ROBERTS GUILTY

Jury in Murder Trial Retires at 3:58 P. M. After Long Arguments.

"SANITY" IS REAL QUESTION

Poe's 'The Raven' and Rubalyat Are Quoted by Defense in Dramatic

RECORD OF H. E. (JACK) ROB ERTS, CONVICTED OF AUTOMO-BILE HOLD-UP AND MURDER.

1896-Sentenced to Walla Walla Penitentiary for burglary at Golden-

1964-Arrested by E. B. Wood, special agent of the O.-W. P. & N., City Marshall at The Dalles for burgiarizing general merchandise store of Wilmot Linnett at Bridal Vell; sentenced to Multnomah County

July for one year.

1908—Arrested by Deputy Sheriffs
Leonard and Beatty for burglarizing.
boathouse of Gordon Lang. below
Linnion, near mouth of Willamette River; also charged with dynamiting seow at Linnton, which belonged to Iron & Son; April 21, 1908, sentenced to Salem Penitentiary for three years for this burglary.

June 14, 1909—Escaped from Sa-

lem Penitentiary while working on apur railroad between Penitentiary and Asylum; suspected of burning stove shop of Lowenberg & Going Company, at Penitentiary.

August, 1909—Recaptured by Dep-uty Sheriff Beatty and George H. McElroy and sent back to Peniten-

July 3, 1911-Released from Salem Penitentiary, having served term.

April 2, 1912—Arrested 25 miles southeast of Orogon City by Sheriff Stevens and deputies; suspected of Whitehouse Road automobile holdup

June 3, 1912—Placed on trial for murder of Donald McLoud Stewart, ne of victims in Whitehouse Road

July 2, 1912-Convicted of murder in first degree.

ee," was the verdict of the jury that for weeks has been trying Jack Rob HeCloud Stewart. The verdlet was ready t few minutes before 10 o'clock, and was II o'clock. As the verdict was read Roberts, who had been seated between Deputy Sheriffs Leonard and Phillips, stood up. His hands were behind his hack, and he was slightly stooped forward, but he did not move a muscle when the words pronouncing him guilty were read. Judge Morrow set next Saturday morning at 10 o'clock, for his state Medical Board will meet to-morrow at the Tacoma Hotel the consider the revocation of the medical license held by Dr. Linda Burfield Hazzard.

The jury which for weeks had been listening to the evidence in the case retired for deliberation at 3:58 yesterday afternoon. Closing arguments were made for the defense and the state, respectively by E. S. J. McAlister and Deputy District Attorney Fitzgerald, each occupying about three hours. Judge Morrow allowed the jurors to take a typewritten copy of his instructions with them, arrangements to this effect having been made in advance between the Judge and the attorneys.

The 12 men who found Development of the complaint of Prosecuting Attorney Thomas Stevenson, of Kitsap County.

Mrs. Havana and to revoke the board to revoke the law compels the board to revoke the leave aphysician convicted of an offense involving moral turpftude, but when the board met today to take up the Hazzard case, Attorney Kerr, of Seattle, who appeared in her behalf, and the promise of the members of his commetting of the members are considered as a convicted person, as she had appealed her case to the Supreme Court.

The case came before the board on the complaint of Prosecuting Attorney

Thomas Stevenson, of Kitsap County Mrs. Havana and lodge trustees will arrive in Portland will be Raymond of arrive in Portland will be Raymond of the provide the license of a physician convicted of an offense involving moral turpftude, but when the board met today to take up the Hazzard case, Attorney First of the grand lodge officers to arrive in Portland will be Raymond of the provide the provid

The 12 men who found Roberts rullty are W. B. Glafke, com-The 12 men who found Roberts rullty are W. B. Glafke, commission merchant and one time candidate for Mayor of Portland; W. L. Mallory, liveryman; T. H. Carner, cooper; H. Campion, streetcar conductor; R. J. Darby, confectioner; J. H. Adams, retired commission merchant; Fred Gantenbein, expressman; J. A. Scherzinger, musician; H. H. Ransier, laborer; J. X. Sax, tailor; M. Palmer, barber, and D. W. Walker, contractor's foreman. The trial commenced Tuesday, June 4.

D. W. Walker, contractor's foreman. The trial commenced Tuesday, June 4. and 54 witnesses were examined.

The state was represented by Deputy District Attorney Fitzgerald and John F. Logan and Dan J. Malarkey, the latter two having been engaged as special prosecutors by Charles Stewart, tather of the boy whom Roberts is accused of having slain, together with George Hastings, in an attempted automobile holdup on the Whitehouse road on March 29. The defendant's attorneys were E. S. J. McAllister and F. H. Whitfield, who were appointed by Presiding Judge Kavanaugh because of Roberts' lack of funds, and Roscoe Hurst, who was paid a small fee by an Hurst, who was paid a small fee by an aunt of the defendant to lend his as-

by Presiding Judge Ravanaugh because of Roberts' lack of funds, and Roscoe Hurst, who was paid a small fee by an ann of the defendant to lend his assistance.

Judge Defines Duty.

"The defense of insanity has been interposed in this case," said Judge Morrow in his instructions, "and the law in such cases is that you shall be satisfied beyond a reasonable doubt that the defendant committed the act charged, at the time and place and in the manner claimed, then you should consider if he did so while in such a state of mind to appreciate and understand the mind and to understand the difference between right and wrong with respect to this act.

"First, assuming, and to defendant was ammitted the act charged. Second you shall be astisfied to the required degree of certainty that he did committed act complained of then considerand not till then should you considerand not till then should resolve it in favor of the state. Under our statute the law presumes that all persons charged with crime were sane at the time when the acts charged were committed and that such condition continues until the contrary is shown.

Norwithstanding that the defendant has interposed the plea of insanity in this case there is no presumption of law that he should necessarily admit the indictment from the mere fact of the interposing of such defense."

Prisoner's Mether Lewes Room.
For the first time during the four weeks that the trial has dragged on Mrs. Mary Pfeiffer, mother or the defendant has interposed the plea of insanity in the commission of the offense see forth in the indictment from the mere fact of the interposing of such defense."

Prisoner's Mether Lewes Room.
For the first ima during the four weeks that the trial has dragged on Mrs. Mary Pfeiffer, mother or the defendant to see whether Miss Countiss is just "as dear as ever."

This is countied that if the pridence adduced was such as to conversational ball is started r

Frisoner's Mother Leaves Room.

For the first time during the four weeks that the trial has dragged on Mrs. Mary Pfeiffer, mother of the defendant, left his side while the Judge was giving his instructions. The eyes of several of the jurors followed her is she left the crowded courtroom.

Deputy District Attorney Fitzgerald leclared in his argument that if the avidence adduced was such as to convince the jurors of Roberts' insanity then "every man who commits crime"

preceded him, had been largely a dissertation on the subject of mental incompetence during the course of which he reviewed the testimony as to the defendant's alleged insanity and fervently avowed that it left not the slightest doubt in his mind as to Robert's mental condition.

"Roberts shot these men, he made careful preparations to do it, he turned and ran, he attempted to disguise himself and he talked first about proving an alibi," said Mr. Fitzgeraid. "Does that indicate a crazy man to you? Our doctors say he was feigning insanity. Now let me tell you that a man who is really insane resents even an insinuation that he is. He thinks that he is perfectly rational and that everyone else is crazy, just as a drunken man often imagines that he is sober and others are intoxicated. Mr. McAllister lays great stress upon heredity. Why if what he argues were true everyone in the world would have been crazy long ago. Do you imagine that any insane asylum would hold this man? No, he would be out and probably arranging to murder some other person in a short while. Do you imagine that you can prevent crime by soft-hearted sentiment better than you can by making examples of those who commit crimes?"

Omar and Poe Are Read.

Attarney McAllister read during his

Attorney McAllister read during his arguments "The Raven," Edgar Allen Poe's poem, and referred to the author as a paranolac. He quoted extracts from Omar Khayyam and declared that the great mental stress under which the authors of these masterpleces were apparently laboring was reflected in the defendant, the only difference being that there were geniuses while he was criminally inclined. All three were laboring under delusions for which they were desperately seeking solutions, he said, Roberts delusion taking the form of "persecutory paranoia" and being accompanied by an obsession that only by the deaths of others could he save himself.

"The only thing which this defend-ant inherited was a criminal propen-sity," argued Mr. Flizgerald. "If such an inheritance is to be regarded as in-sanity then our asylums will rapidly fill with confirmed criminals and there

will be no room for the really insane."

The only real duty devolving upon the jury is the determination of the defendant's sanity or insanity. It is anticipated that there will be little difficulty in arriving at a conclusion that he committed the act, the state's case having been unusually strong consider-ing that it was based on circumstantial evidence and the defendant's attorneys evidence and the defendant's attorneys having made no attempt to controvert along this line and having made statements in their arguments which indicate that such a finding on the part of the jury is a foregone conclusion. They were careful to explain, however, that in Oregon there is no such thing. that in Oregon there is no such thing as confession and avoidance, that is Roberts could not have pleaded guilty

and wrong, the test laid down by the Supreme Court of Oregon when insan-ity is employed as a defense, and the latter two having testified directly op-

HAZZARD CASE COMES UP

State Medical Board Meets to Act on Revocation of License.

she had appealed her case to the Supreme Court.

The case came before the board on the complaint of Prosecuting Attorney Thomas Stevenson, of Kitsap County. Mrs. Hazzard was convicted of manslaughter in the Kitsap County court as a result of the death of Claire Williamson, an English woman. Miss Williamson was a patient in the Hazzard Institute at Olalia. Under Dr. Hazzard's directions she took the fast-cure treatment. She died in May, 1911.

Lodge to Honor Late Frank B. Kingsley, Grand Esteemed Lecturing Knight.

OFFICERS' ARRIVAL IS NEAR

Raymond Benjamin, Chairman of Judiciary Committee, Will Be in City Today and Others Are Due Tomorrow.

REGISTRATION HEADQUARTERS

Elks' registration headquarters will open in the new Oregon Hotel build-ing, Seventh and Oak streets, at 8 men are urged to register the first day so as to avoid a rush next week.

B. Kingsley, of Kansas City, Kan. grand esteemed lecturing knight of the Elks, will be held in connection with the forthcoming grand lodge session in Portland. The day and hour for holding these services probably will be fixed soon after the arrival of the grand lodge officers in Portland tomorrow morning.

Mr. Kingsley died suddenly at his home one month ago, just when he was preparing to attend the festivities in Portland, and his death has been

that in Oregon there is no such thing as confession and avoidance, that is Roberts could not have pleaded gullivand then have been permitted to introduce evidence tending to prove insanity.

On the jury will devolve the task of accepting as true, either the statements of Doctors E. M. Brown and Spiro Sargentich or Doctors W. T. Williamson and A. E. Tamiesie, the former two having testified that Roberts is lnsane and unable to distinguish between right and wrong, the test laid down by the Supreme Court of Oregon when insanity is employed as a defense, and the

In private life he was auditor of the

In private life he was auditor of the disbursement department for Armour & Co., which position he had held for 25 years continuously.

It is probable that had he lived he would have advanced to a higher position at the Portland convention.

The death of Mr. Kingsley while in office recalls the fact that at the Dal; las, Tex, session of the grand lodge in 1908 memorial services were conducted for two grand lodge officers—William T. Leckle, of Dowaglac, Mich., the grand esteemed loyal knight, and Bayard Gray, of Frankfort, Ind., grand esteemed lecturing knight.

Meeting Will Be Tonight.

who arrive tomorrow morning. The party is headed by John P. Sullivan, The forests of Mexico are situated chiefly grand exalted ruler, and is composed of in the mountains at altitudes of 5000 to 12.000 feet. In the lowlands of the tropics there are scattered mahogany trees and a variety of other hardwood timber.

Store open tonight. Closed all day Thursday.



If you're looking for a \$30 job perhaps it is the part of wisdom to wear a \$30 suit.

Your pick today from our \$30 class at \$20. Simply our way to clean up stock before the Fall suits come in.

Socks today at 15cthe 25c quality.

Silk Knit Ties today at 45c-for the 75c kind.

LION CLOTHING COMPANY Third St., Near Morison

S. SADLER, Prop.

Ex-Senator Says He Cannot Be Republican Longer.

DEMOCRATS NOT HIS KIND

Former Oregon Solon and Roosevel

Manager Says New Standard Is

Only Alternative Left for

Future Activity.

go back to it," was the unequivocal announcement of Frederick W. Mulkey,

ex-United States Senator and manager of the Roosevelt campaign in Oregon

from Chicago, where he observed the work of the Republican National con-

"I cannot take the oath of allegiance to the Republican party this year," con-tinued Mr. Mulkey.
"The platform adopted by the Chi-

eago convention is weak, vacillating

Third Party Only Choice. "I am still standing by ex-President Roosevelt and favor the organization

Misunderstanding Is Denied.

hundred lodgemen, will go to the Union Depot and escort them to the Multnomah Hotel.

It has been planned also to have the grand exalted ruler and other dig-nitaries who are in the city at that

time play a part in the welcome given to the three Missouri "hikers," who are now camping at Troutdale and who will arrive at the Elks' Temple to-Some Will Attempt Walk.

The welcome squad and the band also will be on hand for this duty.

A big delegation of Portland lodgemen will go to Troutdale and some of the more sturdy ones say they will walk all the way from that place into Portland with the Missourians. The uniform squad will meet the "hikers' at Twentleth and Belmont streets, from which point they will act as an escort of honor until they reach the Elks' Temple. The "hikers" will have a suite of rooms throughout the convention period at the Oregon Hotel.

Accommodations of John K, Tener, of Pennsylvania, and the members of the Pennsylvania commission, who will ar-rive in San Francisco this week to select a site for the Pennsylvania building at the fair, have been secured

though all of them are not Elks, they will be given all the courtesies of the reunion week.

As the Elks' committee on arrange-ments has no date available for a night on Grand avenue, the East Side Busi-ness Men's Club has abandoned the publican party and do not intend to plan to hold a concert on that street during the reunion.

INDIANS REHEARSE PLAY of the Roosevelt campaign in Oregon last Spring, on his return yesterday from Chicago, where he observed the

AGENT FOR "BRIDGE OF GODS" SEES STRANGE SPECTACLE.

and coloriess. It says any changes must be orderly and constitutional. To that I agree, but the platform should go farther and say what those changes should be, but it does not. Umatilla Braves Will Take Part in Big Show Monday and Wednesday of Next Week.

Away in the corner of the Warm Springs Reservation two score redmen Springs Reservation two score redmen of a progressive party. Having left of are preparing an Indian version of the Republican party. I cannot affiliate with the Democratic party for two reawho is now engaging Indians for the production in Portland Monday and revenue only; secondly, it emphasizes

Wednesday of next week at Multnomah
Field, saw the renearsals.

The Indians, who intend to present
the show at future "potlatches," are
some of those who took part in the
production here. The dialect is Indian,
the translations having been made by
Seencer and McKinjey two young self."
Mr. Mulkey was asked if the rumon Spencer and McKinley, two young bucks, who declare they have improved

Spencer and McKinley, two young bucks, who declare they have improved on the white woman's lines.

Wallula is not portrayed by a squaw. A buck has been accorded that honor. "The squaws too foolish. They not wise enough for this," Chief Jackson Speoms told Du Gas.

"Tell white men we play great play here. We greater than white men. We tell story of our own bridge our way. We not come to Portland."

This is the message that, according to Du Gas, he was instructed to deliver. The Indian agent then left for Umatilla County, where he has been successful in obtaining a large number of red men who will take part in the spectacle.

That "The Bridge of the Gods" has really gripped Portland was shown yes-

really gripped Portland was shown yesterday by the tremendous advance sale at Rowe & Martin's drug store. The Elks were heavy purchasers, laying in large stocks of the pasteboards for visiting brethren expected for the convention. "But in event the third party is not organized by the Roosevelt forces, what will be your course?" was asked. "In that contingency," answered Mr. Mulkey, "I would assist in the organization of a progressive party in Oregon, anyway."

The report that a misunderstanding had developed between Dr. H. W. Coe and Mr. Mulkey because of their anxiety to head the Roosevelt third party campaign in Oregon was denied by Mr.

New Sawmill Soon Ready.

PORT ORFORD, Or., July 2.—(Special.)—A new sawmill with capacity of 30,000 feet daily will be installed on of 30,000 feet daily will be installed on Sixes River, five miles north of Port Orford, and he ready to turn out lumber in 30 days. John F. Bane, of Bandon, who is putting the mili in, was in Port Orford today to receive the machinery which arrived on the steamer Bandon direct from San Francisco. An auto truck from Bandon will haul the machinery out to Sixes, when men will be put to work at once setting it up. There is some excellent Port Orford white cedar on Sixes River.

Pressing a lever under one handle dumps a wheelbarrow that a New Yorker has pataged.

Pressing a lever under one handle dumps wheelbarrow that a New Yorker has pattented, a spring rod lowering one of the he received a plurality of more than

6000 of the Republican votes of Ore- ed to vote for Roosevelt in the conven

CAPITAL DECORATING &

MANUFACTURING CO.

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Open Evenings Until 8 o'Clock

DECORATIONS

For Elks' Reunion

NOT MARRED BY RAIN

Largest and best assortment in city. Buildings and store fronts decorated.

fast colors. The rain does not affect them.

We employ only experienced decorators. We are manufacturers of flags and decorating

For sale Bunting, Flags, Festooning, Stars, Pennants, in the official colors of the B. P. O. Elks.

Materials for sale or rent. We put up and take down decorations, and keep them in place. All

modest the decoration you can afford, it will pay you to see us.

service at a minimum charge, see us. If you don't have time

to call, phone or write and a representative will see you.

No matter how small an amount you wish to spend, or how

Let us make you an estimate and design without cost to

If you want beautiful and artistic decorations and perfect

Chicago convention.
"I do think, however," he said, "that "I do think, however," he said, "that the delegates should have voted against Root for temporary chairman of the convention because of the moral effect it would have had on the Roosevelt campaign. On the contests, I accord to them the right to follow the dictates of their judgment, although I am unable to see how they could have voted to seat the Taft delegates from Washington, California and Texas.

tion. Two of them did not, because of Mr. Mulkey was not disposed to criti-cise the action of the individual mem-bers of the Oregon delegation in the ular, having been requested by Roomvelt himself, meets with my approval."

Phone Main 9255

EXCURSIONS JULY 4TH.

Round trip tickets will be sold July 3 and 4, good returning July 5. Sa-

seat the Taft delegates from Washington. California and Texas.

"No, I do not care to discuss their votes on President and Vice-President. Of course, the delegates were instruct
Station only.

"A good Tetarining Suly 3, Salem, \$2; Woodburn, \$1.50; Forest Grove, \$1; Hillsboro, 80 cents. Other points in proportion. July 4, Albany, \$7.30, on special train leaving Jefferson-street Station only.



The New Perfection Toaster

Anyone, even a boy or girl, can make toast on the

New Perfection Oil Cook-stove

They will not burn the toast, and they will not burn their fingers either, if they use the New Perfection Toaster.

For toast or roast there is no other stove that is as For boil or broil quick and as handy as the New Perfection Oil Cook-stove.

Every dealer has the New Perfection Oil Cook-stove. Hand-somely finished in nickel, with cabinet top, drop shelves, towel racks, etc. Long chimneys, enameled turquoise-blue. Made with 1, 2 and 3 burners. Free Cook-Book with every stove. Cook-Book also given to anyone sending 5 cents to cover mailing cost.

STANDARD OIL COMPANY

July 4th Excursions

CLATSOP BEACH PACIFIC OCEAN

SEASIDE AND GEARHART



Tickets Sold Any Day. Good Returning for Six Months

Limited trains leave 9:10 A. M. daily; gives all afternoon at the ocean and returns to Portland 10:30 P. M. Other trains leave 8:00 A. M.

Up the Columbia Round-Trip Fares

July 2, 3 and 4-Return July 5

 Camas
 \$1.00
 Carson
 \$2.35

 Washougal
 1.10
 Collins
 2.50

 Cape Horn
 1.40
 Underwood
 2.90

 Prindle
 1.55
 White Salmon
 3.00

 Cascades
 1.95
 Lyle
 3.40

 Stevenson
 2.15
 Goldendale
 5.10

To other points in proportion. Trains leave 8:20 A. M. and 5:30 P. M. Picnic Grounds, Fishing Streams, Hotels, Cascade Mountains, Columbia River Scenery, Tickets, Schedules and Details at:

CITY TICKET OFFICE, FIFTH AND STARK STREETS

Little Mary, tired but smiling, had a wondrous dream, Thought she was canoeing on a great big lake of cream. All around were reefs of Toasties, while her only oar Was a silver spoon with which to eat her way ashore.

Written by F. J. O'NEILL

One of the 50 Jingles for which the Postum Co., Battle Creek, Mich., paid \$1900.00 in Ma.y.

PHONE BELL TELLS OF POPULARITY OF ACTRESS Interviewer of Cathrine Countiss Doesn't Have to Ask Questions For Ring of Telephone Testifies Loudly to Her Many Friends.

O interview Cathrine Countiss at present is as bad as trying to match some particular scrap of one of Calvin Helig's pet crazy quilts.

leclared in his argument that if the syldence adduced was such as to continue the jurors of Roberts' insanity then "every man who commits crime is crasy." He said that E. S. J. Mc-Allister, of the defense, would undertake "in his flowery manner" to prove any member of the jury insane and "he is so plausible that he would mighty near get away with it."

The argument of Mr. McAllister, who is a countiss tries to say that she learned, when there is another telephone call.

"The really great actresses have all done their work in stock," again began Miss Countiss, but she got no chance to continue. First it was another interview progresses while venerable highboys and ancient Chippendale is admired.

Miss Countiss tries to say that she in Portland for sevan years. near get away with it."

The argument of Mr. McAllister, who



has taken every part from soubrette to grand dames, and everything from the lightly frothy to the heavy Shakespearean, when there is another telephone call.

"The really great actresses have all done their work in stock," again began Miss Counties, but she got no chance to continue. First it was another inter-