

# DAILY CAPITAL JOURNAL

## SCHMITZ GETS FIVE YEARS

### Oregon's Governor Voices Oregon's Sentiment

#### BATTLING FOR AN OPEN RIVER

**Eloquent Appeal of Representative Jones for An Open River--He Insists On the People of the Willamette Valley Being Freed from Bondage to the Owners of the Canal and Locks at Oregon City**

For countless ages, the summer sun has warmed the snow clad mountains of the Cascades, and caused them to shed their white coverings and feed the little brooklets, they in turn adding their might to swell the tide that forms the beautiful Willamette river, as it courses its way to the sea, joining issues with the grand old Columbia the mighty river of the west, as it rolls on to the broad bosom of the Pacific.

The Almighty made this beautiful water course free to man and beast, and the vast product of field, mines and forest of this rich and productive inland empire should float down to the sea without toll or hire to any man.

Oregon's citizens should not wear the yoke of any man or set of men in corporation, all we have to do is to take and improve what the Almighty and a kind providence has given us.

For nearly a third of a century the people of Oregon have been

compelled to pay tribute to a mighty corporation who with state aid derived by taxation gathered from the producers of the Willamette valley, have been allowed to build a toll gate across the river and to maintain the same taxing the farmer, the manufacturer and the horny-handed son of toil 50 cents upon every ton of freight and ten cents a head for every man and woman who passed through the gateway of the Willamette.

Shall it ever be thus or will the people rise up and do battle? God helps those who help themselves, is an old axiom. Let us be up and doing.

The last legislature backed up by the press of the Willamette valley and some of the leading papers in Portland, after a hard struggle succeeding in appropriating \$300,000 contingent upon the government appropriating a like sum for the purpose of either purchasing, or con-

(Continued on page six.)

**Greaser John Is Defiant.**  
Chicago, July 8.—The Standard Oil this morning defied Judge Landis, declaring it depended upon the fundamentals of the law, it interposes no further objections to the court's proceedings, and declares it is innocent of any violations of the law. The court adjourned, taking the matter of fining the trusts under advisement.

Chicago, July 8.—Attorney Rosenthal, for the Standard, declared the action of Judge Landis in the proceedings had been extra judicial and without the power of the court. That if the court insists upon inquiry along the lines pursued, a situation will be presented that is without precedent in Anglo-Saxon jurisprudence. Rosenthal's speech was followed by an examination of President Felton, of the Union Tank Line, concerning mileage paid by shippers. Landis announced that he would give his final judgment August 3.

**No War With Japan.**  
Utica, N. Y., July 8.—Admiral Dewey said this morning that the transfer of warships to the Pacific was wholly a peace movement. He says there is no war in sight. The United States must maintain the balance of sea power in the Pacific, and that the defense of that coast is not up to the standard of the Atlantic. He says it is easy for the fleet to take the trip around the Horn. Dewey predicts that a new Atlantic fleet will be built.

**Fleet in No Hurry.**  
Washington, July 8.—Rear-Admiral Bronson has returned from Oyster Bay, where he discussed the transfer of the warships to the Pacific. He said the transfer would not be made before October. He does not think the Japanese admiral, Sakamoto, said the United States naval officers were good at social functions, but no good in war.

**The Auto Dumped Them.**  
New York, July 8.—Dr. Julian Thomas, a millionaire amateur aeronaut, is thought to be dying as the result of an auto accident at midnight. He ran his machine into a trolley pole, the collision throwing him 30 feet and nearly tearing off his right leg. Two women with him were injured. Both of Thomas' legs may be amputated. He is better known as a balloonist.

New York, July 8.—Thomas' right leg has been amputated, and he is barely alive. One leg of Miss Frances Hess, a victim of the accident, has also been amputated at the knee to save her life. The other girl is Miss Ayley Weissman.

**He Dreaded Insanity.**  
San Francisco, July 8.—Believing he was about to go insane, J. F. Tolle, a merchant of Sacramento, committed suicide by jumping into the bay. He left a note saying he was afraid of losing his mind, and would rather die than go to the insane asylum.

**Two Small Fires.**  
The fire department was called out Sunday afternoon about 5:30 o'clock to put out a blaze which had started in a pile of rubbish back of the Tillson dry house on Trade and Cottage streets. The company responded promptly and soon extinguished the fire before the flames reached the building. There was also a small blaze yesterday morning at 11:30 o'clock on Mill and 12th street in the sidewalk leading to the street car track. The origin of the fire is not known.

**Got Quick Returns.**  
Thomas Driscoll was this afternoon arraigned before Judge Burnett upon the charge of robbery. Driscoll waived right of counsel, pleaded guilty, waived time for sentence, and was sentenced to the penitentiary without limitation as to time.

#### DRAMATIC SCENE IN COURT

#### MAYOR IS DEFIANT

**Tells the Judge He Asks No Leniency From Him Or Any Man, and Asserts His Innocence--The Crowd Cheers Judge Dunne**

San Francisco, July 8.—Schmitz was sentenced to five years in San Quentin this morning on conviction of the crime of extortion. Immediately when the sentence was pronounced pandemonium reigned. The crowd in the court room cheered Judge Dunne. Hats were thrown in the air, and many spectators hugged each other. The efforts of the bailiffs to preserve order were powerless.

Dunne, before imposing sentence, spoke at length on the manner in which Schmitz was raised to the highest office in the gift of the city. Schmitz interrupted him, declaring: "I am not here to be humiliated." His body trembling with rage and intense hatred flashing from his eyes, he continued: "I am an American citizen, and not here begging leniency from your honor, or any other man. I am here merely to secure sentence." Dunne attempted to proceed, but had not gone far when Schmitz broke in again with "If your honor had any self-respect you would give me my sentence and not attempt to humiliate me. This is merely done that newspapers may flaunt this broadcast. I repeat sir, I am not begging leniency of you. I am here merely that you may do your duty. The statement that I have disgraced the city is false, and the people realize my position." The court then pronounced sentence.

Schmitz made this statement after sentence was pronounced: "The proceedings this morning demonstrate more clearly than anything else heretofore done, that the charge I made upon my immediate return from the East, that Dunne was prejudiced against me, and that it was impossible for me to secure a fair trial. The animus he has nurtured in his heart for some time came clearly to the surface this morning. I never asked for leniency, but expected, as every American citizen has a right to expect, justice. I ask the people to withhold final judgment until the whole iniquitous proceedings in Dunne's court can be brought to light before either the appellate or supreme court, which will pass upon the grounds for appeal, which my attorneys intend to take immediately. I have never asked for mercy before a court where I did not receive a fair trial; I certainly never expected it. I intend not only to fight this charge step by step, but all the charges brought against me, and with the knowledge in my conscience of entire innocence, I expect to be successful in the contest. I now reiterate what I have said on several occasions, that I will be a candidate for mayor, when the people of San Francisco will have an opportunity by their votes of demonstrating whether they believe me guilty or innocent. The people are always right, and I am satisfied to leave my case with them."

**Greaser John Is Happy.**  
Cleveland, July 8.—Rockefeller today celebrated his 68th birthday by watching the national golfers play for the Olympic cup today. He appeared as happy as a school boy, and refused to discuss oil. He mingled with the gallery, following Travis and Fownes.

**Educators in Session.**  
Los Angeles, Cal., July 8.—Today marks the opening of the convention of the National Educational Association, and 15,000 educators are in attendance. A thousand more will arrive during the day. Among the arrivals this morning will be the New York delegates, and the Boston teachers are expected late this afternoon. The convention is the fiftieth anniversary, and it is expected that it will be the greatest in point of attendance and the importance of subjects discussed of any in the history of the organization. The first regular business meeting was held in the Auditorium this morning by the National Educational Council. The introductory statement was delivered by Dr. Elmore Elseworth Brown, United States commissioner of education, and president of the council. A discussion followed, led by former Governor Pardee, of California on the question: "Public school finances; what next?" It was preceded by an organ recital by Bruce Gordon Kingsley and followed by an eloquent prayer by Rev. Frank Dewitt Tallmage. The general sessions of the association was held at 2:30 o'clock this afternoon. An address of welcome was delivered by Rev. Robert J. Burdette, of Pasadena, and a response was made by Hon. W. T. Harris, of Washington.

#### HAYWOOD TRIAL DRAGS

Boise, July 8.—When court convened today Judge Wood announced that he desired an effort be made during the remainder of the trial to expedite matters. He said he had no desire to be exacting, but would insist that no further time be wasted. Both sides promised to hurry their final presentations. The first business was the reading of the affidavits taken in San Francisco concerning the explosion at the Bradley house. Darrow read slowly to impress upon the jury the general opinion of witnesses that the destruction of the front of the house was an accident due to gas. With the arrival here of Sheriff Rutan, of San Miguel county, Colorado, the rumor was revived that Steve Adams would be taken back to Telluride for trial for the murder of Arthur Collins, manager of the Smuggler mine, who was shot and killed while sitting in his home. Adams confessed the crime, which he afterwards repudiated. Rutan says he would like to have Adams, but does not know if the Idaho authorities will surrender him. Moyer and Haywood are pleased at the prospect of taking the stand late today or tomorrow. Reports that Moyer is on the verge of nervous break down are hardly borne out. In appearance he seems cheerful and happy, and confident a verdict of acquittal will be rendered and he will go free without a trial.

**Omaha, July 8.**—Captain J. F. Ellison, former captain of the militia in Colorado, has been asked to testify in the Moyer trial. He says he will give his deposition that he believes Haywood and Pettibone are being jobbed by the mine owners; that Orchard is a liar, and that while he was captain he was ordered to take his company to Victor and start a fight with the miners. On another occasion he was ordered to get into civilian's clothes and shoot up the shaft house at Victor. His company fired into the ground around the shaft.

**Crazed by Heat.**  
New York, July 8.—Maddened by heat, Milton Alwin, a plasterer, working on a new Wall street building, today attacked his fellow workmen with a hatchet. Patrick Sullivan and Michael Reilly had their skulls fractured and are dying. Edwin Smith was cut. Alwin is still raving.

#### A CLEAN AMERICAN OPINION

#### OUR BUSINESS ONLY

**"I Know Not What View the Japanese Nation Would Take of This Movement and Care Less"—George E. Chamberlain, Governor**

Governor Chamberlain this morning received the following telegram from the New York World:

"The World would deeply appreciate from you an expression of opinion concerning the plan to mobilize an American battleship fleet in the Pacific, and the view the Japanese nation would be justified in taking of the move. As this is our request a telegraphic reply as desired should be at our expense."

Governor Chamberlain sent the following reply, which is in hearty accord with the views expressed in his Jacksonville Fourth of July speech, where he eulogized the Roosevelt administration:

"The plan to mobilize American battleships in the Pacific meets with my approval. I know not what view the Japanese nation would take of this movement, and I care less. Do not think their opinion should be consulted, but believe this government should act for its own protection, without consulting the views of any other nation."

"GEO. E. CHAMBERLAIN, Governor."

**Will Sell Property.**  
In the action for money of Marion Palmer vs. F. H. Down, Judge Burnett rendered judgment with order to sell attached property. The defendant defaulted.

**Three More Citizens.**  
Judge Burnett this morning admitted to citizenship Emil Berer, Ole Gunderson and Ole Torkelson.

**Wants a Divorce.**  
Louise F. Hamilton has commenced divorce proceedings in department No. 2 of the circuit court against A. J. Hamilton, on the grounds of desertion. The parties were married in Salem in 1903, and have no children. The plaintiff, in addition to a decree of divorce, asks that she be permitted to resume her maiden name, Louise Forstner. The complaint states that the plaintiff is the owner of certain property in her own name, which she asks to be decreed her property free from all claims of the defendant.

**Meeting Postponed.**  
The executive committee of the Salem Board of Trade met this afternoon and audited bills up to date, and it was decided that inasmuch as next regular meeting of the board occurs on the evening of the charity fair (Wednesday of this week) that the same be postponed until Wednesday evening, July 17th.

**Chicago Markets.**  
Chicago, July 8.—Wheat 93 3/4 @ 92 3/4, corn 55 @ 54 1/2, oats 43 1/2 @ 43 1/4.

**Wanted.**—To rent a small, furnished house for six weeks or two months, by three grown people, must be close in, and have modern improvements. Phone 580. 7-8-3t

**Dr. J. F. COOK**  
THE BOTANICAL DOCTOR, MOVED TO 846 LIBERTY STREET FOR ANY DISEASE CALL ON DR. COOK. CONSULTATION FREE.

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- GIRLS' 25c MEXICAN HATS NOW 13c. LADIES' \$2.25 DRESS
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- ERY GOING AT THE SAME SLAUGHTER PRICES. REMNANTS
- OF LACES AND EMBROIDERIES AT ANY OLD PRICE. 50c CHIFF-
- ON VEILING, YD 23c. 25c FANCY VEILING NOW 15c. PRICES
- ON PARASOLS SLAUGHTERED. 500 YDS 65c VELVETEEN, YD
- 35c. THOUSANDS OF YARDS OF TABLE LINENS IN COLORS,
- ALSO CREAM AND WHITE, YD NOW 25c AND 35c. HUNDREDS
- OF OTHER BARGAINS ON SALE ALL OVER THE STORE.

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