

TRIAL OF SCHMITZ IS ORDERED SOON

Judge Lawler Gives ex-Mayor of San Francisco and Prosecutor Surprise.

DISMISSAL HOPES FADE

Court Demands That Case Be Heard as Soon as Arrangements Can Be Made—Accepting Bribes Is Charge Made.

SAN FRANCISCO, Dec. 13.—After more than four years of comparative inactivity, the indictments accusing ex-Mayor Eugene Schmitz of bribery in connection with the municipal scandal that swept this city shortly after the fire of 1906, were given renewed importance today, when Judge W. P. Lawler ordered that the defendant be brought to trial as soon as District Attorney Fickert could prepare the evidence.

That the order of the court came as a surprise, not only to the defense, but to the District Attorney, was evidenced by the demeanor of Schmitz' lawyer and by Assistant District Attorney Berry. The latter asked for a few days in which to prepare his case. The indictments on which Schmitz will be brought to trial, unless the District Attorney convinces the court that there is no possibility of a conviction, were returned by the grand jury in May, 1907. There are 14 indictments, based on the trolley and gas cases.

Gold Coin Is Cited. In the trolley case Schmitz is accused of having accepted \$24,000 in gold coin, asserted to have been shipped here from the East by officials of the United Railroads for the purpose of obtaining from the Mayor a permit to operate cars by overhead trolley.

After these indictments were returned the usual motions were made and denied and the cases continued from time to time, neither side making more than perfunctory objection to the continuance. On Wednesday, December 6, Schmitz informed the court that he was ready to go to trial, and the case was continued until today, the general belief being that the court would order the indictments dismissed, as has been done in the majority of the other numerous indictments returned in the graft scandal.

Court Frees Schmitz. These indictments have nothing in common with the indictments that resulted in the conviction of Schmitz and Abe Ruef, political boss at the time Schmitz was Mayor. Both men were sentenced to 14 years as the result of the conviction on what was known as the French restaurant extortion case. Ruef is serving a sentence, but the State Supreme Court freed Schmitz on a technicality. Recently indictments against Patrick Johnson, president, and other officials of the United Railroads were dismissed on motion of the District Attorney, on the ground that conviction was impossible without the evidence of "Big Boy" city Supervisor at the time the graft scandal started and the state's principal witness.

Cases Are Dismissed. This dismissal was made after the Supreme Court had ordered that the defendants be brought to trial within 30 days from the time the indictments that they were prepared for trial.

After this ruling of the higher court, Schmitz waived this 30-day right until December 4.

It was said today that probably Abe Ruef would be brought from the penitentiary to testify against Schmitz, the supposition being that he had direct knowledge of the alleged United Railroads' bribe and also of the gas company bribe, the accusation in this latter instance being that Schmitz accepted \$10,000 to influence the city to violate the pledge to the people to enact a 75-cent gas ordinance. Gallagher, it was said, is not a material witness in these cases.

FLEMING DENIES MURDER

Railroad Policeman's Trial, Enters Upon Tenth Week.

REDDING, CAL., Dec. 13.—Daniel Fleming, charged with the murder of George Vallier, testified in his own defense today in the trial which yesterday entered upon its tenth week in the Shasta Superior Court. Fleming, at that time a railroad policeman, is charged with having assaulted the youth because he was "beating his way."

Fleming declared that he first learned of injury to Vallier and his companion, Gehle, when the train had left Kennett and a passenger told him that he had heard groaning on the top of the car. At Copley he got off and saw two human forms on the roof of the coach, but the train started before he could investigate further. From the time the train passed Keweenaw, he said, until it came to a stop in Redding, he rode in the vestibule of the car.

SAN FRANCISCO EX-MAYOR, WHOSE CASE IS ORDERED TO TRIAL AFTER FOUR YEARS' DELAY.



EUGENE E. SCHMITZ.

HYDE JUROR CLEVER

Hope of Returning Missing Man to Trial Box Wanes.

DEFENSE CLAIMS POINT

Should Present Jury Be Dismissed Renewal of Charges Against Alleged Swope Murderer to Be Declared Illegal.

KANSAS CITY, Dec. 13.—No trace of Harry W. Waldron, the runaway juror in the trial of Dr. E. Clarke Hyde, alleged slayer of Colonel Thomas H. Swope, has been found.

The feature of the case that is worrying the state's attorney is the intention of Hyde's attorneys to assert if this jury is discharged that the life of the defendant cannot again be placed in jeopardy on the charge that he killed Colonel Swope.

News Cheers Wife. That the wife of Waldron, who escaped early Monday morning, has had word from the missing juror is the belief today of the attorneys in the prosecutor's office, who have been trying in vain to find Waldron. The visit of a strange man who entered the home of Mrs. Waldron last night and had a whispered conversation with her, has aroused suspicions in the minds of the officers, who have disbelieved the belief that Waldron is mentally deranged and wandering, or that he has killed himself. It is thought the stranger brought news of him, as Mrs. Waldron appeared happy afterward.

Former Escape Reported. Waldron's escape may not have been the first time he has evaded jury service by sensational means, according to today's developments. His six-year-old daughter, Mary, casually remarked that twice her father had got away from the jury service in Kansas, N. M. A telegram from Roswell, where Waldron formerly lived, said that a man by the name of Harry Waldron escaped from serving on a jury in 1891. As the remaining 11 jurors died into the courtroom this morning to answer rollcall they showed plainly the effects of the perplexity that the present situation has thrust upon them.

WHEELS OF DELVE TO MOVE

(Continued From First Page.) prosecution of the McNamara brothers, but declined to comment on it.

Herbert S. Hockin, secretary of the Iron Workers' Association, returned today from St. Louis, where, it was reported, he had conferred with President Frank M. Ryan. Hockin declared Ryan went to Chicago and said he would return here tomorrow.

Stenographers to Be Called. Almost the first witnesses to be called, it was learned, would be stenographers who were employed by John McNamara when he was an active official of the union, Miss Nora Halsey, formerly stenographer to J. J. McNamara, arrived today from Chicago. Then evidence gathered by agents of the National Erectors' Association, a defensive organization of "open-shop" contractors; papers seized in a raid on the Iron Workers' Association headquarters, or voluntarily turned over by its officials, and detailed confessions of McNamara are to be submitted. Many witnesses have been subpoenaed from cities in which explosions have occurred.

The Iron Workers' Association, from New headquarters where John J. McNamara when he was an active official of the union, issued today, through one of its publications, the first statement it has made since the McNamara confessions.

Union Paper Comments. The statement follows: "Just before going to press the surprising news reached this office that J. J. McNamara and J. B. McNamara had entered pleas of guilty in the Superior Court of Los Angeles County. In view of these pleas, part of the contents of this issue may seem odd to the readers, but all of it was written at a time when we had implicit faith in the innocence of these men, and we have, therefore, concluded to let this matter go out in its original form.

We have no details concerning the confessions other than those contained in the newspapers, but hope to be more fully acquainted with the facts before

BARRETT PLEADS FOR FREE CANAL

Opportunity Declared Open to Increase Annual Trade by \$75,000,000.

LARGE TRAFFIC IN SIGHT

Transcontinental Railroads, by Reason of Rapid Growth of West, Will Gain Instead of Lose by Liberal Policy.

WASHINGTON, Dec. 13.—(Special.)—John Barrett, director-general of the Pan-American Union, continues to be enthusiastically in favor of the Panama Canal. In the December bulletin of the Pan-American Union, under the heading, "The Panama Canal—Free to the Shipping of the World," he says: "The Panama Canal, to prove of the greatest practical usefulness to the United States, should be free to the shipping and commerce not only of the United States but of the world. The United States is not constructing the canal to gain revenues from the tolls on traffic in and out of the country for commercial and strategic reasons. A free canal, in addition to increasing the commerce of the United States in ten years to the point where the cost of operation, and interest, will absolutely destroy all possibility, in any shape or manner of monopoly in interoceanic traffic."

This is Mr. Barrett's personal view on the question and is not officially sanctioned by the Pan-American Union. He says in his statement in answer to numerous inquiries from members of Congress, commercial organizations, editors, and heads of steamship companies requesting that he give his unprejudiced opinion on the subject.

Canal Question Studied. Mr. Barrett's views are based on his study of the Panama Canal and of Pan-American and Pacific commerce, extending over 15 years in which time he has served as United States Minister to the Asiatic States in South American countries, including Spain, Argentina, Panama and Colombia, and has also held his present position as head of the United States Mission for five years. The union is an international organization, devoted to the development of Pan-American commerce, friendship and fraternity.

Legislation for a free canal by Congress, at its approaching session, would insure the immediate, complete and permanent opening of the waterway to a new route of international and national commerce. It would inaugurate, upon the day following its approval, the greatest activity in preparation for the canal the world has known in the history of shipping and commerce. It would end at once all doubts and discussions as to the value of the canal to the American vessels, as they affect our treaty obligations to other countries.

The increase of the trade of the United States through a free canal will be so much greater than that through the toll canal that the increase in the first year would equal the revenue from tolls for five years, while in ten years the increase resulting from a free canal would be equal to the original cost of the canal.

The basis for tolls will be the cost of operation plus interest on the investment. The official estimate of annual cost of operation is \$3,000,000. Interest on the outside approximate cost of \$400,000,000 at 5 per cent would be \$20,000,000. Tolls should therefore bring in an annual income of \$17,000,000. Upon a conservative estimate of trade experts, the actual traffic in 1912 will aggregate 10,000,000 tons, which means that every vessel must pay \$1.50 a net ton for each passage. On an average measurement of 2000 tons per vessel, each ship would therefore pay a tax or toll of \$3,000 per trip, which in turn must be added to the cost of freight and is ultimately paid by the consumer. This \$4500 tax on a 3000-ton steamer engaged in commerce may be a serious burden is realized from the fact that that sum would probably pay, in the case of the average low-speed freight carrier, the entire wages of the captain and crew from the trip and that the total of different payments for such trips in a year through the canal would be equal to the legitimate income of the investment represented by the ship and its crew.

Free Canal Means Big Trade. A free canal, at a conservative estimate, based on the data of trade experts, will carry in the first year \$75,000,000 more of the products of the United States than a toll canal. At this rate for ten years, without even counting the natural growth from year to year, the increase for that period will pay for the entire original cost of the canal and liberal interest on the investment, or \$750,000,000. Stated another way, will the United States liberally throw away an opportunity to increase the sale of its products

ELECTRICIAN IS SUMMONED

Former Employee of J. J. McNamara Called Before Grand Jury.

PITTSBURGH, Dec. 13.—Arthur Meyers, who has recently been employed by a large electrical manufacturing company here, was served with a subpoena today to appear tomorrow before the Federal grand jury investigating an alleged Nation-wide dynamite plot at Indianapolis.

DEMOCRATS WIN STATE

ARIZONA VOTE PROMISES TO ELECT ENTIRE STATE.

George Hunt, of Globe, Is Elected Governor—Republicans Concede All Except One Office.

PHOENIX, ARIZ., Dec. 13.—The Democrats of Arizona will place two members in the United States Senate, and one member in the House of Representatives, a Governor in the State Capitol at Phoenix, and, unless present indications are materially changed, they will make a clean sweep with their state ticket, as a result of the first state election, held yesterday.

The State Legislature, from present indications, will be made up of three-fourths Democratic, including the election of Henry F. Ashurst, of Prescott, and Mark A. Smith, of Tucson, to the United States Senate. Carl Hayden, of Phoenix, was elected to the House of Representatives. George W. P. Hunt, of Globe, was elected Governor.

There is but one chance that a clean sweep will not be made by the Democrats of this election, and that is for the office of Secretary of State. Cleveland, Republican, is running strongly and may defeat Osborne, of Phoenix, for this position.

Chairman J. J. Bird, of the Democratic state committee, issued a statement tonight claiming the election of the Democratic candidates by majorities ranging from 1500 to 2000. He also declared that every county in the state except two would return Democratic majorities. Apache and Pima are conceded to the Republicans by small majorities.

Secretary Hayes, at the Republican state committee headquarters, conceded victory to the Democrats, asserting, however, that Cleveland still had a chance to win.

Returns from none of the 13 counties are complete, and it may be tomorrow before the exact vote can be given.

FRIEDLANDER'S Open Evenings.

From now on our magnificent holiday stock of diamonds, watches, jewelry, toilet ware and art will be ready for your inspection evenings. Selections will be reserved for the holidays, 210 Washington, bet. 5th and 6th.

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A Tonic Stimulant. CHARGE ACCOUNTS SOLICITED. To relieve yourself of this month's burdensome expenditures, use your credit; remit for your purchases in weekly or monthly payments to suit yourself. SANTA CLAUS DAY. The children are invited to visit our store Friday, Dec. 15, from 3 to 5 P. M. Big Santa will be here with lots of toys, horns and dolls for the good boys and girls. The mothers will receive something nice, too. Bring the children and join them to enjoy the fun. There'll be plenty of it. Bring the children.

Duffy's Pure Malt Whiskey. I have used Duffy's Pure Malt Whiskey for years and find it of great benefit, both as a tonic and stimulant, and heartily recommend it as a beneficial remedy to all whose systems are languid. Duffy's Pure Malt Whiskey will bring a healthy glow to the pallid cheek, give new energy to the faltering limbs, strengthen and invigorate the weary body and throbbing brain and reanimate the vital organs. It makes the old feel young and keeps the young strong and vigorous. Prescribed by physicians, used in hospitals and recognized as a family medicine everywhere. It is invaluable to bring restful sleep and keep the stomach in a good, healthy condition. You cannot afford to be without it.

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