TRIAL OF SCHMITZ IS ORDERED SOON

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

DISMISSAL 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 innocuousness, 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. Lawier ordered that the defendant be brought to trial as soon as Disant he brought to trial as soon as Dis-frict 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 evi-denced by the demeanor of Schmitz' lawyer and by Assistant District At-torney Berry. The latter asked for a few days in which to prepare his case. The indictments on which Schmits 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, 1997. There are 14 indictments, on the trolley and gas cases Gold Coin Is Cited.

In the trolley case Schmin is accused of having accepted \$50,000 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 then Mayor a permit to operate cars by everhead trolley.

After these indictments were returned the usual motions were made and denied and the cases continued from time to time, neither side make the more than preferences. ing more than perfunctory objection to the continuances. Wednesday, Decem-ber 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 rethe other numerous indictments re-turned in the graft scandal.

Court Frees Schmitz. These indictments have nothing in common with the indictments that re-ulted in the conviction of Schmitz and Abe Ruef, political boss at the time Schmitz was Mayor. Both men were sentenced to 18 years as the result of conviction on what was known as the French restaurant extortion cases. Ruef is serving a sentence, but the State Supreme Court freed Schmitz on a technically. Recently indictments against Patrick Calhoun, president, and other officials of the United Railroads. were dismissed on motion of the Dis-trict Attorney, on the ground that con-viction was impossible without the evi-dence of "Big Jim" Gallagher, a City Supervisor at the time the graft scan-dal started and the state's principal

Cases Ars Diamissed. This dismissal was made after the Supreme Court had ordered that the defendants be brought to trial within 60 days from the time they announced

that they were prepared for trial. Schmitz waived this 60-day right until

It was said today that probably Abe Ruef would be brought from the penitentiary to testify against Schmitz, the tentiary to testify against Schmitz, the supposition being that he had direct knowledge of the alleged United Rail-roads' bribe and also of the gas com-pany bribe, the accusation in this lat-ter instance being that Schmitz accepted \$10,000 to influence Supervisors to violate the pledge to the people to en-act a 75-cent gas ordinance. Galla-gher, it was said, is not a material witness in these cases.

FLEMING DENIES MURDER

Railroad Policeman's Trial Enters Upon Tenth Weck.

REDDING, Cal., Dec. 11.-Daniel lieming, charged with the murder of George Vallier, testified in his own de-fense today in the trial which 'yester. day entered upon its 10th 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."

Flaming declared that he first learned of injury to Vallier and his companion, of injury to Vailler and his companion, Gohle, when the train had left Kennett and a passenger told him that he had heard groaning on the top of the car. At Copiey 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 Keswick, he said, until it came to a stop in Redding, he rode in the vestibule of the car.

BOOKS ORDERED PRODUCED

stland Front First Page, urged that, since W. Cooper Morris had spent more than three weeks fraternizing with the attorneys for the state, the presecution should now be able to furnish him with full descriptions of the securities in the embezzling of which he is charged with having been

Morris' Visit Here Noted ..

In presenting the affidavit Mr. Malarkey referred to District Attorney Cameron's alleged statement to the County Commissioners that the state had to treat Morris right to get desired information from him. Mr. Cameron is alleged to have presented this as an excuse for baving allowed Morris to live at the Cariton Hotel instead of lodging him in the County Juli during his stay in the city.

A couple of weeks ago the attorneys for the defense obtained from Judge Gatens an order allowing them to examine all the books, papers and other documents of the Oregon Savings & Trust Company in the possession of the state and Receiver Deviin. They said in court yesterday that they had obtained little satisfaction from the examination and declared there was a disposicion on the part of the prosecution to hingler and render their intestigations null and yold. They had been unable, they said, to find the books and documents they really wanted.

wanted.

The trial of Wilde is set for January & a continuance of six days having been granted recently.

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



the next issue of the magazine, at which time we will take our readers fully into our confidence."

The other references to the McNa-

ELECTRICIAN IS SUMMONED

Former Employe of J. J. McNamara

Called Before Grand Jury.

an alleged Nation-wide dynamite plot

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. 12.-The Demo-

tion of this election, and that is for the office of Secretary of State. Cleve-

land, Republican, is running strongly and may defeat Osborne, of Phoenix, for this position.

Secretary Hayes, at the Republican state committee headquarters, conceded victory to the Democrats, asserting,

however, that Cleveland still had a chance to win.

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

majorities.

Hope of Returning Missing Man to Trial Box Wanes.

HYDE JUROR CLEVER

DEFENSE CLAIMS

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 member of the jury that has been hearing the second trial of Dr. B. Clarke Hyde, alleged slayer of Colonel Thomas H.

Swope, has been found. Hope that Waldren will be found soon virtually has been abandoned by Prosecutor Conklin and Judge Porter-The feature of the case that is wor-rying the state's attorney is the in-tention of Hyde's attorneys to assert

if this jury is discharged that the life of the defendant cannot sgain 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 deputies in the county 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 held a whisnered conversation with held a whispered conversation with her, has aroused suspicions in the minds of the officers, who have dis-pelled 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. ward. Waldron appeared happy after-

Former Escape Reported. Waldron's escape may not have been the first time he has evaded jury ser-vice by sensational methods, according to today's developments. His six-yearto today's developments. His six-yearold daughter. May, casually remarked
that twice her father had got away
from the jury service in Roswell, N. M.
A telegram from Hoswell, where
Waldron formerly lived, said that a
man by the name of Harry Waldron
escaped from serving on a jury in 1898.
As the remaining 11 jurors filed into
the courtroom this morning to answer
rollicall they showed plainly the effects
of the perplexity that the present sit-

WHEELS OF DELVE TO MOVE

of the perplexity that the present sit-uation has thrust upon them.

(Continued From First Page.) prosecution of the McNamara brothers,

but declined to comment on it. Herbert S. Hockin, secretary of the fron Workers' Association, returned today from St. Louis, where, it was reported, he had conferred with Presi-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 Haley, formerly stenographer to J. J. Mcarrived 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 McManigal are to be submitted. Many witnesses have been subpensed from cities in which explosions have oc-

curred. The Iron Workers' Association, from the headquarters where John J. Mc-Namara as secretary-treasurer had his office, issued today, through one of its publications, the first statement it has made since the McNamara confes-

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 laste 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 The statement follows:

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. 12 .- (Special.)-John Barrett, director-general of the Pan-American Union, continues to be enthusiastically in favor of no tolls on the Panama Canal. In the Decem-

on 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 toils on traffic. It is building it purely for commercial and strategic reasons. A free canal, in addition to increasing the free canal, in addition to increasing the commerce of the United States in ten years to 50 times the cost of operation, and interest, will absolutely destroy all possibility, in any shape or manner of monepoly in interoceanic traffic." mara case are along lines similar to those followed during recent months, and some of them tell of efforts being made to raise funds to obtain for the McNamaras "a fair and impartial trial."

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

Canal Question Studied. PITTSBURG. Dec. 13.—Arthur Meyers, who has recently been employed by a large electrical manufacturing company here, was served with a subpena today to appear tomorrow before the Federal grand jury fivestigating an alleged Nation wide dynamic plot Mr. Barrett's views are based on his study of the Panama Canal and of Pan-American and Pacific commerce, ex-tending over 18 years in which time tending over 18 years in which time he has served as United States Minister in Asiatic and South American countries, including Slam, Argentina, Panama and Colombia, and has also held his present position as head of the Pan-American Union for five years. The union is an international organization, devoted to the development of an alleged Satish at Indianspolis.

Meyers, it is said, was employed for some time by John J. McNamara, exsecretary and treasurer of the International Structural Iron & Bridge Workers' Association.

Pan-American commerce, friendship and fraternity. Mr. Barrett says: "Legislation for a free canal by Congress, at its approaching session, would insure the immediate, complete and permanent success of this waterway. a new route of international and Nattinal 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 tolls and the grave problems of preferential treatment of the American vessels, as they affect our treaty obligations to other countries. "If the United States would experience the largest benefits possible to its foreign commerce from the Panama Canal, it will make this intercoranic waterway free to the ships of a new route of international and Na-

ama Canal, it will make this interoceanic waterway free to the ships of
all nations. The only valid reasons for
charging tolls are to pay the cost of
operating the canal and interest on
investment, and to protect the transcontinental railways from the competition of a free canal. If, then, corraponding and compensating advantages in each case will result from a
free canal, it should be made free. crats of Arizona will place two mem-bers in the United States Senate, and one member in the House of Represen-tatives, 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. free canal, it should be made free,

election, held yesterday.

The State Legislature, from present indications, will be more than three-fourths Democratic, insuring the election of Henry F. Ashuret, 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 the Democratic person of this election, and that is for Consumer Ultimately Pays. "The increase of the trade of the United States through a free canal will be so much greater than that through a toll canal that this 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 over that of a toll canal would pay nearly twice over the orig-inal 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. Infor 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. terest on the outside approximate cost of the canal, \$400.000.000, at as low a rate as 3 per cent, would be \$12,000,000. Tolls should therefore bring in an annual income of \$15,000,000. Upon a conservative estimate of trade experts, the actual traffic in 1915 will aggregate 18,000,000 tons, which means that every vessei must pay \$1.50 a net ton for each passage. On an average measurement of 3000 tons per vessel, each ship would therefore pay a tax or toll of \$4500 per trip, which in turn must be added to the cost of freight and is ultimately paid by the consumer. That this \$4500 tax on a \$600-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 to-tal 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 this arrount paid out in canal toils might therefore prevent the vessel coninuing to engage in the commerce

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\$750,000,000 in ten years in order to save \$75,000,000 in tolls? A direct an-nual tax of \$15,000,000 on ships and tonnage means a loss of \$75,000,000 and more, each year, for the commerce

tonnage means a loss of \$75,000,000 and more, each year, for the commerce of the United States.

"The United States is constructing the canal to provide a new and short sea trade route between the Atlantic and Pacific, and to be able to protect readily and effectively with its Navy, in case of war, real or threatened, both Atlantic and Pacific Coasts. All vessels will be or will not be allowed to pass in the event of war, tolis or no tols. Tolis have however, everything to do with the commercial phase.

"A free canal will encourage every ship company or individual in the world to use the canal. It will keep rates between the two coasts of the United States at a minimum and develop an immense traffic between the Atlantic and Gulf ports and those of California, Oregon and Washington. It will improve to the largest degree the possibilities of trade between the United States and the West or Pacific Coast of the 12 Latin American countries reaching with vast potential resources for \$900 miles from Mexico to Chile. It will bring to the ports of the United States and Latin America vessels of every flag, providing them with abundant shipping facilities and ding greatly to their prosperity.

"It will, in short, mean the difference at the very start between a busy canal doing a great business, with con-

ence at the very start between a busy canal doing a great business, with con-sequent profit to the industries of the United States, and a dull canal doing a small business, with disappointment everywhere in the United States that so little good is being derived from a aterway costing \$400,000,000. "As to the railways, the argument

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that a free canal will seriously injure their business is not well founded. Added to this is also the inevitable ap rapid growth and development and additional prosperity of the Pacific of business through the canal."

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