VOL. IV. NO. 180.

PORTLAND, OREGON, FRIDAY EVENING, AUGUST 4, 1808—SIXTEEN PAGES.

PRICE TWO CERTS WAR

## SIX TO SIX, NO VERDICT WITE VISISCENSUS TAKER MISSED IN LAND FRAUD CASES ROOSEVEL

Second Jury Fails to Agree and filliameon, Biggs and Ges-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.

Bix for conviction, six for acquittal.
For the second time the trial of Congressman J. N. Willamson, 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 \$145 o'clock this morning after 42 hours of imprisonment in the closely guarded room where they have been confined.
On motion of District Attorney Heney a third trial was immediately ordered by Judge De Haven, the date fixed being

a third frial 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 were seven for conviction and five for acquittal, but on the fourth ballot George Rirk changed his vote from guilty to not guilty, and thereafter the jury was evenly divided.

The Vote on the Last Four Ballots.

or conviction:

A. S. Adams, Dayton.

W. D. Barclay, Benton county.

James Green, Sweet Home.

J. B. Lewis, Cottage Grova.

Ray W. Porter, Oregon City.

S. A. Tharp, Benton county.

anguittal:

R. B. Collins, Hillsboro. Henry Keene, Marion county. George Kirk, Lane county.

Wanted to Let Off Williamson.

I. A. Rose of Phoenix, Jackson county, the foreman of the jury, and one of the most insistent advocates of acquittal, made a proposition of compromise after a number of ballots had been taken. He suggested that the verdict be not guilty as to Williamson and guilty as to Gesner and Biggs. The six jurors who had been voting for conviction refused to consider the proposal and it was not brought to a vote.

When the jury appeared in court this morning the foreman rose and in answer

August 28. Judge De Haven directed that this he 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. Wil-liamson added with a smile:

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

Piret Jury Out 47 Mours. 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.

considered much stronger in a number of Important respects, yet the jurors were evenly divided after the third hallot.

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

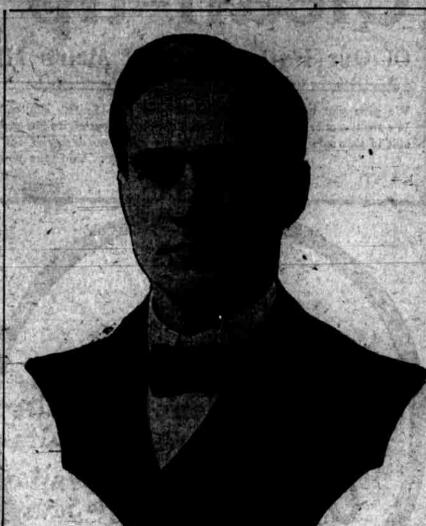
A Eard Ordeal.

It was plain that the ordeal was trying to the juryrom told on them severely. J. B. Lewis, one of the jury.

Said after being discharged:

"I have served on a number of juries, but this is the worst experience I ever had. The \$3 a day which we draw is the dearest money I ever sarned in my life. The way we were guarded reminds me of the care with which we used to guard Indian prisoners in the qld days when I was a volunteer in the Indian wars. You have no idea what it is to be guarded day and night for two weeks, not allowed to talk to anyone or to see a newspaper, and then at the finish to spend two days in that little room. It's terrible."

District Attorney Heney will leave this evening for san Francisco, and will be absent about two weeks. He will (Continues on Page Nine.)



# SECOND FAILURE TO CONVICT

Congreuman J. N. Williamson

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. Hency, after of any state in the Union in both intellithe 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
the part of all the defendants who were
ndicted by the last grand lury in the When the jury appeared in court this morning the foreman rose and in answer to Judge De Haven's inquiry as to whether a vertilet had been reached he read the following statement:

"Your honer, after a sitting of about 45 hours in the jury-room (during which we have tried very hard to recencile out conclusions to each other). We have failed to agree; and are convinced be yound doubt that an agreement cannot be reached by us. Thanking you for the provision, protection and privileges we have received, we ask to be excussed from Turther duty."

Third Trial august 28.

An expression of relief and satisfaction overspread the faces of the defendants and their attorneys. An arder was entered directing the discharge of the jury and Mr. Hency at once requested that the case be set for third trial or August 28. Judge De Haven directed that this be done.

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

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Third Trial august 28.

An expression of relief and satisfaction overspread the faces of the defendants and their attorneys. An arrive ment of the government in reliation to the testimony of its witnesses, it am not surprised that a number of jurors which seems to have been accepted by a public generally as conclusively extablishing the guilt of all three of the defendants. The jurors who had voted for acquittal were among the first to grasp their hands. Congressman Will lamnon was asked whether he desired to make any statement for publication.

The climental year of all the extendants when we were used to under the constraint of the government in relation to the trial on the public generally as conclusively extangled the public

## HELEN BERTRAM PLEADS HER GRAFTERS' BUSY IN MANILA POYERTY IN COURT

the Comforts of Home But they Were Plated.

(Journal Special Service.)

New York, Aug. 4.—Helen Bertram, the prima donns, when examined yesterday in supplementary proceedings in the city court to determine whether she was able to pay a judgment of \$107, testi-

# MEDICAL SUPPLIES

Prima Donna Says She Has All Shortage in Government Ac-

Shortage in Government Accounts Total a Hundred
Thousand Dollars.

(Jaurent Special Service.)

Washington, D. C., Aug. 4.—According to reports received here from Maniltary medical supply department. It is stated the books have been falsined to cover shortages in the property for a period of four years, involving \$100,000. Chief Clerk William Reeves has been sentenced to 15 months imprisonment for selling cases of surgical instruments stolen from the government. Paul Stangel, clerk, has been sentenced to a year and a half on the same charge. Privates Strawser and Stonebreaker of the hospital service got five years each.

Grip—Bailds Rew Bailroad.

(Journal Special Service.)

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

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## BYRON'S FAMOUS SWIM IN VENICE REPEATED Patriotic Societies Object to Being

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.

Oyster Bay, Aug. 4.—The Russian peace plenipotenuary, M. Witte, was introduced to the president this afterneon. The giast envoy arrived on the 12:20 o'clock train accompanied by Baron Rosen, the Russian ambassador. "The count comes merely to get acquainted with the president," explained Rosen, "and has nothing to say for publication."

Witte smiled and bowed, but vouch-safed no remarks as the president's colored coachman drove the visitors away in the direction of Sagamore hill. The Mayflower with Assistant Secretary Pierce and Commander Winslow arrived this afternoon, Pierce will consult the president regarding the details, of tomorrow's reception. Envoys Witte and Rosen lunched with the president and Mrs. Roosevelt, returning to ident and Mrs. Roosevelt, returning to New York on the 4:20 o'clock train. The president then received the represen-tatives of the London Times and Tele-

graph.

A formal statement has been issued by M. Karostovetz, chief aide of the Russian peace commission, declaring that M. Witte has authority from the car 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 entire Eugens and the strayed in the second strayed.

robes of state, left the Hotel St. Regis for the Bussian cathedral at Ninety-seventh and Madison, where it went through a religious service in accordance with the ancient Muscovite rite, to begin any momentous work with

prayer.

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

### READY FOR CONFERENCE.

Peace Envoys to Portsmouth.

Peace Envoys to Portsmonth.

(Journal Special Service.)

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 5 o'clock tomorrow morning. The Japanese plenipotentiaries will embark an hour later at the same point on the cruiser Tacoma. The veesels will arrive at Oyster Bay within

SHOTGUN METHODS ADOPTED

BY SEVERAL STATES

BREAK RECORD

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

sels will arrive at Oyster Bay within half an hour of one another.

After the luncheon to be given by the president on the Mayflower is over and the president has departed the Japanese the president has departed the Japanese party will embark on the Dolphin, the Russian plenipotentiaries and their suite remaining on the Mayflower, and the two vessels will proceed to Portsmouth, convoyed by the cruiser Galveston. A slow run north will be made, so that Portsmouth will be reached Monday morning. The envoys will be received by the admiral commanding the Portsmouth navy yard.

### TO HOLD MANCHURIA.

Japan Determined Not to Belinquish Ker Grip—Builds New Ballroad.

### PROTEST FROM KOREA.

sorbed By Warring Bations.

(Journal Special Service.)

Milan, Aug. 4.—Lord Byron's famous swim to the Island of Lido, in Venice. has just been repeated. Byron started from that point of the grand canal where the railway station now stands, traversed the canal basin to St. Mark and to the Island of Lido, taking 2 hours and 40 minutes to cover the distance. This swim was repeated yesterday by Professor Zennaro of Manin school. He left'the railway station at midnight and reached. Lido at 2:10 o'clock, beating Byron's record by half an hour.

Sorbed By Warring Estions.

(Journal Special Service.)

Oyster Bay. N. T. Aug. 4.—Rev. P. K. Yoom 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 gobbled up by Japan. The degratement of the country from being partitioned off or gobbled up by Japan. The degratement of the country from being partitioned off or gobbled up by Japan. The degratement of the country from being partitioned off or gobbled up by Japan. The degratement of the country from being partitioned off or gobbled up by Japan was obtained by trickery.

# 239 IN FEW BLOCKS

What slovenly, slipshod methods were used by the alleged censustakers 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 735,

The censustaker overlooked only 289 people in this one limited quarter—that's all. The district chosen was one of those in which the most striking discrepancy was shown between the directory and the census figures. Nevertheless similar carelessness 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.

# RIDING SURF HAWAIIAN STYLE

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

who with essent 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 sinking boy. Among the crowds on the beach was the boy's mother, who was frenzied with grief.

(Special Dispatch to The Journal.)

Seaside, Or., Aug. 4.—While surf riding in a cance in Hawaiian fashion a mile and a half out this noon the boat capeised and Miin 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 crased by the disaster paces up and down the shore, while six men hold him from the see.

Sea.

breakers after the manner made famous by natives of the Sandwich islands. It is presumed that the incoming tide caused a heavier sea than anticipated, capsizing the frail craft in the surf. The distance from shore rendered it impossible for any one except the most skillful seventh and crased by the disaster paces up and down the shore, while six men hold him from the sea.

Freeth is frantic with remorse, ac-

Freeth is frantle with remorse, accusing himself of being the cause of the disaster, and attempted again and again to reenter the water in a futile effort to rescue the drowned youth. Bathers seized and prevented what might have been a second drowning.

and the couple were apparently greatly body had not been receivenjoying themselves and riding the last heard from Seaside.

(Journal Special Service.)

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 436, the total deaths 88. Other cases, most of which are convalescent, are: In Louisiana, outside of New Orleans, 32, scattered; at Ship Island quarantine, 6; at Montgomery, Alabama, 1; at Lumberton, Mississippi, 1, and at Summerall, Mississippi, 1.

Mississippi, 1, and at Summerall, Mississippi, 1.

Quarantine regulations are becoming much tighter throughout the states of Mississippi, Alabama, Texas. Tennessee and Arkansas. Shotgun methods are in vogue and the militia has been ordered out in a majority of the states. The work is progressing nicely toward cleaning the city.

Dr. K. M. Lindsay, head of the National Quarantine association of Nashville, was arrested at Guif Port, Mississippi, by quarantine officers today while getting off a New Orleans train, and sent to Ship Island aboard the revenue cutter Winona.

Governor Blanchard has received a promise from Secretary Shaw that abuses alleged to have been committed by the revenue cutter Winona will be redressed and unauthorized acts investigated. The cutter is alleged to have interfered with fishing vessels belonging to people of Louisiana.

## TO REWARD CIVILIANS

### COULDN'T PAY FOR WIFE SO HE KILLED HIMSELF

(Special Dispetes to The Journal.)

Baker City, Or., Aug. 4.—The Chinese cook at the Pyx mine, Greenhorn, committed suicide last night with a shot-gun. The cause is stated to be worry over inability to pay for a wife lately purchased from a Victoria syndicate. Burial will take place here tomorrow.

Two hundred and fifty wheat cargoes will be sent to foreign ports from Port-iand and Puget sound in the coming sea-

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. He estimates that fully half the tonnage will be shipped from the Willamette river metropolia.

It is said that the 50,000,000 bushels of grain produced in the inland empire this year will nearly all be exported. The eastern cities will not draw on the west as was the case last year, as that section will have a big surplus for export after the amount required for domestic consumption is deducted. Much of the grain, which has already begun to arrive at tidewater, will therefore have to be sent across the seas.

In making the estimate that 250 cargoes will be dispatched from the Pacific northwest an allowance is made for a large quantity of grain to go to California as well as for heavy shipments of flour to the orient.

Should the prediction prove correct it will mean the biggest grain export business in the history of the northwest. To handle the traffic all the tonnage headed into service, and every lide tramp steamer on the Pacific ocean will be able to find ready employment.

### CHICAGO POLICE RAID FLOATING POOLROOMS

FOR AIDING SURVIVORS

(Special Dispatch to The Journal.)
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. The list will include the San Diego doctors and 30 or 40 women who volunteered as nurses.

(Journal Special Service.)

Collins conducted a raid upon the floating poolroom yesterday, resulting in the arrest of 14 gamblers and the hot pursuit of others, who escaped into Indiana outside the jurisdiction of the police. The arrested men state that it will be impossible to prove a case against them, as the wireless apparatus refused to work throughout the day and not a message was sent or received or a bet made during the day.

### CORBIN SAYS-POSITION IS PURELY CIVIL ONE

The Journal's Recount Show 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 Ce Records Were Most Widely at Variance-The Oregonian's Campaign for a Shrunken Port

Proof is in hand that the census turns of Assessor B. D. Bigler's enutrators do not represent the population of the city of Portland.

The test applied at the instance The Journal, which guaranteed the penses of a recount in a given district demonstrates that glaring omissic characterise the work of some of deputy assessors, and that a recount in a siven district will show that Portland has a population materially larger than was in cated by the figures published by assessor. Mr. Sigler stated that Poland had 110,500 population, on the figures.

Among the crowds on the beach was the boys mother, who was frensied with grief.

A boat was hastily manned by six men, who set out to attempt the rescue, but it was capsized in the breakers and the men all swam ashore, due of them nearly drowning before he was rescued with a lifeline.

The greatest excitement prevailed on the beach and crowds are watching for the body of the youth. The accident occurred at noon and after lunch a number of volunteers set forth in boats to secure the remains.

Frech, who is a native of Honolulu and an expert canoeist, started out this morning accompanied by young Dayton, and the couple were apparently greatly

give information, as federal consustakers could require, but that his men
had reached close to the true figures of
the city's population.

Examination was made of the records
in the assessor's office and the result
was to convince that there were
glaring discrepancies; that the deputies
had done the work in a slipshed manner, and that a recount would reveal
something like 120,000, perhaps 140,000
inhabitants.

Mrs. E. J. Clinton, manager for Polic
& Co., stated that she was confident that
many more than 110,500 persons made
Portland their permanent home. She
went to the assessor's office and confirmed her first belief by examining the
returns of the deputies. Mrs. Clinton
stated that she would expect to prove
the inadequacy of the assessor's figures
by making a test in a given district, and
The Journal authorised her to prove
with the count, offering to pay the expense. The offer was accepted although
today Mrs. Clinton assumed the burden
of the cost and paid the enumerators
herself.

Enumerator Jist Cot Tired.

In order to be fair to the assessor, a district was selected wherein are many houses occupied by fair visitors in rooming and boarding houses, the territory bounded by Seventh and Chapman atreets east and west and Main and Jefferson north and south. Here the records of the assessor show 446 persons entitled to be counted as residents of Portland. The test count yesterday discovered in the same territory 785 parmanent residents, and such great care was taken to include none who was here as a visitor to the exposition, that the enumerators also took these persons in a separate list, finding 145. Still further, the absence of many Portlanders at the seacoast reduced the number of residents materially.

Still another fact is to be noted. This

district ordinarily contained a larger proportion of permanent residents, but many have been growded out to make room for fair visitors who were willing to pay higher rates for rooms, and those who were crowded out are still somewhere in the city limits or in the immediate suburbs, and maky should becounted in some other portion of the city.

counted in some other portion of the city.

Thousands Have Been Overlooked.

Only one conclusion may be reached by consideration of the test of years day. It constitutes proof that there are discrepancies in the assessor's total and that thousands have been overlooked. It is not necessary that the same ratio be carried out in the entire city, which, in fact, is not to be a pected. But that so many people was overlooked by the deputy assessors or small a district justifies the bellithat a recount of the entire city was bring to light enough persons not no on the rolls to give Fortland persons many as 155,000.

In 1500 the federal causes have be population as 50,635. Even that was garded as below the sectual figures, there were reasons to believe that the test and the country of the case of the sectual figures.