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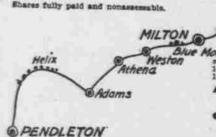
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Admonished by President for "Kill and Burn" Order.

CONVICTED BY COURT-MARTIAL

Violence and Thereby Brought His Own Usefulness in the Army to an End.

General Jacob H. Smith, who issued the "kill and burn" instructions to Major Waller, in the Samur campaign, has been retired by the President. In reviewing the case, the President says the General, by his loose and violent talk to subordinates, has interfered with his further usefulness in the Army, and he orders his name taken from the act-

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

WASHINGTON, July 16 .- Secretary Root brought from Oyster Bay the case of General Jacob H. Smith, tried by court-martial at Manila, on account of orders issued by Major Waller. General Smith was found guilty of the charges by the court, and sentenced to be admonished by the reviewing authority. The President has so admonished General Smith, and retired him under the law which provides that officers having reached the age of 62 years may be retired at will by the President. Secretary Root supplements the reprimand of President Roosevelt in a ng circular, in which he explains the conditions which resulted in the court-martial of General Smith, and shows that although Smith Issued the "kill-and-burn" order, as a matter of fact very few per sons were killed as a result of that order, the casualties being confined almost whoily to the 11 natives killed under Major Waller's direction. The President's Review.

Following is the text of the President's review of the case: "White House, Washington, July 14.— By the President: The findings and sentence of the court are approved. I am well aware of the danger and great difficulty of the task our Army has had in the Philippine Islands, and of the well-nigh intolerable provocations it has reselved from the cruelty, treachery and total disregard of the rules and customs of civilized warfare on the part of its foes. I also heartily approve the employment of the sternest measures necessary to put a stop to such atropities and to bring this war to a close. It would be culpable to show weakness in dealing with such foes or to fall to use all legitimate and honor-able methods to overcome them.

"But the very fact that warfare is of such character as to afford infinite provo-cation for the commission of acts of cruelty by junior officers and enlisted men must make the officers in high and re-sponsible positions peculiarly careful in their bearing and conduct so as to keep a universally the higher officers have so borne themselves as to supply this necessary check, and with but few excepions the officers and soldiers of the Army have shown wonderful kindness and for-bearance in dealing with their foes,

"But there have been exceptions; there have been instances of the use of torture and of improper heartlessness in warfare on the part of individuals or small the native bearers by the orders of Ma-jor Waller was an act which sullied the American name and can be but partly excused by Major Waller's mental cor dition at the time, this mental condition being due to the fearful hardships and suffering which he had undergone in his campaign. It is impossible to tell ex-actly how much influence language like that used by General Smith may have had in preparing the minds of those un-der him for the commitment of deeds which we regret. Loose and violent talk by an officer of high rank is always by an officer of high rank is always likely to excite to wrong-doing those among his subordinates whose wills are or whose passions are strong.

"General Smith has behind him a long career distinguished for gallantry, and on the whole for good conduct. Taken in the full, his work has been such as to re flect credit upon the American Army, and therefore upon the Nation, and it is deeply to be regretted that he should have s acted in this instance as to interfere with his further usefulness in the Army. "I hereby direct that he be retired from the active list. "THEODORE ROOSEVELT."

Secretary Root's Review.

The following is the review of Secretary

'War Department, Washington, July 12, 1962.-To the President: I transmit here-with the record and proceedings upon the trial of Brigadier-General Jacob H. Smith by court-martial, convened by your order dated April 21, 1902, and now brought before you as reviewing authority.
"General Smith was found guilty of con

Cuct to the prejudice of good order and military discipline in that he gave, in the Fall of 1901, to Major L. W. T. Waller, of the Marine Corps, then serving with a battalion of marines under his orders, as ommander of the Sixth Separate Brigade in Samar, the following oral instructions: I want no prisoners. I wish you to kill and burn. The more you kill and burn the better you will please me.' And, further, that he wanted all persons killed who were capable of bearing arms and in actual hostility against the United States, and did, in reply to a question of Major Waller, asking for an age limit, designate the age limit at 10 years of age. The court sentenced him to be admoncourt appended to the sentence the following explanation: 'The court is thus lentent in view of the undisputed evidence that the accused did not mean everything that his unexplained language implied, that his subordinates did not gather such meaning, and that the orders were never executed in such sense, notwithstanding

that a desperate struggle was being cor ducted with a cruel and savage foe."
"An examination of the evidence has satisfied me that the conviction was just, and that the reasons stated for the very light sentence imposed are sustained by the facts. General Smith, in his conver-sation with Major Waller, was guilty of intemperate, inconsiderate and violent expressions, which, if accepted literally, would grossly violate the humane rules governing American Armies in the field, and if allowed would have brought lasting diagrace upon the military service of the United States. Fortunately, they

### were not taken literally and were not followed. No women or children or helpless persons, noncombatants or prisoners were put to death in pursuance of them. An examination of the record and proceedings upon the trial of Major Waller, which im-

mediately preceded that of General Smith, shows that the instructions in question bere no relation to the acts for which Major Waller was tried, and were not alleged by him as justification for those

"Major Waller was tried for causing certain natives, who had acted as bearers

or guides of one of his expeditions, to be put to death for treachery, without proper

trial; and he defended his action, not up the ground of any orders received from General Smith, but upon the ground that, as commanding officer, he was justified by the laws of war; that General Smith's

written and printed orders, and the actual conduct of military operations in Samar, were justified by the history and conditions of the warfare with the cruel and treacherous savages who inhabited the island and their entire disregard of the laws of war, and were wholly within the limita-tions of general order No. 100; of 1863, and were sutained by precedents of the high-est authority. Thus, in 1779, Washington ordered General Sullivan, in the campaign against the Six Nations, to seek the total destruction and devastation of their settlements. He wrote: 'But you will not by ony means listen to overtures of peace before the total ruin of their settlements is effected. . . . Our future security will be in their inability to injure, the distance to which they are driven, and in the terror with which the severity of the chastise-

ment they receive will inspire them."
"The Fort Phil Kearney massacre of 1866, for base treachery, revolting cruelty and the conditions of serious danger which followed it did not approach the massacre of Balangiga in Samar, in September, in 1961. There the natives had been treated with kindness and confidence. Liberty and self-government had been given to them. Captain Connell, the American commander, was of the same faith and had been worshiping in the same church with them. With all the assurance of friendship, our men were seated at their meal, unarmed, among an apparently peaceful and friendly community, when they were set upon from behind and butchered and their bodies, when found by their comrades the next day, had been indignities. Yet there was no such severity by American soldiers in Samar as General Sherman proposed toward the Sloux after Fort Phil Kearner. It is due, however, to the good sense and self-re-straint of General Smith's subordinates and their regard for the laws of war, rather than to his own self-control and judgment, that his intemperate and unjustifiable verbal instructions were not followed, and that he is relieved from the

indelible stain which would have resulted from a liberal compliance with them. "It is due to a general officer, whose age and experience have brought him to high command, not to incite his subordinates to act so with violence, but to so explain to them the application of the laws of war and the limitations upon their conduct as to prevent transgressions upor their part and supplement their comparative inexperience by his wise control. In this General Smith has signally failed, and for this be has been justly convicted. Although the sentence imposed is ex-ceedingly light, it carries with it a con-demantion which, for an officer of his rank and age is really a severe punish-ment. For this reason, and for the fur-ther reason that General Smith has served his country long and faithfully, has exhibited high courage and good conduct in many battles, has been seriously wounded in the Civil War and in the War with Spain, and is about concluding a long cyal servant of his country, I recommend that the mild sentence imposed be con-firmed. Should you approve the findings and sentence of the court in accordan with this recommendation, I feel bound to say further that, in view of the findings and sentence, and if the evident infirmities which have made it possible that the facts found should exist, it is not lo for the interest of the service that General Smith should continue to exercise detachments. In the recent campaign the command of his rank. His useful-erdered by General Smith, the shooting of ness as an example, guide and controlling ness as an example, guide and controlling Army is at an end; and as he is already upward of 62 years of age, I recommer that you exercise the discretion vested in law, and now retire him from act-ELIHU ROOT

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Daly-West Mine.

RESCUE WORK BEGINS PROMPTLY

Volunteers Succumb to Deadly Gases -Accident Caused by Explosion of Powder Magazines-Mine Not Damaged.

PARK CITY, Utah, July 16.—This city and camp are today plunged in the deep-est grief that they have ever experienced. The cause of their sorrow is the accident that occurred last night in the Daly-West

a dear one coming from the mine, unburt and safe, but frequently it would be in-tensified by seeing that the one for whom they were waiting and seeking diligently was among the dead. The bodies, as they lay in the night air, presented an uncanny Extent of the Disaster in the and gruesome spectacle, and altogether there was an appearance of a great char-

nel-house into and out of which hundreds of excited and sorrowing people ran hither and thither like specters in the night, The task of bringing down the dead from the mine farther up in the mountain was a sad and painful task. They were carried in heavy wagons principally though some lighter vehicles were pressed into service. Most of the conveyances formed into a funeral procession and drove down to Park City.

List of the Dead. Following is a revised list of the dead ecovered from the Daly-Wort: JOHN McLAUGHLIN, single, JOHN BURGY, single. MIKE CONLIN, single. CHRIS CULLEN, single, JOHN DEVLIN, single, HARRY DEVLIN, single, RICHARD DILLON, single, JOHN FEATHERSTONE, married,

JOHN GILL, single. WILLIAM LANCE, single. JOHN LIVELY, single.
JOHN MALONEY, single.

as Kansas City. A FAVORED LIVESTOCK MARKET

Adequate Stockyards and Packing-Houses Would Develop Business in Northwest to Enormous Pro-

> Portland imports annually 225 carloads of hams and bacon, 9,000,000 pounds, worth \$1,250,000, and 3,000,000 pounds of lard, worth \$425,000; all this in addition to the products of 45,000 hogs packed locally. The available market for local packing-houses comprises, besides the 12,000,000 pounds of lard, hams and bacon distributed in the state, 36,000,000 pounds of the same products that Chicago, Kansas City and Omaha are sending to Puget Sound and Alaska. A rapidly growing trade beyond the Pacific is available for Portland packers, if establishments of adequate capacity were here to handle it. Greatly increased stockyard facilities and large packing-houses are recutred to bandle this industry, for which Portland offers advantages superior to those of any other city on the

Pacific Coast.

Recent agitation for beter stockyard facilities in Portland and for large packing-houses to be located here has brought to light some surprising facts. The results of the investigation by agents of the railways and packing-house interests show the possibility of establishing here a meat-packing industry that will far exceed in commercial and financial importance the great business in wheat exportation, upon which the country has so largely grown up. Men competent to judge of the matter say that meat-packing establishments at Portland could draw to this city a business in livestock and livestock products equal to that done in Kansas City. Portland's position relative to the great

livestock-producing country of the interior is such that prices are always onehalf to three-quarters of a cent a pound lower here than in any other city of the Pacific Northwest. This is a fact of tremendous significance, because it may repesent the difference between success and failure in the packing business. Scattle and San Francisco buy livestock in the Portland market for consumption and packing in those towns. The difference in price is due to the fact that one locom tive can haul 40 loaded cars to Portland and only 10 to the more northern towns isolated from the producing district by tall chains of mountains. Livestock gravitates to Portland from Eastern Oregon Eastern Washington, all of Idaho and a large part of Montana. The advantages of shipment this way are so great that cattle by the trainload bound from the Montana ranges for the Scattle market pass through Portland. Seattle now has the largest packing-house on the Coast, Livestock men say that the sole reason why Portland does not control the entire ment-packing business of the Pacific Northwest is the lack of packing-houses to handle it. They also say that the business would grow with great rapidity under the stimulus of the increasing foreign demand if there were packing-houses here to give something of the Eastern stability to market quotations. The great meat-packing business is in hogs chiefly,

Number of Hogs Available. The most successful cattle and hogfeeder in Gilliam County writes that his county is able to supply 10,000 hogs for his year, and he adds this comment:

"If market conditions at Portland could be put upon the same stable basis that they are at Missouri-River points, by the establishment of good packing-houses in that city, we could increase this output of hogs 300 per cent."

A Wallowa Valley correspondent says: "Give us a market we can depend upon and this county will raise 100,000 hogs for t every year." Wasco County comes with a promise of

50,000 hoge a year, Sherman Co Union County 100,000, and Kilckitat County, Washington, 75,000. The Palouse country will turn out 250,000, and the Clearater Valley 150,000 annually. amette Valley will have for market this ear 100,000 hogs, next year 250,000, and fter that 1,000,000 every year if Portand will provide the packing-houses for Reports from a number of representa-

tive wheatraisers east of the Mountains indicate that Eastern Oregon and Eastern Washington can send to Portland in 1963 1.060,000 hogs if the facilities for packing them shall be provided here. The hog-feeding possibilities of all that vast wheatreising territory are unknown and impossible in the cornraising nd feeding states of the East. Eastern Oregon wheatgrowers have given it as their experience that every 100-acre weigh 250 pounds each when 10 months old without a dollar's worth of merchantable wheat having been put into them. These farmers last year sent to market carload after carload of fat hogs that had spent their entire life upon the fields of volunteer rye, wheat and barley and on the stubble fields. Such men, by boring wells and fencing to restrain the hogs, have solved the problem of saving the waste which modern methods of wheat harvest-ing entails. This experience means that the many millions of acres of wheat land mmediately tributary to Portland may in the near future send 2,000,000 hogs to this market, even though every bushel of mertions of wheat country that are a long distance from a railroad are already in-creasing the hog output by feeding good wheat. Experience has shown wheatralsers that when hogs are werth 4 cente a pound, wheat can be marketed through those animals for 75 cents a bush-

il. Hogs now bring 635 to 7 cents.
It is estimated that, under the scimulus of the steady demand which a proper packing-house industry would create, Portland would get annually from the region cost of the Cascades 2,500,000 hogs

### **NEW GRAND MASTER WORKMAN**



WILLIAM SMITH, OF BAKER CITY.

Hon, William Smith, of Baker City, who was yesterday elected master workman for Oregon division, A. O. U. W., is one of the most popular and influential nome town, and takes a prominent part in Democratic politics. He was elected to the State Senate from Baker, Hurney and Malheur Counties in 1808, but was recently defeated by John L. Rand for the same position. Two years ago Mr. Smith ran for Congress, and was boaten by Hon. M. A. Moody. He belongs

several fraternal organizations, and is especially interested in the A. O. U. W.

and Ontario mines—an accident that brought death to 35 men. 29 in the Daiy-West and six in the Ontario. The disaster was the result of an explo-sion occasioned by John Burgy, a miner, going into one of the magnaines of the

-West with a lighted candle. His act cost him his life and the lives of many other miners besides. His own body was blown to atoms. Not a fragment of his remains has been found. All of other victims are recognizable, their faces being easily identified by relatives and friends.

The explosion occurred at 11:20 last night, and in a twinkling the most deadly gas was being generated throughout the mines. It crept through every tunnel shaft and incline, and in a very short space of time, scores of miners found themselves face to face with death. It is not known how much powder was exploded, but whatever amount there was there went off with a terrible concuesion. The shock was something terrific, and was heard for a long way, although it was nearly 2 o'clock before it was known in Park City, a distance of three miles.

When it is stated that a horse was killed at the mouth of the Ontario tunnel, two miles away, some idea of the force of the explosion may be had. The animal was in use at the entrance to this part of the mine, and was hurled against the wall and machinery with such vio-lence as to be killed outright. Two other corses were also killed, the latter in the Ontario nimost as great a distance away. That the loss of life was not far greater than it is seems marvelous.

Work of Resene, The work of rescuing the imperiled and dead was quickly and heroically undertaken. Men were brought to the surface just as fast as the disabled machinery would permit. The victims had to be brought up the shaft in a one-compartment cage, one of the comparements hav-ing been wrecked by the explosion. Every

man who went down with the first rescuing party was overcome by the deadiy gas, and it was with the utmost difficulty that the machinery was kept in motion, There were hundreds of brave volunteers, scores of them willing to go down into the depths and risk their lives in the work of rescue. They fairly filled the Daly-West shafthouse to overflowing. No man asked if it were safe to go down into the mine, but each requested that he be allowed to

go and help bring those in danger, and those who had already passed beyond all earthly aid, to the surface. Over in the Ontario, which is connected with the Daly-West, six men are dead. Eight escaped by the way of the Anchor tunnel. Two of the dead are rescuers, John McLaughlin and John Eckstrom. The body of the latter is atill in the mine. When it was apparent that all remain ing men in the mine were dead, and that further rescue work would be futile, it was stopped for the time being, and at present nothing is being done to recover the other bodies, nor will anything be done in that direction, until after some of the deadly gas generated by the explosion has passed out of the mine. As the dead were hoisted to the surface and laid out, they were quickly identified by relatives, comprising wives, children, brothers and sisters and friends. Their grief was aw-

ful to behold, and angulah was written on

JAMES MURRIN, single. THOMAS McKOWAN, single, JOHN McAULIFFE, single, ELIAS NELSON, single WILLIAM SIMS, single. J B. TINDELL, married W. A. WEGGELAND, married, EDWARD HALL, single. WILLIAM HARTIN, single Dead remaining in Daly-West: JOHN ECKSTROM, single. MIKE CROWLEY, single, JOHN CARNEY, single PETER HARAN, single ROY JACKMAN, married. THOMAS A. KELLY, married, CHARLES MEALINDEN, single, P. M. O'NEIL, eingle, Dead at the Ontario: GEORGE GARVIN, married,

WILLIAM SWEVELL, single STEVEN BARRATA, single CHRIS P. SADERUP married F. THOMAS, single CHARLES NEINE, single. Rescuers in Danger. Nearly every man who went down the

Daly-West shaft for the rescue work was rendered unconscious from the noxious gases. All but two, however, were soon revived by the physicians who had been hastily summoned from the city and Salt Lake. Johnnie McLaughlin and John Eckstrom, of the rescue party, after having made several descents, became uncon scious while working in the 1200-foot level. and the men with them, who were also staggering from the effects of the gas, could not get the unconscious men to the cage and were forced to leave them in order to save themselves. On arriving at the surface, one of the party said Mc-Laughlin was still alive. Another crew at volunteered to go after McLaughlin and Eckstrom, but, owing to the fear that more lives would be sacrificed, the cage was not lowered again for 30 minutes. When it returned to the surface it bore McLaughlin, who was barely alive. The physicians worked hard to save him, but ne expired a few minutes later. Eckstrom was reported dead.

The body of George Garvin was found

damage by the explosion. The miners who escaped state there were no smoke or fumes in the mine, and the air was so clear and apparently pure that the men did not realize they were being asphyx-Stock Owned in Cincinnati. CINCINNATI, July 16.-Most of the stock of the Daly-West Mining Company s held in this city, and the news of the disaster caused great excitement here among the stockholders. The president company is an ex-Cincinnatian. and he first floated his stock here. The bank of Sepitz & Voll, local agents of the Daly-West Company, was crowded

only 200 feet from the powder magazines, and was not mangled, which leads to the belief that the mine sustained no great

the quotations lowered. Mine Stock Drops. SALT LAKE CITY, July 16 .- On the local mining stock exchange this morning Daly-West dropped from \$54 to \$48 a share, a loss of over \$1,000,000 on the entire cap every face. Occasionally the deepest fear ital stock.

with anxious inquirers, who have been getting large profits, and who soon saw

Concluded on Second Page.)