

# The Daily Capital Journal

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## DON GASPER DE PORTOLA REMEMBERED

All the World Celebrates the Discovery of San Francisco Bay by the Doughty Old Don.

## WARSHIPS IN LINE

SAN FRANCISCO A BLAZE OF YELLOW AND HUNDREDS OF THOUSANDS OF VISITORS ALREADY ASSEMBLED—ALL NATIONS REPRESENTED.

[UNITED PRESS LEASED WIRE.] San Francisco, Oct. 19.—The city by the Golden Gate came into her own again today when a million owners and more than half a million rejoicing people greeted the arrival of the new Don Gaspar de Portola upon the "discovery" of the new San Francisco.

When the modern impersonal or old Spaniard who discovered the peninsula stepped ashore at the Mission street wharf this morning his arrival was the signal for the beginning of five days of carnival and merriment.

His arrival was proclaimed with the booming of cannon, the shrieking and roaring of steam-whistles, and the lusty triumphant shouting of the sons of the new city.

With the city decorated profusely with the brilliant red and yellow of the Spanish emblem, no city of people was ever more ready and prepared for a wholesale frolic.

"Dull care" had been expelled absolutely by official and popular edict and the city is given over to the pursuit of happiness.

After the three and half long years of labor against terrific odds through which the city has been lifted up from utter ruins and re-established on a larger and better scale than before its disaster, the time for rest and celebration has been set aside and it is at hand.

"It's like the old town," is the affectionate expression of appreciation heard everywhere about the streets, and that is the highest compliment a native-born San Franciscan can utter.

Don Gaspar de Portola seems to have brought back the spirit of old San Francisco, the city which was famed throughout the world for its love of frivolity and its ability to enjoy itself.

With the official recognition of the rehabilitation of the city from the nations of the world, expressed the presence of the war vessels of Great Britain, Germany, Italy, Holland and Japan, riding at anchor in the bay; with the toast offered by President Taft, drunk by officials of all countries round the world at noon San Francisco time today; with expressions of praise, admiration and congratulations received from the official bodies of most of the great cities of America, the festival which opened this morning has taken on a world-wide significance.

The spirit that prompted the government of France to send Ambassador Jusserand to present to the city a gold medal in commemoration of the reconstruction is manifest throughout the world and San Francisco is receiving congratulations from all the peoples of the earth upon the heroic, Herculean task which has been accomplished against difficulties which seemed insurmountable.

San Francisco, Oct. 19.—American soil was trod today by armed soldiery of Great Britain, Japan, Germany, Italy and the Netherlands when the great military parade escorted Don Gaspar de Portola upon his arrival in the city for the opening of the week's festival.

The line of troops, representing the six nations, included approximately 7,500 men. Every branch of the American service—marines, artill-

ery, signal corps, cavalry, infantry and all—as represented in the parade.

The American soldiers were in command of Colonel Lunden, commander of the Presidio.

The procession was headed by the foreign troops, the first armed men of a foreign power that have marched in California since its evacuation by the Spanish.

There were many bands interspersed throughout the line of march. Behind the foreigners came the state troops and then followed Uncle Sam's regulars.

After the troops marched the Portola dragoons, resplendent in magnificent uniforms and in the place of honor rode Don Gaspar de Portola upon a jet black steed with the five thousand dollar Spanish saddle made by Garcia.

Portola, after passing in through the Golden Gate, was greeted by the foreign ships in the bay and then landed at the Mission street wharf, where the procession had formed.

The line of march went out Market street to Van Ness avenue and through various counter marches to Union Square. The streets, which are almost solid with the brilliant carnival decorations, were solid with people who

## WANTS NEW KING, NOT MINISTER

[UNITED PRESS LEASED WIRE.] Madrid, Oct. 19.—It is generally understood here today that King Alfonso intends shortly to depose Premier Maura and appoint Senor Baccarogga temporary premier until a new cabinet can be organized. Premier Maura will not resign unless Alfonso forces him to take this step.

King Alfonso and Premier Maura are said to have quarreled violently because Prof. Ferrer was executed without the king being given an opportunity to pardon him.

## ONE KISS VALUED AT \$5,000

Which is Four Thousand Nine Hundred and Ninety-nine Dollars and Ninety Cents Too Much.

[UNITED PRESS LEASED WIRE.] Seattle, Wash., Oct. 19.—"One kiss, \$5000."

That is the entry Miss Hazel Gill, an operator for the Independent telephone, in her note book, under date of September 18, wants to be charged to G. B. Palmer.

Palmer seems to be adverse to paying hot house prices for osculations, and has not settled.

So Miss Gill filed suit in the superior court today asking for \$5000 because Palmer, she charges, stole the kiss, despite her protests. She charges he entered her mother's room at the Harland Hotel, on Second avenue, September 18, where she was, and barred her exit, taking the kiss by force.

## HERE IS AN ORCHARD ITEM

Medford, Or., Oct. 10, 1909. Mr. C. F. Lansing, Salem, Ore.:

My Dear Sir: I should like to write you a few facts, but modesty in the matter almost prevents me from telling you the whole truth, but here it is. That car of fancy D'Anjous of which I told you, sold in New York for \$2900, or \$5.45 per full box, a number of them going at over \$7 a box, how is that? Again I went to the district fair at Ashland and took first and second on Comico, first and second on D'Anjous and first and second on Mount Vernons, first on Idaho and first on largest pear, all plate exhibits, and these entries were all that I made. I took up 43 pears and took \$31.50 in premiums.

So much for Bear Creek orchards. Yours, truly, C. E. WHISTLER.

## THE SMITH TRIAL IS ON TODAY

Only Question Is as to the Sanity of Smith at the Time of the Alleged Crime.

## SMITH WAS THE MAN

NO DOUBT AS TO WHO HELD UP HINGES, THE ONLY QUESTION BEING "IS THE MAN WHO HELD HIM UP RESPONSIBLE FOR HIS ACT IN DOING SO."

Mental irresponsibility, due to physical excesses and excessive drinking, was interposed as the principal line of defense today in the case of State of Oregon vs. A. B. Smith, charged with assault with intent to rob. Smith, it will be remembered, was arrested several months ago, after walking into Hinges jewelry store on Commercial street and pointing a revolver at Clerk Neugebauer and Proprietor Hinges, with a demand that they hand over all the diamonds and available cash in the store. It is charged by the prosecution that he actually succeeded in obtaining \$26.75, being the contents of the cash drawer.

The jury was obtained with less difficulty than had been anticipated Monday, and when the circuit court convened at 9 o'clock this morning the prosecution lost no time in opening the case. Counsel for the state, Attorneys C. L. McNary and George C. Bingham, presented the introduction of their witnesses and evidence in just an hour, and at 10 o'clock the defendant, A. B. Smith took the stand.

Charles Hinges, owner of the store in which the alleged assault occurred, was the chief witness for the prosecution. He was shown a pistol which he identified as the one used by Smith when the incident happened. Asked if he was familiar with the character of the money in his cash drawer on the day Smith entered and emptied the same, Mr. Hinges said he remembered a \$10 gold piece and the amount found on Smith, \$26.85, tallied with the amount in his cash drawer on that day, \$26.75, as shown by his cash book. The discrepancy of 10 cents he explained in the fact that a dime was found apart from the rest in another pocket of Smith's clothes when he was searched. Three other witnesses corroborated Mr. Hinges, and stated minor details of the capture and arrest of Smith.

Counsel for the defense tried in every manner known to court practice to have their client, Smith, narrate the history of his past life, in an effort to show the incidents which led up to his alleged aberration. This they succeeded in doing, for ten years prior to the alleged crime, despite repeated objections, many of them sustained, on the part of the state.

"How long did you live in Iowa?" asked counsel of defendant.

"I am not aware that living in Iowa would make a man insane," observed the court, in sustaining an objection as immaterial.

But Smith finally told of his eight years spent in Alaska, and how he had contracted a constitutional disease there which led to his ruin in Salem. Being unable to get treatment for the disease in Fairbanks or Nome, Smith went to Seattle, and finally to his family in Portland, but notwithstanding treatment in large doses his disease became virulent. In despair he took to drinking heavily, then left his wife and three children and went to California, from where he was brought back by a sister in Medford, who returned him to his father in Salem.

"When I came to Salem," said the defendant, "I tried in every way

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## THORBURN ROSS IS CONVICTED

Supreme Court Affirms Decision of the Lower Court as to His and Burst Bank's Guilt.

## FIVE YEARS TO SERVE

SUPREME COURT CUTS OFF 790 YEARS FROM HIS SENTENCE AND LETS HIM OFF WITH ONLY THE FIVE—FIRST CASE OF KIND IN OREGON.

In an opinion handed down by the supreme court this morning, written by Justice Eakin, the judgment of the circuit court of Marion county in the case of State of Oregon vs. J. Thorburn Ross, was affirmed and modified, and the defendant exonerated from the fine of \$576,853.74, but all other parts of the sentence is affirmed, being five years in the state penitentiary.

Thorburn Ross was charged by information jointly with George H. Hill, T. T. Burkhardt and J. C. Atchison with the crime of larceny committed in Multnomah county, and upon a change of venue, the case was transferred to Marion county for trial.

The substance of the charge was, that on the 9th of September, 1907, the Title Guarantee & Trust Company was a corporation carrying on a banking business of which the defendants were directors and J. Thorburn Ross, president; George H. Hill, vice-president, and T. T. Burkhardt, treasurer, and had in their control and possession for safe keeping, as officers of the bank and directors, \$288,426.87 belonging to the state of Oregon, being a portion of the irrevocable school fund, Agricultural College fund and university fund, and the defendants were tried and convicted of wilfully, unlawfully and feloniously converting the money to their own use, after the money had been turned over to them by State Treasurer George A. Steele.

The basis of the complaint is that the trust company on the 14th day of January, 1907, when George A. Steele entered the office of state treasurer, had \$400,000 of state monies on deposit, subject to Treasurer Steele's check in various banks in the state, \$35,000 of this money being deposited with the trust company. At that time there had been no segregation of the funds of the treasurer, as between educational deposits and the general deposits, except on the books of the treasurer, and banks were not notified to which fund the deposits belonged. Treasurer Steele segregated the funds, as provided by an act of the legislature adopted in the year 1907, and an account opened with the trust company under the name of "George A. Steele, Treasurer, Educational." On August 20, 1907, \$300 was missed from the company, and this deficiency continued to increase thereafter until November 6, 1907, when a final amount of \$274,882.73 was found missing from the institution.

The defendants were arrested and upon the trial Ross was convicted and in the findings of the jury it was concluded that Ross converted \$28,426.87 to his own use. A judgment was rendered that Ross be imprisoned in the penitentiary for a term of five years; that he be adjudged to pay a fine of \$576,853.74, double the amount of the defalcation, and unless same is paid be imprisoned in the county jail of Multnomah county for a period of 288,426 days, or 790 years.

The supreme court holds that there is no evidence in the transcript to show that Ross actually paid out for the trust company any of its money, or expressly author-

ized any one else to do so. "There is no doubt," says Justice Eakin, "that if the money had been embezzled from the trust company, or applied in any way not intended by the company, or not by benefit, by any subordinate, then Ross would not be held criminally liable, unless he participated in such diversion, but this is not the case. The records tend to show that the money was in the general deposit funds of the trust company, and was paid out in the usual way of payments of legitimate claims against the firm, that is, in a manner contemplated and intended by the company, and those in direction of its affairs. The agents actually paying out the money, had a right to understand that this was to be done, there being no segregation of the money or limitation on the use of it. The trust company could only become an active depository of this educational fund by authority of its officers and board of directors. When the money was received by the company as an active depository, its directors and officers permitted the money to become a part of the general deposit of the company, without restriction thereon, with knowledge that in so doing the money would be applied to the trust company's general uses, this was general authority to pay out the money in the usual course of the business, and the officers and directors of the business are liable. The evidence tends to show, in conclusion, that the disposition of the money by the trust company was with their knowledge, consent and acquiescence, and thereby participated in its diversion, therefore, the supreme court modified the judgment of the lower court by reversing that part directing that "he be imprisoned in the county jail until said fine is paid, not exceeding 288,426 days." In all other respects the judgment is affirmed.

## HE TURNED THE HINDUS WAY DOWN

The Immigration Inspector Sent Hindus Back Because they Were Polygamists. Poor Devils.

Seattle, Oct. 19.—Because several of them expressed a belief in polygamy, and because they also were not properly equipped financially, nine Hindus, out of a party of 11, who arrived here on the steamer Shikano Maru, have been refused admission to the United States by the local immigration authorities. The other two were admitted. This is the second lot of East Indians who have been turned back recently as a result of their confessions that they considered two or three wives greatly preferable to one.

The nine brown men who have just been refused permission to enter the United States have the privilege of appealing to the secretary of the department at Washington, D. C., and it is said they all intend to do so. They will be decided here until the result of this appeal is made known.

## Will Knock the Coon Off the Earth.

[UNITED PRESS LEASED WIRE.] Chicago, Oct. 19.—Sam Berger, the talking end of the Jeffries-Berger combination, is in Chicago today, en route to New York to meet the alfalfa farmer, who is now sailing on the high seas for home aboard the Lusitania. Jeffries will arrive in New York on Thursday or Friday.

Here is what Berger had to say regarding Jeffries' intentions with regards to fighting Johnson:

"Does Jeffries intend to fight the negro? Why, it is a certainty, unless Johnson does the crawling act. Jim was never more serious in his life about a match, and my words when he gets that big dingee in the ring, he will knock his head off. Jeff will meet Johnson just as soon as the details can be arranged. You take that from me."

## WAS GYPSY SMITH'S WORK GOOD OR BAD

12,000 Members of Churches March Through the Tenderloin District of the City of Chicago.

## BOOMED BUSINESS

THE REVIVALISTS SAY THAT THE DEMONSTRATION WAS MARVELOUS AND THE DENIZENS SAY BUSINESS WAS BOOMING. GYPSY SMITH LED PARADE.

[UNITED PRESS LEASED WIRE.] Chicago, Oct. 19.—Opinion is divided today as to the wisdom of last night's parade when 12,000 church workers, under the leadership of Gypsy Smith, the evangelist, marched through Chicago's tenderloin district. The resort keepers declare that business last night was better than ever before.

A woman who has lived in the district for the last five years, said: "From a business standpoint I suppose that I should be pleased, but I was sorry to see so many young boys attracted to the district for the first time in their lives."

The police of the tenderloin reported that the district did the biggest business in its history.

The revivalists declare that the demonstration was simply "marvelous" and did a great deal of good.

Gypsy Smith is one of the most prominent evangelists in the country and when holding a meeting in the large cities always devotes one night to the tenderloin when he with his followers marched through the district and plead with the women and men to lead better lives.

## CATS AND DOGS WORK FOR TAFT

[UNITED PRESS LEASED WIRE.] Gregory, Tex., Oct. 19.—When President Taft awoke at 8 a. m. from the best sleep he has had for a month, he looked out on a boundless prairie crowded with sage grass and mesquit bushes. He leisurely dressed, and was down at breakfast at about 9 o'clock. For the first time in many days there were no local committemen stamping about impatiently in his near neighborhood, and wondering how soon the president would show up.

The explanation of this happy condition was found in the fact that the president spent the night in the ranch house of his brother, Charles P. Taft, three miles from Gregory. The huge tract of 1000 acres stretched for several miles to the north of this place, so far in fact that it required three-quarters of an hour for the Taft train to go last night from Sinton, the northern end of the tract to Gregory, which is also on the property.

Unless the president changes his plans, he will spend the entire day upon the ranch, playing golf, horseback riding and resting. Wednesday and Thursday will furnish some excitement in the shape of wild cat and jack rabbit hunting. Cats are chased with dogs through the mesquite brush, and the sport is increased by reason of the fact that it is always a problem whether the dogs will get the wild cat, or the wild cat get the dogs.

The members of the president's party, with the exception of Captain A. W. Butt, his military aide, who is at the ranch house, are quartered at the new Green Hotel, built especially for the occasion by Charles P. Taft. The hotel is named for Jos. L. Green, the manager of the ranch, and, although now occupied by Lieut. Anderson of the president's party, will remain open for business after their departure on Friday.

Mighty few pheasants a fellow sees if not a hunter.