from Maryland in 1887, and was graduated and appointed a Second Lieutenant of Engineers in June, 1891. In 1894 he was advanced to the grade of First Lieutenant and was made a Captain in 1901, and was recently promoted to the grade of Major.

SUDDEN CLIMAX TO PLATT SUIT

Mae Wood Arrested on Perjury Charge.

DIVORCE PETITION DISMISSED

Court Acts Promptly on Damaging Evidence.

PLATT'S SON TESTIFIES

Says Nothing About Marriage in Letters He Bought—License Blank Not Made Till After the Alleged Marriage.

NEW YORK, May 21.—Mae C. Wood, whose suit for an absolute divorce from United States Senator Thomas C. Platt, of New York, has been on trial in the Supreme Court here for several days, was committed to the Tombs prison late tonight after Justice O'Gorman had dismissed the complaint in her action and ordered her held in \$5000 bail on a charge of perjury. A handwriting expert testified that in his opinion the body of the letter in which Mr. Platt is alleged to have admitted his relation as husband to the plaintiff was added after the Senator's signature had been affixed. More telling still for the defense were the depositions by engravers and stationers called by counsel for Mr. Platt that the blank form upon which the alleged Platt-Wood marriage certificate was prepared was not lithographed until three months after the date upon which the marriage of Miss Wood to Mr. Platt was alleged to have taken place.

Retellates Her Story.

Miss Wood was recalled to the stand in rebuttal. She was asked if, after hearing the testimony about the marriage certificate she still reiterated that the defendant gave the certificate, as she previously testified.

"I still reiterate it," she replied. Justice O'Gorman turned to Miss Wood and pointedly questioned her. She repeated her assertion that the marriage occurred as she had stated. She admitted that Mr. Platt never supported her and, when asked by the Court if she did not consider it the duty of a husband to support his wife, she replied:

"I do, but as long as he was not enough of a gentleman to do so, I never asked him to."

Arrested for Perjury.

Mr. Platt's counsel then moved for a dismissal of the complaint. It was forthwith granted by Justice O'Gorman, who in rendering his decision said:

"I cannot credit the plaintiff's evidence as to the alleged marriage, and the testimony as she has given, and the fact that this is a most wicked design to support a false and fictitious claim for forgery and perjury."

Forthwith Justice O'Gorman ordered Miss Wood committed to the Tombs on the charge of perjury, fixing her bail at \$5000. She was obviously staggered by

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STATE GUARANTY STANDS THE TEST

DEPOSITORS OF OKLAHOMA BANK PAID IN HOUR.

Closed for Violation of Law, Its Deficit Is Made Up Out of Guarantee Fund.

GUTHRIE, Okla., May 21.—Within one hour of the time H. H. Snook, Oklahoma Banking Commissioner, had taken charge of the International Bank of Colgate, he had authority to pay the depositors in full, though the bank's cash and available funds in other banks fell \$22,000 short of the total amount of deposits. The



Rev. W. F. Anderson, Secretary of Methodist Episcopal Board of Education and Newly Elected Bishop.

commissioner was enabled to do this under the operation of the new banking law, and this is the first time it has been called into use.

Mr. Snook took charge of the bank for alleged gross violations of the banking laws and notified the Banking Board at once. Governor Haskell, president of the Banking Board, immediately authorized the payment of depositors in full and payment began. The amount of deposits is \$38,000. The bank had \$6000 on hand and \$3000 deposited in other banks.

When the cash was exhausted, the commissioner drew checks upon the state guaranty fund. Under the operation of the guaranty banking law in Oklahoma, a tax of 1 per cent is levied upon the available annual deposits of all state banks and the money thus raised is used in payment in full of all depositors of an insolvent state bank after the funds have been exhausted.

Subsidize Mail Boats

Conferees Agree to Accept Senate Amendment.

WASHINGTON, May 21.—Congress today took an important step looking to the payment of ship subsidies, the conferees on the postoffice appropriation bill having agreed to accept the amendment by the Senate authorizing the Postmaster-General to contract with steamship lines running to ports of South America, Philippine Islands, Japan, China and Australia, the carrying of the mails and to pay to vessels of the second class the same rate that is now paid on American vessels of the first class to Europe and vessels of the third class the rate now authorized for vessels of the second class.

There are no American lines of the first class to the countries named and the effect of this legislation will be to encourage the establishment of mail and passenger steamers to ports of those countries.

Will Beat Record Easily

Lusitania Off Fire Island on Test Trip Across Ocean.

NEW YORK, May 22.—The steamer Lusitania, from Liverpool and Queenstown, was reported off Fire Island this morning. A thick fog made it impossible for the observer at Fire Island to see her, but the steamer, by her wireless apparatus, notified the shore stations of her whereabouts.

The fog and storm apparently have somewhat delayed the liner, but it is certain, barring accidents, that she will beat her best record over the long course by several hours.

Cannot Survive Night

Governor Sparks Very Low—Doctor Has Little Hope.

RENO, Nev., May 21.—Governor Sparks, who has been sick for several weeks, but was yesterday reported to be improving, is not expected to live through the night. Dr. St. Clair, his physician, stated tonight that the Governor was very low and that he had but little hope for the patient.

Three Perish by Storm

Tornado Rips Its Way Through Kansas Farming Country.

CLAY CENTER, Kan., May 21.—A report from Green, a small town in the eastern part of this county, says that a tornado passed through the north part of this county last night, killing three persons and doing much damage. The wires are down and particulars are hard to obtain.

RUEF CASE JURY FAILS TO AGREE

Discharged by Court After 44 Hours.

PROSECUTION WILL TRY AGAIN

Announces That Another Indictment Will Be Pressed.

TAMPERS WITH JURORS?

Dr. E. J. Creely Reported to Have Spoken to Them on Street—Contempt Proceedings Will Be Brought.

SAN FRANCISCO, May 21.—Unable to agree, after being out almost 44 hours, the jury in the case of Abraham Ruef, charged with offering a bribe to former Supervisor Jennings J. Phillips, was discharged at 5 o'clock this evening by Judge Maurice T. Dooling. Thirteen ballots were taken and the jury stood 6 to 5 from the outset. At no stage was there a chance for an agreement, the credibility of the witnesses being the main point upon which the jurors divided.

The failure of the jury to convict will not alter the attitude of the prosecution as there are numerous indictments pending against Ruef, on one of which he will be placed on trial as soon as the state can make its arrangements to that end. In view of this fact the Board of Supervisors today appropriated \$70,000 for the continuance of the graft prosecutions.

Resuming their deliberations this morning, the jury was called into court at 11:45 o'clock by Judge Dooling, but asked the court for more time. The request was granted and they retired.

Courtroom Is Cleared.

When 6 o'clock arrived the bailiff ordered the courtroom cleared, as Judge Dooling had decided to send for the jury in a short time and there was a desire to avoid any demonstration on the part of the spectators. As a result attorneys directly interested and the members of the press were about the only ones in attendance when the jurors filed in and took their places in the box.

Foreman Penny arose and in response to the question of Judge Dooling said it was impossible for the jury to agree. Each juror was then questioned by Judge Dooling and all agreed that they could not arrive at a verdict. Judge Dooling then formally discharged the jury.

Tampers With Jury?

At that point in the proceedings Foreman Penny, addressing Judge Dooling, remarked that in view of the instructions given he felt it his duty to report an incident to the court. He said that while the jury was passing Leavenworth street and Golden Gate avenue this morning, en route to court, Dr. Edward J. Creely, a veterinary surgeon, accompanied by another man, were close at hand in a buggy. According to the statement of Penny, the jurors heard Creely say "Do not convict my friend Ruef."

Assistant District Attorney Heney questioned Penny as to the details of the affair and Juror Mohrigan arose and said he felt the remark of Creely was intended for him alone, he being a personal friend of the veterinarian and that, in his opinion, there was no attempt to influence the jury.

May Punish for Contempt.

Mr. Heney announced that he would prepare affidavits and an order citing Dr. Creely to show cause why he should not be punished for contempt of court. The matter was set for 10 o'clock tomorrow morning.

District Attorney Langdon made a statement tonight to the effect that the prosecution will not cease the work that has been cut out and that as soon as possible he will proceed to try Ruef on one of the other hundred or more indictments pending against him.

Returns to the Presidio

Artillery Officer Says He Wandered Away While Insane.

SAN FRANCISCO, May 21.—Captain Samuel D. McAllister, of the Thirty-eighth Coast Artillery, who has been missing for a week, and for whom the police and several of his brother officers have been searching, returned to the Presidio this evening. It is said that he wandered away during a fit of temporary insanity and that his mind was blank from the time he left the Presidio last Thursday until he recovered consciousness today and found himself in Oakland.

Dooma Members in Jail

Seventeen Signers of Viborg Manifesto Go to Jail.

ST. PETERSBURG, May 21.—Seventeen members of the first Dooma today commenced serving in St. Petersburg, the sentences of three months imprisonment for signing the Viborg manifesto. They drove to the prison in cabs. There was no demonstration.

Other signers of the manifesto also interned themselves today in the various cities where they were elected.

