

The Daily Capital Journal

VOL XXII. SALEM OREGON, SATURDAY, AUGUST 17, 1912. No. 268.

DARROW ACQUITTED, JURY OUT ONLY 37 MINUTES

RESIGNS THE SUPERINTENDENCY OF THE BRANCH ASYLUM FOR INSANE

DR. HALL SAYS SITE IS BAD AND WATER UNFIT FOR USE-- BOWERMAN SELECTED SITE

Bowerman, Acting Governor, Owing to Absence of Secretary of State Benson, Had Two Votes on Board and Selected the Site--Subsequent Board Declared Site Unfit, but the Legislature Appointed a Committee to Examine Into It, and Sustained Bowerman's Selection--And the End is Not Yet.

Declaring that the site for the Eastern Oregon asylum is unsuitable for an institution of that kind, that the water is bad, that it can not be conducted with the institution here, and that he does not want to be connected with failures, Dr. M. K. Hall of La Grande, who was recently appointed superintendent of the institution, has resigned.

It is of less than one and one-half times as much as the cost of maintenance at the Salem institution. Under present conditions, it will be impossible to maintain as high a standard of health among the patients at Pendleton as it is at Salem.

TERRIBLE CONDITION IN TURKEY

THREE THOUSAND KILLED BY EARTHQUAKES WHICH STILL CONTINUE--STREETS FILLED WITH BODIES AND STENCH IS SICKENING--THOUSANDS STARVING.

Constantinople, Aug. 17.—That not less than 3000 persons met death in the series of earthquakes which still continue to rock southeastern Europe, and Turkey, was the word received here today in an official message from Captain Upham, an attaché of the American embassy here.

The board received the letter several days ago, but until today did not deem it advisable to make it public. The board has offered the superintendency of the institution to Dr. J. F. Catbreath of Portland, formerly superintendent of the asylum here, but it is feared he will not accept.

The state board has expended \$550,000 on the institution. The resignation of Hall, and his letter attacking the site and institution, it is declared is going to hamper it in securing appropriations at the next legislature, and also in securing a superintendent.

All who know him would recognize him instantly from the perfect though rather unique personal description of him made when he applied for a fishing license and now of record and part of the official archives of the county, but for those who do not know him, the horse editor simply suggests that the initials of his name are J. W. McInturf, employed on the Journal with and a personal friend of the horse editor, who for this reason appreciates the perfectness of the description of Mac's outlines, frontpiece and his "lanes."

INDIANS KILLED MEXICANS.

Mexico City, Aug. 17.—Sent to investigate the Serrano Indian uprising at Xia, Oaxaca state, 800 federals were first hospitably received and later ambushed by the Indians, according to reports received here today.

MRS. SMITH RUN OVER BY AN AUTO

IS BADLY BRUISED AND PRETTY LAME, BUT WILL SOON BE ALL RIGHT, ACCIDENT HAPPENED IN COW CREEK CANYON.

Many of the friends of Dr. and Mrs. Carlton Smith were much worried yesterday when the rumor reached the city that Mrs. Smith had been seriously hurt in an auto accident in Cow Canyon, southern Oregon. The report reached the Journal office from Portland shortly after noon, and it at once telegraphed to Grants Pass and Roseburg in an effort to get definite news, but no answer was received until after the Journal had gone to press.

BOURNE IS NAMED FOR SENATOR

Senator Bourne will be a candidate for re-election at the coming election, provided he cares to accept, for a petition nominating him as an independent candidate was filed yesterday afternoon with Secretary of State Olcott.

Called the Turn.

Vancouver, B. C., Aug. 17.—"Inflated, unreal statements that have no foundation except in the imagination of a lot of jingo jackasses," was the way Joseph Martin, formerly British Columbia's well known premier, but now the member for East St. Pancras in the British parliament, last night at the Hotel Vancouver, characterized the so-called German war scare.

MAYOR IS GUILTY OF GAMBLING

Mayor Jones of Redmond Was This Morning Found Guilty of Gambling by a Jury of His Own Fellow Citizens.

GOVERNOR WINS A VICTORY

When Informed of Jones' Conviction This Morning Wired Him Demanding His Resignation and that of the City Marshal—Sheriff Balkour of Crook County is Next on the List for "Examination."

Receiving advices from J. Frank Burke, who was appointed special district attorney to prosecute violators of the gambling law, at Redmond, that he had secured the conviction of Mayor Jones, Governor West today sent a telegram to the mayor and also the city marshal in which he declared that unless they resign he will declare martial law at Redmond.

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FRIENDS ALMOST MOB DARROW IN SHOWING THEIR JOY OVER RESULT

Only Wants His Money.

San Francisco, Aug. 17.—An ineffectual attempt was made here today by David Napping, the Illinois farmer, through his counsel to secure the release of Mrs. Alice J. Brown, the former Los Angeles cloak model, whom Napping alleges fleeced him out of \$3900 on the promise of marriage.

VERDICT IS GREETED WITH A WILD TEMPEST OF CHEERS HUNDREDS SILENTLY WEEP

Great Crowd in Court Room as Verdict is Announced Breaks Into Pandemonium of Congratulations --- Jurors Crowd Around and Congratulate Him, and Around These in Turn the Crowd Gathers, Hugging, Even Trying to Kiss Them in Paroxysms of Delight---Scene Absolutely Indescribable.

Los Angeles, Aug. 17.—The Darrow jury this morning at 10 o'clock declared Clarence Darrow not guilty of the charges upon which he was tried. The jury was out just 37 minutes. Judge Hutton immediately declared Darrow discharged and his bail released.

"Look this way," and "look this way," they yelled. "I can't look all ways at once, gentlemen," smiled Darrow, amid the constant booming of flashlights.

CHINA ON VERGE OF CIVIL WAR

PRESIDENT YUAN SHI KAI TRYING TO MAKE HIMSELF DICTATOR AWAKENS HOSTILITY AND HE IS DOOMED TO DEATH.

Shanghai, Aug. 17.—Turbulent scene, which may end in another revolution, will result, it is predicted here today, from the execution of two prominent generals by orders of President Yuan Shi Kai. The two generals were suspected by President Yuan of opposing his continued acquisition of power, and he ordered their execution without a hearing.

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TO QUIET THE TITLE TO LANDS

BILL PERMITTING PURCHASERS OF OREGON & CALIFORNIA RAILROAD LANDS TO GET PATENTS FROM GOVERNMENT, PASSES IN BOTH HOUSES OF CONGRESS.

Washington, Aug. 17.—The bill providing for the protection of innocent purchasers of lands granted by the United States to the Oregon & California Railroad company, which was passed by the senate Thursday, after previously having been passed by the house, has been sent to the president for his signature.

Portland, Or., Aug. 17.—"I'll start it for you," shouted Leonard Armstrong to a pretty girl unable to start her automobile in a downtown street. He bent to start it when the released crank struck him on the head, knocking him unconscious.

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Los Angeles, Cal., Aug. 17.—Mexican laborers marching to their work train caused a furry in police headquarters when an excited citizen telephoned that rebels were mobilizing. American foremen explained satisfactorily.

FALL DRESS GOODS

Special for Saturday

We have just received our immense Fall Shipment of the celebrated Reid's Dress Fabrics. All the new shades of blue, brown, gray, etc., in French serge, whip cords, cheviot, wool poplin, Bedford cord and diagonal weaves.

This line of Dress Fabrics is justly known as one of the very best lines in the United States.

We desire your inspection of them, and to insure your attendance, we offer the entire line, without reservation

AT TEN PER CENT LESS

IT WILL PAY YOU TO TAKE ADVANTAGE OF THIS SALE---SATURDAY ONLY

Stockton

DARROW ACQUITTED.

(Continued from Page 1.)

intended to investigate the case just closed, as he wanted to learn the inside facts. Golding said:

"I mean to find out more about what the district attorney meant when he said there was corruption in this case."

Fredericks, when told of this, said: "We are not responsible for the vagaries of Mr. Golding's mind. We are responsible for allowing him to remain on the jury, and we accept that responsibility. He would not have convicted had the heavens fallen. I knew a month ago that he would hold out for the defense."

Detectives Disgusted.
Chief of Detectives Samuel L. Browne, of the district attorneys' office, who worked up the evidence in the case, was disgusted.
"Go tell Sheriff Hammel to open the jail doors and turn them all loose," said Browne. "The jury should never have let him go."

Juror Ritter invited Darrow to bring Mrs. Darrow and come out and take dinner with him tonight.

"I shall be delighted," said Darrow. When asked for a statement, Clarence Darrow said:

"It's been a terrible ordeal and I feel a great sense of relief. Nobody who knew me could believe I was corrupt. The indictments could only have been returned under the stress and excitement of the dramatic end of the McNamara trial."

"I will go on doing all I can to help

the cause of the poor." When told of District Attorney Frederick's statement in regard to the Bain indictment, still pending against Darrow, Earl Rogers said:

"Let them come on with the Bain charge, if they have not got enough already."

Juror P. C. Paul Ritter, when asked if the verdict was reached on the first ballot, said "Yes."
This was denied, however, by Juror A. M. Blakesley, who said: "There were three ballots. On the first we stood 9 for acquittal and 3 for conviction. The second gave Mr. Darrow ten votes and the other two came over on the third. Those who did not vote for acquittal on the first two ballots are the only ones who will ever know it."

Chronology of the Darrow Case.

- September 29, 1911—Robt. F. Bain drawn as venireman in the trial of J. B. McNamara, charged with dynamiting the Los Angeles Times building and causing the death of 21 men.
- Oct. 5—Bain summoned to appear as prospective juror.
- Oct. 6—Bain bribed by Bert H. Franklin, McNamara defense detective.
- Oct. 11—McNamara trial begins. Bain reports for jury duty.
- Oct. 12—Bain accepted as the first juror.
- Nov. 25—Geo. N. Lockwood drawn as venireman in McNamara trial.
- Nov. 26—Franklin approached Lockwood with bribe offer.
- Nov. 27—Lockwood informed against Franklin to district attorney.
- Nov. 28—Franklin arrested with \$3500 in possession. Captain C. E. White, alleged go-between, arrested, with Lockwood, who had \$500.
- Dec. 1—J. B. McNamara and John J. McNamara plead guilty.
- Jan. 9, 1912—Los Angeles county grand jury launches investigation of jury bribes.
- Jan. 29—Clarence Darrow indicted. Two true bills returned, each containing two counts, one relating to Lockwood and one to a Bain charge.
- Feb. 1—Darrow arraigned before Superior Judge Geo. H. Hutton. Two days granted to prepare plea.
- Feb. 3—Motions by Darrow to set aside indictments denied. Demurrers to indictments filed and overruled. Darrow pleads not guilty.
- Feb. 14—Darrow's attorneys alleged imperfect transcript of grand jury testimony furnished their client and object to setting case for trial.
- Feb. 23—Defense's objections overruled by Judge Hutton.
- Feb. 27—Bert H. Franklin withdraws former plea of not guilty to bribery charge and pleads guilty to having bribed Bain. Lockwood charge against him continued until May 29.
- March 1—Franklin fined \$4000.
- March 8—Judge Hutton sets Darrow trial for May 15.
- May 15—Examination of veniremen for Darrow trial begins.
- May 24—Darrow jury complete.
- May 25—Introduction of evidence on charge of bribing Geo. N. Lockwood, prospective juror in the McNamara trial, begins. Bain indictment reserved by the district attorney.
- July 8—Prosecution closes its case in chief.

July 9—Defense begins presentation of testimony.

Who Clarence Darrow Is.
Clarence Darrow is 55 years of age. Much of his legal experience of later years has been in the interest of union labor.

He was born at Khusman, Ohio, on April 8, 1857. He was educated in the public schools of Ohio, and after reading law for several years, was admitted to the bar in 1875.

His home is in Chicago, where he was assistant city attorney for several years. He formerly was attorney for the Chicago & Northwestern railroad.

In 1892 he was elected to the Illinois legislature from a Chicago district. In many municipal campaigns in Chicago, he took a prominent part, and at one time was prominently mentioned as a candidate for the mayoralty. In politics he is democratic.

Among his first appearances as a champion of labor was his service as chief counsel for the striking coal miners, on a commission appointed by Theodore Roosevelt, when an attempt at arbitration was made in 1902.

His most notable labor cases were recorded when he defended the McNamara brothers in Los Angeles, when they were charged with destroying the Los Angeles Times building by dynamite, and his defense of Haywood, Moyer and Pettibone, in Idaho, when they were charged with causing the death of ex-Governor Steunenberg of that state. It was out of the Los Angeles trial that complications resulting in his own indictment on bribery charges cropped out.

The first chapter in the Darrow trial was written when Darrow consented, at the behest of union labor and labor sympathizers, to defend the McNamara brothers, charged with dynamiting the Los Angeles Times building and thereby causing the death of 21 men. Immediately upon his arrival in Los Angeles he became the central figure in what proved to be one of the most dramatic trials in the history of American courts.

Friends of Darrow now point to his efforts, after realizing the guilt of his clients, to bargain for the best possible terms. The last period of the famous trial, before the confession of both brothers, was spent in an effort to compromise with the state in the event of a change in plea.

Darrow remained in Los Angeles after the McNamara brothers were sentenced. His friends say that he was aware that his name would be brought into the bribery proceedings, and that he preferred to remain on the ground to await developments. He was well prepared for the battle when he was indicted, having retained as chief counsel Earl Rogers of Los Angeles, who became prominent on the Pacific coast through his connection with the defense in one of the so-called graft cases in San Francisco. Associate counsel were Judge Cyrus McNutt, Harry Dehm and Darrow himself. During the trial Judge McNutt died, and his place was taken by Horace Appel.

Arrayed against these men were District Attorney John D. Fredericks and Assistant District Attorneys Jos. Ford and Arthur Voltch.

Judge Geo. H. Hutton, presiding jurist of the Los Angeles county superior bench, when the case came to trial, assigned to himself the duty of sitting in judgment. The case was called May 15.

In view of the seemingly endless task encountered in securing a jury for the McNamara trial, it was expected that similar trouble would be met in the Darrow case, where the public was every bit as partisan as in the affair of the McNamaras. To the surprise of all concerned, however, a jury was quickly empaneled and the taking of evidence began on May 25.

While Clarence Darrow battled for his honor and good name in court, Ortie McManigal, the confessor, whitened picture frames from cigar boxes in his cell in the county jail, the cell being the same in which James B. McNamara spent the days before his confession.

McManigal was the man whose confession to a part in a dynamiting affair played an important part in the bringing to justice of the McNamara brothers, and the coming to Los Angeles of Clarence Darrow. He is confined in jail awaiting court action in his case. It is believed generally that he will not be moved until the conclusion of all cases growing out of the so-called dynamiting affairs.

McManigal has no jail duties, and the heavy time that hangs on his hands is utilized in the manufacture of his little picture frames, which he whittles from cigar boxes with a bone-handled jack knife. The frames are for gift or sale. Every psalm singer who comes to the prison to cheer its inmates carries away, with the compliments of McManigal, a little souvenir. McManigal exercises his thrift, however, on the sightseers who are more than anxious to pay a half dollar for a souvenir from such a prisoner.

McManigal has waxed sleek and fat in his confinement. He appears to be indifferent whether he remains in case in jail or is taken to court.

Views Showing Construction Work on The Extension of the Oregon Electric Railway Between Salem and Eugene

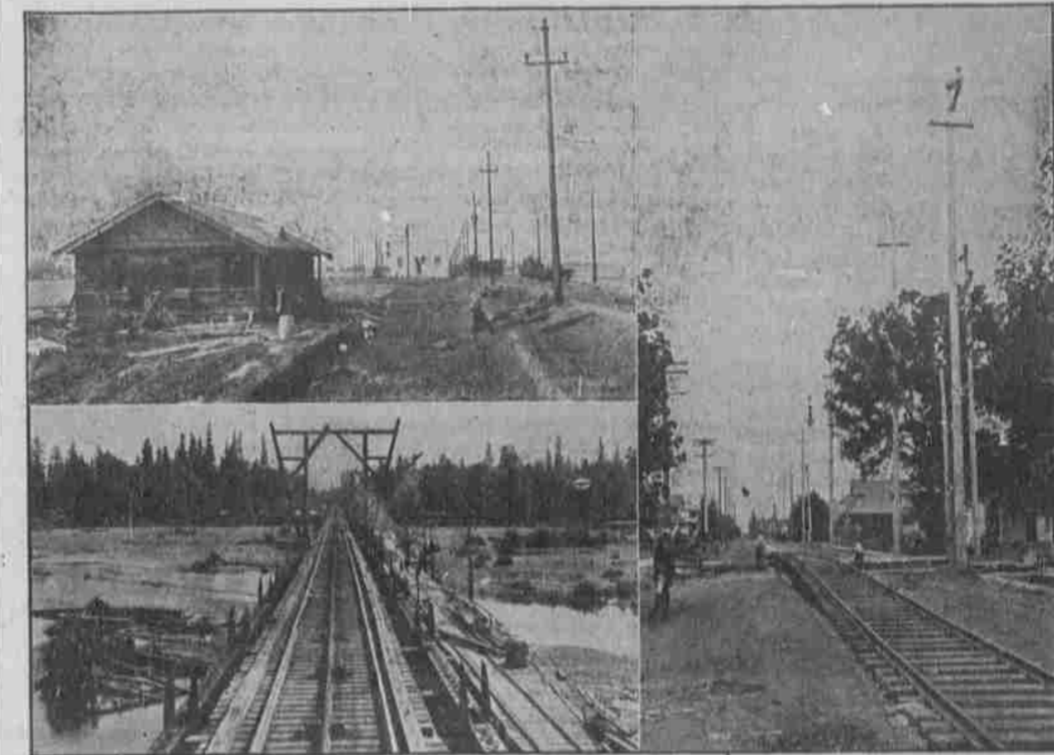
The machine and men shown made the record for the northwest on July 29 by laying four miles and eighty feet of track a short distance north of Harrisburg Oregon.

During nine hours on this date the crew of 134 men, which was short forty men of the full organization, handled 46 cars of material, consisting of 1,055,000 pounds of steel rails—75 pounds per yard—11,520 ties, with all the necessary bolts, angle bars, spikes, crossing material, etc. All this material was unloaded as the train proceeded over the track as laid. Practically all of it was handled by machinery to the "pioneer car" at the front of the track-laying machine. At the "front" the 960 rails were handled by a crew of three men, while nine gangs of two men each laid the 11,520 ties.



View 1 shows the tie gangs working in front of the pioneer car and the track-laying machine. The ties are lined up to a rope at the right end of the ties, at proper distance from the center stakes.

View 2 shows the track-laying machine, crews and material train. The rails are on the cars ahead of the locomotive, and are carried by tram along the right side of the cars to the track-laying machine, which lowers them to position by derrick, when angle bars are immediately fitted. The ties are conveyed in similar manner on the left from cars at the rear of the locomotive and are distributed and placed by the tie gangs as shown in view 1. The rails are held in place by bridges until the train is moved over it, when they are gauged and spiked as shown in view three.



View 1 shows the electric substation at Pirtle, Oregon, four miles south of Albany, and is a typical station of this type on the Oregon Electric railway. In it the current is transformed from 60,000 volts alternating current to 1300 volts direct current. In the foreground is a triple operators' house. It is patterned after modern flats, giving four rooms to each of the three operators of the sub-station.

View 2 shows the false work at the Sandman river bridge, with part of the steel for the permanent structure, which will consist of seven steel spans of one hundred and seventy-five feet each—125 feet in all, with one thousand feet of heavy trestle approach at each end.

View 3 shows two seventy-five foot poles carrying the 60,000 volt transmission wires over sixty-foot poles of another company which carry 33,000 volts; below them will be seen forty-foot poles of the electric light company at Albany. The track here is temporarily raised during the construction of a concrete arch over the flume of the Oregon Power company.

Flying Men Fail.

great remedy will help you from the victims to stomach, liver and kidney first dose. Try it. Only 50 cents at J. C. Perry's.

We all admire the man who strives to do good, even though we may decline to be the victim. "Six bottles of Electric Bitters" he writes, "did more to give me new strength and good appetite than all other stomach and Diarrhoea Remedy." So they help every body. It's folly to suffer when this

When a woman is compelled to wear glasses she likes to think they make her appear intellectual.

Some people have so much faith in their own ability that it never occurs to them to put it to a test.

Truth shreds mud.

Children Cry FOR FLETCHER'S CASTORIA

Where Shall I Buy That Automobile

The wise and careful buyer always takes advantage of opportunities to save himself money. The time to buy your AUTOMOBILE IS NOW, when you can take advantage of special inducements offered by the E-M-F MOTOR SALES CO. We have a slightly used Flanders "20" Touring and Flanders "20" Roadster that you can buy right. These cars have been used slightly as demonstrators. We also have new E-M-F "30" Tourings and full line of Studebaker cars to show you.

It will pay you to buy now. A phone call will bring our salesman to you. Demonstration cheerfully made.

E. M. F. Motor Sales Co.
246 South Commercial Street. C. L. ROSE, Manager

Buy Land For Loganberries

Anyone who has given the matter any thought knows that there is money in the Loganberry business. There are no long waits like there is in planting out an orchard. The second year the plants pay big money.

Read this statement, which originally appeared in the Portland Oregonian:

Salem, Or., Aug. 3.—(Special)—With an average yield of about five tons an acre in the Brooks district, with \$80 a ton being paid for berries delivered at the station, the Loganberry harvest is practically over and the year has been an excellent one for Marion county Loganberry growers.

Thirty-seven cars of Loganberries were sent to the Portland cannery alone. Included in these shipments were 125 tons from the Aspinwall ranch. Practically \$31,000 was paid by the Portland cannery to Loganberry growers living near Brooks.

We have 360 acres of land, all cleared, level, well drained, close to a station on the Oregon Electric, close to school, a rich, black, easily-worked loam soil, which we sell in 5, 10, 20 or 40-acre tracts, on easy payments.

\$125 Per Acre

You can make a small payment down, the balance monthly or annually, as you prefer. This land is the equal of any land in the valley, and which in some cases sells for twice as much money. It is located ten miles north of Salem, on the Portland road, in a good neighborhood, and is absolutely first class in every particular. The Loganberry is the coming crop in this district, and is a safe and sure investment for the person who puts his or her time and money into it.

We can show you this property at any time

Bechtel & Bynon
347 State Street
Phone 452



OUR SAVINGS DEPARTMENT

This department is not restricted in scope of its patronage. It accommodates all.

Here are the Patrons:

- 1—The young folks with their small savings.
- 2—The bread-winner, striving to accumulate a fund to procure a home.
- 3—The well-to-do for convenience afforded and the income provided.
- 4—Those with idle funds awaiting other investments.