

Morning Oregonian



VOL. XLIX.—NO. 15,197.

PORTLAND, OREGON, THURSDAY, AUGUST 12, 1909.

PRICE FIVE CENTS.

SCHIVELY TO TRY TO DISQUALIFY 16

Attorney Israel Starts His Defense.

HAY AND BELL ARE ATTACKED

Said to Set Themselves Above State Constitution.

SPITE IS BROADLY HINTED

Schively's Removal Said to Be Desired by Certain Politicians and Newspapers—Argument Characterized as Pettifogging.

OLYMPIA, Wash., Aug. 11.—(Staff Correspondence.)—In a speech before the impeachment court of the State Senate, lasting two hours this afternoon, George C. Israel, attorney for J. H. Schively, the Insurance Commissioner on trial, argued that 16 of the 42 members of the Senate had disqualified themselves to sit as judges, and that Governor Hay and Attorney-General Bell had arrogated to themselves powers superior to the state constitution.

In his address Israel frequently referred to Hay as the man "who is acting Governor for a while," and characterized the attempted impeachment of Schively as a desire of certain politicians and newspapers to charge to destruction.

Senators Alleged Disqualified.

Israel's contention concerning the 16 Senators is that Allen and Fishback, members of the investigating committee, have already expressed the opinion, in their report to the Governor, that Schively should be removed by impeachment or abolishment of the office; that the other 14 disqualified themselves by going into a caucus called by the Governor and signing an agreement to pass the Palmer bill abolishing the office of Insurance Commissioner without any finding as to the result or innocence of the accused officer.

Paulhamus Doubly Accused.

The 14 Senators charged with having so disqualified themselves are Anderson, of Spokane; Arnsmith, of Adams; Blair, of San Juan; Brown, of Whatcom; Bryan, of Kitsap; Davis, of Douglas; Cox, of Walla Walla; Falconer, of Snohomish; McGregor, of Whitman; Myers, of Lincoln; Polson, of Chehalis; Stevenson, of Garfield, and Patland and Paulhamus, of Pierce. Further objection to Paulhamus is raised on the ground that he expressed a belief in the guilt of the Insurance Commissioner in presenting the resolution in the Senate calling for the appointment of the investigating committee.

Israel Cites His Proof.

"That biased judges are incompetent to sit in trials is a well-known rule of law recognized everywhere," was the assertion of Mr. Israel, and he then read extensively from authorities, finally referring to the committee's report, to Paulhamus' resolution, and, lastly, to the caucus summoned by the Governor on the Palmer bill and the signing by a minority of the Senate to support it.

Edge Takes Exceptions.

The references to the Governor were objected to by Representative Edge, of the House impeachment committee, who suggested to President Officer Ruth that he call the attention of counsel to the fact that he was not confining himself to the questions before the house. Ruth announced that Israel might proceed and Falconer, of Snohomish, asked that five Senators appeal from the decision of the chair. Five Senators did not respond and Ruth announced that he was not aware that counsel was getting away from the rules, but would watch more closely.

"I was calling attention to the fact," said Israel, "that your disqualification was not worked by yourself, but by Governor Hay upon the advice of the Attorney-General, by caucusing and by agreeing to support the Palmer bill. By agreeing to remove the respondent from office without the formality of a trial you have unduly yourselves to give him a fair and impartial trial. You are not worthy as judges."

Israel Cries for "Justice."

"You may think you can forget all these things and you may desire John H. Schively without trial, because certain politicians and certain newspapers demand it. You may have the power to tear him down, but a sense of justice demands his trial by fair and impartial judges. If you persist in sitting, your consciences will rise up in the still hours of the night and accuse you. You may be judges in name, but not in fact."

In replying, Representative Sparks, of

HOME OF RECALLED MAYOR IS BURNED

UNION'S EXECUTIVE LOSES HIS HOUSE IN FLAMES.

Dr. Law Away From Home at Time and Nobody Is in House—Many Depredations Precede.

UNION, Or., Aug. 11.—(Special.)—The home of Dr. C. H. Law, ex-Mayor and center of the recall fight raging here, was destroyed by fire tonight.

Dr. Law was at Cove on professional business at the time, and nobody was in the house. A woman in a near-by dwelling saw the blaze first, and she says flames came from the back kitchen and from the front room at the same time. Although some of the doctor's instruments were saved, the house, valued at \$2000, is a total loss.

The town of Union is greatly wrought up. This is but another of a series of violent acts directed against the city of Union since the fight grew hot shortly after July 4. At one time Councilman Pratt's garden was overrun by cattle. Chains have been thrown through Mayor Law's windows. Councilman Dalton had a set of new harness cut to shreds while he was away from home. Tonight's fire marks the climax thus far. Dr. Law came home about 11 o'clock, and said all his property was tied up in Union, and this blow would be a heavy one for him.

SHYLOCK WIELDS HIS KNIFE

Because Santa Ana Can't Pay, Sanchez Takes Flesh.

LOS ANGELES, Aug. 11.—(Special.)—Because Ramon Santa Ana, a laborer, could not pay a debt of 25 cents to Frank Sanchez, a fellow-laborer at Latin, the latter took half a pound of flesh from his debtor. Santa Ana came to the Receiving Hospital today for treatment of the mutilated arm, from which the muscle was practically stripped. The police are seeking Sanchez.

"I could not pay the two-bits," said Santa Ana to the doctors at the Receiving Hospital, "when he came for it yesterday, and Frank pulled a big knife from his bootleg and got me. He said: 'I'll have a pound of flesh,' and he got a big piece! I don't think it is a pound, though. I tried to get away, but he was too quick for me. He made one jump with his big knife and you see what he did."

The bone of Santa Ana's left arm was barely covered with flesh, so close did his assailant come to getting Shylock's toll.

SUIT TO RECOVER LANDS

Government After Colorado Coal Company's Holdings.

DENVER, Aug. 11.—The Calumet Fuel Company and 13 individuals are named as defendants in a suit filed in the Federal Court today by United States District Attorney Ward to recover 380 acres of land, valued at over half a million dollars, alleged to have been secured through dummy entries. The land is located in the Pueblo, Colo., land office district.

One of those named as a defendant is George W. Kramer, who has since died, vice-president of the Denver & Rio Grande Railroad, and president of the Globe Express Company.

The Calumet Fuel Company is a subsidiary of the Denver & Rio Grande Railroad.

DRUMLUMMON MINE LOSES

Must Pay Damages for Taking Ore From Famous Vein.

HELENA, Mont., Aug. 11.—Damages of \$300,150 were today awarded the plaintiff in the suit of the St. Louis Mining & Milling Company against the Montana Mining Company, limited, owner of the Drumlummon mine, which was instituted to collect \$500,000 for ore alleged to have been illegally extracted from its property.

The property consists of a narrow yet exceedingly rich strip of gold-bearing ground in the Marysville district.

This is the most famous mining litigation in the history of the state and has been before the courts for 20 years.

RUSSIA GROWING ANXIOUS

Does Not Like Japan's Renewed Activity in Manchuria.

ST. PETERSBURG, Aug. 11.—Apprehension has been aroused in political circles here by the energy displayed by the Japanese in pushing the reconstruction of the Antung-Mukden Railroad, the strategic importance of which is fully realized in St. Petersburg.

Even a greater degree of disquietude has been caused by the Japanese plans for a naval base at the mouth of the Tumen River to be connected by railroad with Kirin. This project is considered as verging on an infringement of the Portsmouth peace treaty.

STILL NO TRACE OF BOAT

Second Cruiser Unable to Find Lost Steamer Waratah.

SIMONSTOWN, Cape Colony, Aug. 11.—The British cruiser Fort returned here today after an unsuccessful search for the steamer Waratah, during which a distance of 1200 miles was traveled.

The Waratah, a British steamer, has been missing since July 26, when she sailed from Port Natal. She had 92 passengers and a crew.

WOMAN TURNS ON PROBE COMMITTEE

Investigation Becomes Rather Spicy.

WANTS TO RETRACT WORDS

Says Testimony Was Given When Only Semi-Conscious.

WOULD CLEAR MR. PALMER

Specifies Details of Immoral Conduct of Morrow, Who Brought Her Into Case, That Cause Him to Get Angry in Session.

OLYMPIA, Wash., Aug. 11.—(Staff Correspondence.)—Mrs. Sarah L. Brown, the alleged intermediary between Dr. J. Eugene Jordan and E. B. Palmer in the purported attempt to "fix" the Supreme Court in the Ramsey quiet-title case, foisted the Halsey investigating committee to a turn tonight, refused to be quoted by the members, and delivered a tirade against P. F. Morrow, whose testimony Monday in Seattle brought her into the case.

Mrs. Brown, who fainted when on the stand in Seattle yesterday, accused the committee of abuse in calling her out of a sick bed and subjecting her to rigid cross-examination. She said part of her testimony given yesterday was given when she was semi-conscious and was incorrect.

Court Not Corrupted.

Mrs. Brown testified that she went to E. B. Palmer as a matter of securing additional counsel in the Ramsey case, having been financing the proposition; that after Palmer had talked over the case with her attorney, Mr. Allen, Palmer had expressed the opinion there was no show to win it and refused to take it on a contingent fee.

Mr. Palmer, she said, was willing to take the case on a payment of \$2000, but when she reported the matter to Dr. Jordan they decided they did not have the money to expend. There was no talk of corruption of the Supreme Court, she said.

"It is simply ridiculous that men like Mr. Palmer and the members of the Supreme Court should be disgraced through me for blackmailing purposes," she said. "You may think it a joke to treat me as a woman yesterday, but I am here to clear Mr. Palmer."

Stormy Scene With Morrow.

Then turning on P. F. Morrow, who was seated in the room, she accused him of gross immoral conduct, specifying details unfit for publication.

"You're a liar," shouted Morrow, and Sergeant-at-Arms Wilson rushed to him and forced him back in his chair.

In spite of remonstrances from the committee Mrs. Brown continued in a hysterical voice: "I am a wife, a mother and a grand-mother, and can live down my disgrace, but when they bring me in to blacken the Supreme Court and Mr. Palmer, a man with a career before him, it is a disgrace, a shame and a stain on the state. Mr. Palmer treated me white."

Again the committee remonstrated and

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WOMAN IS PINNED BENEATH HORSES

BRIDGE DROPS, TEAM AND DRIVERS CAUGHT IN WRECK.

One Woman Frees Herself, Gets Help, and Horse Has to Be Shot to Extricate Companion.

TILLAMOOK, Or., Aug. 11.—(Special.)—By the collapse of a bridge over a small stream on the road from Nehalem last night, a team of horses and buggy driven by Mrs. Ella Blanchard and Mrs. J. Davis was precipitated into the gully.

Mrs. Davis fell clear of the wreck, while Mrs. Blanchard was caught beneath the struggling horses and held down in the water. She was saved from immediate death by the fact that the horses were supported by the broken and twisted bridge wreckage.

The panic-stricken animals struggled frantically and both women feared momentarily that the wreckage would break up and allow them to crush Mrs. Blanchard to death. Finally one horse got its head under water and was drowned.

Mrs. Davis, who had escaped with minor bruises besides a severe wetting, found she could not extricate Mrs. Blanchard, and set off afoot to find help. Her absence was short but it seemed interminable to Mrs. Blanchard, partly immersed in the icy water and fearing every movement that the struggling horse above would fall and crush her.

When Mrs. Davis returned with help the living horse was shot, and Mrs. Blanchard was extricated, thoroughly chilled and in a state of nervous collapse but otherwise little injured.

PERISHES IN SHASTA SNOW

Mountaineer Is Missing When Comrade Returns From Summit.

SISSON, Cal., Aug. 11.—Gus A. Mauer, of Vacaville, Cal., is believed to have perished from cold far above the snow-line on Mount Shasta, which he set out to ascend from this place last Monday. He was accompanied by Frank Morton, of Sisson, with whom he rode to an altitude of 11,000 feet, where they left the horses.

The following day they started for the summit, 2000 feet above. Mauer became exhausted at Thumb Rock and waited there while his companion climbed to the top. When Morton returned, Mauer was not to be found and no sign of him has been discovered, although searching parties have been out all day.

FIGHT ON BOARD STEAMER

Quartermaster on President Stabs Man Who Beats Him.

SAN DIEGO, Aug. 11.—During a fight on board the steamer President, while lying at her wharf here tonight, James Foley, fourth officer of the vessel, was stabbed in his lung, just below the heart. C. B. Pinkert, the quartermaster, is in jail, charged with assault to kill.

Witnesses of the affair say that when the stabbing occurred Foley had Pinkert lying on the deck and was beating him savagely with his fists. The physicians at the hospital to which Foley was taken say that his wound is serious.

ELLA GINGLES GOES HOME

Lacemaker Sails for Ireland, Far From White Slavers.

NEW YORK, Aug. 11.—Ella Gingles, the young Irish lacemaker, whose trial in Chicago for larceny from her employer attracted National attention because of her charge of an attempt to force her into "white slavery," sailed for her home in Ireland today.

SUICIDE THEORY IS GIVEN SETBACK

Surgeons Sure Sutton Did Not Kill Self.

SAY SUCH SHOT IMPOSSIBLE

Gross Exhibit of Skulls Is Made at Hearing.

TODD GIVES NEW ACCOUNT

Witness Brought From Massachusetts Tells of Officers Sending Sergeant Back From His Investigation.

ANNAPOLIS, Md., Aug. 11.—A gruesome feature this afternoon was introduced into the inquiry regarding the death of Lieutenant James N. Sutton, Jr., of the United States Marine Corps, when the legal representative of Mrs. Sutton, the mother of the dead lieutenant, brought to the witness-stand Dr. M. Edward Shafer, of Washington, an expert on gunshot wounds.

The people in the room crowded around the table and gazed with interest upon the doctor while he placed upon the table glistening skulls, to the exterior of one of which he affixed, in little lumps of wax, steel rods, intended to indicate to the members of the court the course of the bullet in the skull of Lieutenant Sutton.

Doctor Plays Corpse.

The doctor stretched himself upon the table and showed by pantomime how, in his opinion as an expert, it was quite impossible that Lieutenant Sutton could ever have fired into his own head the shot that killed him.

The witness declared that Lieutenant Sutton could not possibly have been able, under the circumstances described in the testimony, to exercise sufficient skill on the trigger to discharge the weapon. When court adjourned, the cross-examination of Dr. Shafer was in progress.

The evidence of Sergeant Todd, touching which considerable interest has been aroused by an alleged interview published in Boston, while it did not confirm the interview in whole, brought out some points not in consonance with the testimony given previously by marine officers.

Todd Gives Testimony.

Todd said that before the shooting he had seen Lieutenant Roelker pass the guardroom. After the shooting, he said, Lieutenant Roelker came into the guardroom and said:

"My God, Archie, I've been shot."

The finding of the bullet followed. He acknowledged having said he often wondered why he was not summoned, but said he had never tried to make known to any officer his possession of knowledge of the events on the night of Sutton's death.

Mr. Birney took the witness in detail over the events of the night. The running figure, he said, was going from the vicinity of camp toward the bridge over College Creek. After the shooting he saw Lieutenants Adams and Sherman in

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BANKWRECKER TO BE FREED TODAY

BROWN, WHO SHARED IN \$9,000,000 LOOT, ENDS TIME.

Of 15 Months Supposed to Have Been Served, Most of Time Was Spent as Witness.

SAN FRANCISCO, Aug. 11.—(Special.)—J. Daisell Brown, convicted of misappropriating the funds of the defunct California Safe Deposit & Trust Company and sentenced to 15 months' imprisonment, will leave San Quentin tomorrow morning a free man, after the nominal service of 15 months. More than half of this time Brown has spent in San Francisco as a witness before courts in the trial of other officials who helped him wreck the bank. For his testimony he was given full immunity on all other indictments against him.

Brown and his associates looted the bank of nearly \$9,000,000, which would have been a complete loss except for a heavy advance in Western Pacific Railroad stock held by the bank. Now it is estimated the depositors will get 20 cents on the dollar. Brown was largely responsible for the heavy loans to James Treadwell, a mining man, and others on poor collateral or merely notes. There are 200 depositors, many being poor people.

TOWN LOSES \$1,000,000

Fire Destroys 34 Buildings at Monticello—Stopped by Dynamite.

MIDDLETOWN, N. Y., Aug. 11.—A loss estimated at \$1,000,000 was caused by the fire which swept 34 buildings from the main street of the Summer resort of Monticello, N. Y., last night. The buildings burned included hotels, stores and residences. The fire was brought under control this morning after dynamite had been used.

Three hotels filled with Summer guests mainly from New York City, were destroyed. They were the Rockwell House, the largest hotel in Sullivan County; the Palace Hotel and the Bolson House. The Union National Bank, two newspaper offices and every store but one in the town was destroyed.

RELIQS OF SCHOOL DAYS

Henry Van Dyke Bequeaths Oregon Grandson Slate and Grammar.

LOS ANGELES, Cal., Aug. 11.—(Special.)—A feature of the will of Henry W. Van Dyke, offered for probate today and disposing of a \$100,000 estate, is remarkable for a paragraph that reads thus: "I hereby give to my grandson, Eos S. Van Dyke, of Currinville, Or., my schoolmate and Kirkman's English grammar, bought in 1840, as a relic of my schoolboy days."

The beneficiaries of the will are Mrs. Hannah O. Rockwell, Belle Plains, Iowa; Mary Cottrell, Kincaid, Iowa; Lawrence Wilson Van Dyke, Currinville, Or.; and Ellen Van Dyke, of Los Angeles.

INJUSTICE DONE WOMAN

Mrs. Helen Spencer Freed of "White Slave" Charge in Canal Zone.

NEW YORK, Aug. 11.—That an injustice has been done Mrs. Helen Spencer, arrested recently in Ecuador and charged with having engaged in the "white slave traffic" for the Panama Canal Zone was admitted today, when the indictment against her was dismissed by Judge Rose.

The action was taken on the recommendation of the District Attorney who reported that he had found the testimony of the complaining witness false in essential points.

WENT TO WRONG CHICAGO

Registered Mail Found and Kentucky Postmaster Accused.

CINCINNATI, Aug. 11.—In the arrest of Postmaster Philip C. Smith, of Chicago, Ky., Government officers believe they have solved the mystery of missing registered mail that has failed to reach Chicago, Ill.

Two men detailed by Chief Postoffice Inspector Holmes, of the Cincinnati division, notified him today of Smith's arrest. They report finding a large number of letters containing checks, drafts and cash, addressed to Chicago, Ill.

RUSSIAN ROBBERS FOILED

Rifle Hungarian Bank, but Man Carrying Money Is Caught.

TIME, Hungary, Aug. 11.—The General Credit Bank of this city was raided today by three Russians, who shot down the cashier and rifled the safe of \$6000. The men then fled.

A policeman succeeded in knocking down the man who was carrying the loot, but the other two escaped. All the money was recovered. The man taken into custody gave the name of Salomon Kisinovill and said he was from Odessa.

WEDS; THEN MAKES WILL

Portland, Me., Widow Has Scheme to Frustrate Brother's Plans.

PORTLAND, Me., Aug. 11.—Mrs. Sarah J. Nichols, a wealthy widow, was secretly married today to C. S. Smith, of this city, and immediately following the ceremony willed all of her large property holdings to her newly acquired husband.

The marriage, it is believed, is for the purpose of frustrating the woman's brother, J. Lucas, who is trying to have her declared incompetent.

BALLINGER CENTER OF FIERCE BATTLE

Ex-Governor Pardee Is Leader of Attack.

TURNER HURRIES TO DEFENSE

Campbell Tries to Spread Oil on Troubled Waters.

PRIVATE AID CASUS BELLI

California Roundly Scores Secretary for Giving Away Power Sites and Makes Impassioned Plea for Roosevelt Policies.

SPOKANE, Aug. 11.—With the stage carefully set, the actors prepared in their lines and an overwhelming audience in its place, the Ballinger battle royal burst upon the National Irrigation Congress this afternoon.

The man who, in the language of an enthusiastic Californian, "tipped things wide open" first was Dr. George C. Pardee, ex-Governor of California. To say that Dr. Pardee was entirely ready with his lines would be a trifling error because he laid aside a portion of his manuscript of a set speech and in his own language "said what he had to say."

Pardee Attacks Ballinger.

Pardee attacked Richard A. Ballinger, Secretary of the Interior, with a forcefulness only exceeded by that of George Turner, ex-Senator of Washington, who took up the cudgels in defense of Secretary Ballinger. These two became the principal actors in the little drama which was enacted after the appearance of the Secretary of the Interior had paved the way for the battle.

Ballinger Loudly Cheered.

Mr. Ballinger made rather a triumphal entry surrounded by a reception committee and when he rose to speak he was cheered for several minutes.

Previous to his introduction President Barlow of the Irrigation Congress achieved what was generally believed to be an excellent bit of stage play in causing to be read the telegram received on Monday from President Taft in which the President assured the congress of his support in reclamation and preservation ideas.

Mr. Barlow then assured the delegates that the Secretary no doubt would assure them of the same allegiance coming from himself.

The Secretary declined, however, to become enthusiastic on this point and pre-

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INDEX OF TODAY'S NEWS

The Weather.

YESTERDAY'S—Maximum temperature, 90 degrees; minimum, 62 degrees.

TODAY'S—Fair and cooler; westerly winds.

Foreign.

Great rush to Rheims to see aviation contest. Page 2.

Flood at Monterey, Mex., causes 50 deaths and destroys 600 houses. Page 4.

National.

Government advised to aid independent steamer lines in connection with Panama Railroad. Page 12.

Northwest fares well in House committee appointments. Page 10.

Domestic.

Mexican in California cuts half pound of flesh from delinquent's pocket. Page 1.

Heat strikes down many veterans and children in Grand Army parade at Salt Lake. Page 5.

Dallas Brown, bank wrecker, to be released from prison today. Page 1.

Big Atlantic Coast liner disabled and being driven ashore. Page 4.

Strong testimony against suicide theory in Sutton case. Page 1.

A Specta.

Coast League scores: Portland 6, Vernon 1; Oakland 3, Sacramento 2; Los Angeles 3, San Francisco 1. Page 7.

Schwengers, of Victoria, wins Pacific Northwest tennis championship. Page 7.

Jeffries and Johnson sign agreement for championship fight. Page 7.

Northwestern League scores: Portland 1, Tacoma 4; Astoria 5, Vancouver 6; Spokane 4, Seattle 2. Page 7.

Holbein starts to swim across English Channel. Page 5.

Pacific Northwest.

Storm breaks over Ballinger in National Irrigation Congress. Page 1.

Schively's first move in defense is attempt to disqualify 16 Senators. Page 1.

Citizens threaten to turn light on Pan Tans if Governor Hay refuses. Page 6.

Drawing of Flathead lands, largest of three, begins today. Page 4.

Washington Legislature reconvenes to ratify income tax amendment; but fight forecast. Page 4.

Bridge down; woman is pinned beneath wreckage in water. Page 1.

Woman witness against Washington Supreme Court splicity retracts testimony. Page 1.

Union politics result in burning of home of Mayne. Page 1.

Forster Brothers say they will hire away all Twoby Brothers men. Page 5.

Portland and Vicinity.

Northern Pacific lets contract for double track from Seaside to Tacoma. Page 10.

Port of Portland to consider O. R. & N. bridge plans today. Page 11.

National and international agreement for induction proceedings brought against Oregon Trunk by Harriman forces at the Dalles transferred to Federal Court. Page 10.

Ex-Senator Teller accuses of big power trust. Page 2.

Paving combats reduces price of hard-surface material. Page 11.

Albers Bros will erect largest cereal mill in West. Page 12.

County buys tract for new postfarm. Page 11.

National undertakers will meet in Portland September 9. Page 10.

City Council rejects proposal to locate new City Jail at Park and Everett streets. Page 10.