

THE WEATHER.

Partly cloudy tonight and Saturday; variable winds, mostly westerly.

VOL. IV. NO. 120.

PORTLAND, OREGON, FRIDAY EVENING, AUGUST 4, 1906—SIXTEEN PAGES.

PRICE TWO CENTS.

SIX TO SIX, NO VERDICT IN LAND FRAUD CASES WHILE SIG'S CENSUS TAKER MISSED 239 IN FEW BLOCKS

Second Jury Fails to Agree and Williamson, Biggs and Gesner Must Face Ordeal Again.

THIRD TRIAL SET FOR AUGUST TWENTY-EIGHTH

Forty-Three Hours of Deliberation and Seventeen Ballots With But One Change Fail to Bring the Twelve Men to a Common Opinion and So They Are Discharged.

For conviction, six for acquittal. For the second time the trial of Congressman J. N. Williamson, Dr. Van Gesner and Marion R. Biggs on the charge of conspiracy to suborn perjury has ended in a hung jury. Unable to agree the jury was discharged at 9:45 o'clock this morning after 43 hours of imprisonment in the closely guarded room where they have been confined.

On motion of District Attorney Henry a third trial was immediately ordered by Judge De Haven, the date fixed being August 28.

In all, 17 ballots were taken by the jury. On the first three there was a tie for conviction and five for acquittal, but on the fourth ballot George Kirk changed his vote from guilty to not guilty, and thereafter the jury was evenly divided.

The vote on the last four ballots.

M. S. Adams, Dayton. W. D. Barclay, Benton county. James Green, Sweet Home. J. B. Lewis, Cottage Grove. Ray W. Foster, Oregon city. S. A. Tharp, Benton county. For acquittal: R. B. Collins, Hillsboro. Henry Keene, Marion county. George Kirk, Lane county. John Mack, Willamette. L. A. Ross, Jackson county. W. W. Scott, Clatsop.

When the jury appeared in court this morning the foreman rose and in answer to Judge De Haven's inquiry as to whether a verdict had been reached he read the following statement:

"Our honor, jury, a sitting of about 45 hours in the jury room during which we have tried very hard to reconcile our conclusions to each other, we have failed to agree and are convinced beyond doubt that an agreement cannot be reached by us. Therefore, in view of the provision, protection and privileges we have received, we ask to be excused from further duty."

Third Trial August 28. An expression of relief and satisfaction overpassed the faces of the defendants and their attorneys. An order was entered directing the discharge of the jury and Mr. Heney at once requested that the case be set for third trial on August 28. Judge De Haven directed that this be done.

As the defendants left the courtroom many persons crowded around them to congratulate them on the outcome of the trial. The jurors who had voted for acquittal were among the first to grasp their hands. Congressman Williamson was asked whether he desired to make any statement for publication, but he replied:

"No, I guess I'll leave that to the other fellow."

Dr. Gesner was equally reticent. Williamson added with a smile:

"If we go on gaining four or five jurors at each trial it will take only about a trial and a half more before we are acquitted."

First Jury Out 47 Hours. It is just 15 days since the jury in the first trial of Williamson, Gesner and Biggs was discharged. That jury was out 47 hours, or about four hours longer than the jury in the second trial. On the former trial the vote, with the exception of the first three or four ballots, was ten for conviction and two for acquittal. In the trial which ended today the evidence for the prosecution was considered much stronger in a number of important respects, yet the jurors were evenly divided after the third ballot.

Ordinarily a "farmers' jury" is regarded as apt to be favorable to the prosecution in a criminal case, but in this case which ended today five of the eight farmers on the jury were lined up for acquittal.



Congressman J. N. Williamson.

HENEY NOT DISCOURAGED BY HIS SECOND FAILURE TO CONVICT

Secure in the Belief That the People Mean to Put Down Graft in High Places He Will Go Into Third Trial Full of Confidence.

District Attorney F. J. Heney, after the conclusion of the second trial of the land fraud cases, made this statement:

"In view of the persistent efforts on the part of all the defendants who were indicted by the last grand jury in the land fraud cases, and their attorneys, to manufacture public sentiment by claiming that unfair methods were used by me before the grand jury to secure indictments, and in view of the further fact that a desperate effort was made by Attorney Bennett during the present trial to influence public opinion, as well as the jury, by utterly baseless insinuations and charges of unfair methods on the part of the government in relation to the case, I am not surprised that a number of jurors were misled and became confused as to the real issues in the case, and were thus induced to vote not guilty upon evidence which seems to have been accepted by the public generally as conclusively establishing the guilt of all three of the defendants."

"I am not at all discouraged by the result of the trial which have just been had, and on August 28 the same defendants will again be placed on trial under the same indictment."

"The citizenship of this state is evidenced by the grand and petit jurors which have come under my observation in the federal courts is equal to that of any state in the Union in both intelligence and patriotism, and I have never wavered from the belief that an overwhelming majority of the people of this state are opposed to graft of all kinds and believe in the justice of these prosecutions, and further, believe that I am actuated by worthy motives and have no friends to serve and no enemies to punish in these matters, but am inspired solely by a desire to enforce the laws impartially, and in doing so to set examples, if possible, which will be of lasting benefit to the state and a lesson to every young man who is now just entering upon the duties of citizenship and to those who are already citizens and to those who are public officers and to those who are public trustees and that success in public and political life, as well as in private and business life, must be based upon good character and high ideals in order to be permanently successful and worthy of emulation."

"The permanent prosperity of a republican form of government necessarily depends upon the honesty, intelligence and patriotism of the individual citizens which compose it, and it is of vital importance that every citizen shall take an active interest in the enforcement of all laws, because they are all made for his benefit, and their enforcement affects him either directly or indirectly, just as their violation always injures him individually, either directly or indirectly."

HELEN BERTRAM PLEADS HER POVERTY IN COURT

Prima Donna Says She Has All the Comforts of Home But they Were Plated.

New York, Aug. 4.—Helen Bertram, the prima donna, when examined yesterday in supplementary proceedings in the city court to determine whether she was able to pay a judgment of \$107, testified that she owned practically nothing of value.

THREE BOMB FACTORIES FOUND AT ODESSA

Odesa, Aug. 4.—Three bomb factories have been discovered here, in which 67 finished missiles were found and 200 unfinished. Twelve arrests resulted from the discovery.

Chief Russian Peace Envoy Makes an Informal Call on the President at Sagamore Hill.

COMPLETE PREPARATIONS FOR COMING CONFERENCE

Plenipotentiary Refuses to Talk Further for Publication—Russian Delegation First Visit Greek Church in Full Costume to Ask Prayers for Successful Issue.

(Journal Special Service.)

Oyster Bay, Aug. 4.—The Russian peace plenipotentiary, M. Witte, was introduced to the president this afternoon. The grand envoy arrived on the 12:30 o'clock train accompanied by Baron Rosen, the Russian ambassador.

Witte smiled and bowed, but vouchsafed no remarks as the president's colored coachman drove the visitors away in the direction of Sagamore hill.

A formal statement has been issued by M. Karostovetz, chief aide of the Russian peace commission, declaring that M. Witte has authority from the czar to make a binding decision in the peace conference and is clothed with absolute powers.

A unique spectacle this morning was witnessed in New York when the robes of state left the Hotel St. Regis for the Russian cathedral at Ninety-seventh and Madison, where it went through a religious service and a lesson with the ancient Muscovite rite, to begin any momentous work with prayer.

Immediately afterward the party started for Oyster Bay, where the official meeting between the president and M. Witte took place.

READY FOR CONFERENCE.

Arrangements Completed for Conveying Peace Envoys to Portsmouth.

New York, Aug. 4.—All arrangements are practically complete for conveying the peace envoys of Russia and Japan from New York to Oyster Bay, where they will be received by the president, and from there to Portsmouth, New Hampshire.

The Russian plenipotentiaries and their suite will embark on the cruiser Chattanooga at the foot of Twenty-third street at 9 o'clock tomorrow morning. The Japanese plenipotentiaries will embark an hour later at the same place on the liner Kasuga.

TO HOLD MANCHURIA.

Japan Determined Not to Relinquish Her Grip—Builds New Railroad.

New York, Aug. 4.—The Times today states that when the Russian and Japanese envoys begin their conference at Portsmouth the first act of M. Witte after the preliminaries are over will be to ask for an extension of the Japanese terms as a basis of discussion.

PROTEST FROM KOREA.

Patriotic Societies Object to Being Absorbed by Warring Nations.

Oyster Bay, N. Y., Aug. 4.—Rev. P. K. Yoon and Syng Man Rhee, representing powerful patriotic societies in Korea, are awaiting to see the president today to present him with a memorial from the people of Korea, asking the president to use his good offices to prevent their country from being partitioned off or gobble up by Japan.

What slovenly, slipshod methods were used by the alleged census takers sent out by Assessor Sigler is indicated by The Journal's recount of one district, which was completed yesterday afternoon.

Here are the facts in a nutshell: District recounted—Seventh to Chapman, Main to Jefferson streets. Assessor's returns showed 446 permanent residents. Yesterday enumerators found 736 permanent residents, although many citizens and their families are at the sea coast. Not a fair visitor or other transient was included in the 736.

The census taker overlooked only 129 people in this one limited quarter—that's all. The district chosen was one of those in which the most striking discrepancy was shown throughout the city, as is evidenced by the scores of hourly complaints that have been pouring into the office of The Journal ever since it first called attention to the outrageous injury done to the town by the blundering work of Assessor Sigler's force.

PORTLAND BOY DROWNS AT SEASIDE RIDING SURF HAWAIIAN STYLE

Milo Dayton, Son of Portland Hardware Merchant, Perishes in Sight of Crowds on Beach—His Companion, Charles Freeth of Honolulu, Escapes by Swimming.

(Special Dispatch to The Journal.) Seaside, Or., Aug. 4.—While surf riding in a canoe, in Hawaiian fashion, a male and a half out this noon the boat capsized and Milo Dayton, the son of Frank Dayton, a Portland hardware merchant, was drowned.

His companion, Charles Freeth of Honolulu, escaped by swimming ashore after having tried hard to rescue the drowning youth, and crashed by the disaster paces up and down the shore, while six men hold him from the sea.

The beach was crowded with bathers who witnessed the fatality without being able to render assistance. A high sea was running, rendering it impossible to give aid to the striking boy.

Freeth, who is a native of Honolulu and an expert canoeist, started out this morning accompanied by young Dayton, and the couple were apparently greatly enjoying themselves and riding the breakers after the manner made famous by natives of the Sandwich Islands.

SHIPMENTS OF WHEAT WILL BREAK RECORD

Two Hundred and Fifty Cargoes Will Be Sent From Here and Sound.

Two hundred and fifty wheat cargoes will be sent to foreign ports from Portland and Puget sound in the coming season. This statement is made by A. Tucker, local general manager of the shipping firm of Meyer, Wilson & Co.

SHOTGUN METHODS ADOPTED BY SEVERAL STATES

Four Deaths Reported and Three New Cases From Yellow Fever Section.

New Orleans, Aug. 4.—The 10:30 o'clock official report was four deaths and three new cases from the yellow fever section of the city. Some deaths and new cases have not been made public. The total cases to date are 435, the total deaths 88.

TO REWARD CIVILIANS FOR AIDING SURVIVORS

San Diego, Cal., Aug. 4.—Admiral Goodrich has appointed Chaplain Stone of the flagship Chicago to prepare a list of the names of civilians who aided the Bennington victims after the explosion with a view of honorary recognition by the navy or by act of congress.

CORBIN SAYS POSITION IS PURELY CIVIL ONE

Washington, Aug. 4.—Philippine notices quote General Corbin as stating that General Wood or no other army officer will ever be made governor-general, as the place is purely a civil position and the appointment of an army officer would be inadvisable.

The Journal's Recount Shows the Extent of the Blundering Stupidity of Sigler's Force.

WHOLE CITY INJURED BY HIS FALSE FIGURES

Sample District Selected in Which the City Directory and the Census Records Were Most Widely at Variance—The Oregonian's Campaign for a Shrunken Portland.

Proof is in hand that the census returns of Assessor E. D. Sigler's enumerators do not represent the population of the city of Portland.

The test applied to the instance of The Journal, which guaranteed the correctness of a recount in a given district, demonstrates that glaring omissions characterize the work of some of the deputy assessors, and that a recount will show that Portland has a population materially larger than was indicated by the figures published by the assessor.

Mr. Sigler stated that Portland had 110,500 population, on the basis of unofficial returns, and that the completed returns would show not more than 600 variation from these figures.

The announcement amazed the people of Portland. It was known that the city had grown in the past five years as it had never grown before. The advertisement of the exposition in the east and the efforts of railroad traffic to induce travel to the west by home-seekers and the well known immigration of population here and in every part of the state had warranted the expectation that the increase in population in the past five years had exceeded the increase in any previous half decade in the city's history.

The Figures Showed Millions. That Portland had only 20,000 more people than it had in 1890 was not believed. The figures of the assessor were found to indicate a population of 110,500, which is a population of 110,500 more than was reported in the census of 1890.

Mr. Sigler stated that the assessor's figures were based on the returns of the assessor's force, and that the assessor's force had been increased from 100 to 1,000 men.

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