SUTTONS TO TAKE CASE TO CONGRESS

Adverse Decision Does Not Dismay Them and They Ask New Inquiry.

CENSURE FOR OFFICERS

Winthrop Says Affray Showed Bad Discipline—Mrs. Sutton Still Says Son Not Suicide—No Damage Suits.

WASHINGTON, Aug. 18.—With the publication today of Acting Secretary of the Navy Winthrop's approval of the finding of the court of inquiry that Lieutenant James N. Sutton, Jr., of the United States Marine Corps, was "directly and solely responsible for his own death at Annapolis nearly two years ago," the famous Sutton case became a closed incident as far the Navy Department is concerned.

Counsel for the Suttons intimated, however, that they were far from satisfied, and that they probably would take the issue involved to Congress with a view of having a full hearing by a committee of that body.

Discipline Has Improved.

Too much time has elapsed since the incident, in the opinion of the Navy officials, to undertake any proceedings against the persons whose conduct in the case has been made the subject of criticism by the court. They, however, will be informed in an official way of these criticisms.

Although Mr. Winthrop, in his indorsement, speaks of the lax state of discipline existing at the marine school at the time of Sutton's death, he says conditions have improved; that splendid discipline prevails at this time, and that he is confident that the unfortunate situation previously existing will not again prevail.

Suttons Will Still Fight.

"All I can say," said Mrs. Sutton tonight, "is that there is still no question in my mind that my son did not commit suicide and the decision by the court of inquiry has by no means halted me in my determination to vindicate him."

Judge Advocate Leonard issued a statement in which he upheld the justice of the findings. He declared that the inquiry had been conducted with great thoroughness. With reference to the statement of Henry E. Davis, counsel for Mrs. Sutton, that the Judge-Advocate's handling of the case is fully supplemented by the court's action, which makes the inquiry a mere curtain-raiser to the main performance, Judge-Advocate Leonard said:

Leonard's Reply to Davis.

"I can only say that I accept the remark as a graceful tribute to the spirit in which I am sure it is offered. The finding of the court is so altogether in keeping with the logical outcome of the evidence adduced that I conceive Mr. Davis' remark as a very magnanimous compliment. There may be some who could interpret Mr. Davis' remark into a caustic comment on the court and the Judge-Advocate and to them I say with Disraeli—it is much easier to be critical than correct."

Will Not Sue Suttons.

Arthur A. Birney, counsel for Lieutenant George E. Adams, expressed his gratification over the decision, saying that there was no foundation for any statement that Lieutenant Adams and others will sue Mrs. Sutton for damages.

"I understand," said Mr. Birney, "that the Sutton side does not intend to let the case drop. But I can't see that they can do anything except stir up some Congressional fuss. There is no evidence on which to build a case and they will fail utterly in any of the regularly constituted avenues for bringing about a prosecution."

SUTTON DIED BY HIS OWN HAND

Court of Inquiry Exonerates Officers, but Censures Them.

WASHINGTON, Aug. 18.—"Lieutenant Sutton was directly and solely responsible for his own death, which was self-inflicted, either intentionally or in an effort to shoot one of the persons restraining him, and his death was not caused by any other injury whatever."

This is the verdict of the Navy Court of Inquiry which for some weeks has had under investigation the cause of Sutton's death on October 13, 1907, which verdict has been approved by the Judge Advocate-General of the Navy and by Beekman Winthrop, Assistant and Acting Secretary of the Navy. The court also finds:

"That Lieutenant Utley failed in his duty as senior officer, under article 266, United States Navy regulations, 1908, in permitting Lieutenant Sutton to run away and arm himself, instead of calling on those present for assistance and following Lieutenant Sutton, preventing him from arming himself, by force if necessary, and turning him over to the custody of the officer of the day.

"That Lieutenant Bevan, officer of the guard, failed in his duty as officer of the guard in not disarming Sutton by force while in front of his (Sutton's) tent.

"That Lieutenant Willing, the officer of the day, failed in his duty as officer of the day in not immediately assisting by force in helping to disarm Lieutenant Sutton when he arrived on the scene before the fatal shot was fired.

Charge of Murder Unfounded.

"That the charges of willful murder and conspiracy to conceal it, made by the complainant, Mrs. Sutton, mother of the dead lieutenant, are purely imaginary and unsupported by even a shadow of evidence, truth or reason.

"The court recommends, however, in view of the youth and decided inexperience of Lieutenants Utley, Willing and Bevan at the time, and of the altogether unusual conditions of excitement, threats and danger during the after-mentioned fray, that no further proceedings be taken."

The report is signed by J. Hood, Commander, U. S., president of the board, and Henry Leonard, Major U. S. Marine Corps, Judge-Advocate.

Hood Is Severe With Officers.

Commander Hood also filed a minority report in which he says he concurs in the majority report and in addition he is of the opinion that Lieutenants Utley, Adams, Osterman, Willing and Bevan showed a deplorable lack of knowledge of their duty and obligation as officers holding commissions in the Marine Corps; and the testimony concerning the whole deplorable affair indicates a state of discipline then existing in the Marine School of Application, discreditable to the service, and argues strongly against the practice of commissioning and putting into positions of responsibility under-men without proper previous training.

He is also of the opinion that Lieutenants Willing, Bevan and Utley should have been brought to trial at the time for neglect of duty; Lieutenants Adams and Osterman should have received military punishment for engaging in a brawl unbecoming officers and gentlemen, and he concurs in the recommendation that no further proceedings be taken at this time only because of their youth and inexperience at that time, and because of their being, in a sense, the victims of a system for which they themselves are not responsible.

Department Condemns System.

By its concurrence in the opinion of the court and in that expressed in the minority report, the department indicates its thorough disapproval of the lax discipline shown by the evidence to have existed at the Marine Corps School of Application prior to and at the time of the death of Lieutenant Sutton. It says:

"The results of this inquiry have brought serious discredit, not only on the officers directly responsible for the efficiency of the institution, but, unfortunately, on the Marine Corps as a whole."

In the beginning of its report the court says:

"After due consideration of testimony, in the taking of which the widest latitude was allowed to all concerned, with the object of bringing out any possible bit of testimony or fact that might in any way bear on the subject matter under inquiry, and after carefully weighing all the evidence, which, as might be expected, after the lapse of time and in view of the excitement under which the principal witnesses were laboring at the time of the occurrence of the matter under inquiry, is peculiarly mixed and contradictory in details, the court finds certain facts standing out clearly, distinctly and beyond dispute or cavil, and does so. Accordingly at 2:30 P. M. the Judge-Advocate was called before the court and directed to record, viz:

Court's Findings of Fact.

"Facts—No. 1. The dispute took place and filthy language unbecoming an officer and a gentleman was used by Lieutenant Sutton toward Lieutenant Adams in the presence of their senior officer, Lieutenant Utley, about 1 A. M., October 13, 1907; that Lieutenant Utley and Lieutenant Osterman intervened to prevent a fight.

"No. 2. That, because of this interference, a fight took place immediately afterwards between Lieutenant Osterman and Lieutenant Sutton, in which Lieutenant Sutton was the aggressor, calling Osterman a vile name and striking Osterman a blow from behind.

"No. 3. That Lieutenant Sutton was then ordered under arrest by his senior officer, Lieutenant Utley; failed to obey such order, ran away to his (Sutton's) tent, threatening to shoot all present, and armed himself with two revolvers, one a Smith-Wesson, the other a service gun.

"No. 4. That Lieutenant Sutton, having possessed himself of two revolvers, ran amuck, threatening all who came in sight, after defying his senior officer, Lieutenant Utley, and the officer of the guard, Lieutenant Bevan, who had also ordered him under arrest.

Sutton Killed Himself.

"No. 5. That Lieutenant Utley and Lieutenant Roelker and Sergeant Dehart followed Lieutenant Sutton from the camp after his breach of arrest and came on him in the road leading from the barracks to the Naval Academy grounds near the scene of the previous fight, and Lieutenant Utley and Sergeant Dehart tried to persuade him, Sutton, to disarm.

"No. 6. That Lieutenant Sutton broke away on hearing persons approaching from the direction of the barracks and ran in that direction and, while being chased by Lieutenants Utley and Roelker, met Lieutenant Adams and opened fire on him; in the general scrimmage that followed, he shot Roelker in the breast and Adams in the hand and, when finally overpowered and thrown to the ground by Adams, was killed by a revolver shot from a service Colt revolver, held in his own right hand and fired by himself without the intervention of any other hand."

MAKE THEM SIT UP SOME

Sutton's Father Says at Least Suicide Is Disproved.

When asked last night for his opinion of the verdict of the naval board of inquiry in the investigation of his son's death, J. N. Sutton would say little, except that it decides nothing. "What is the use of saying anything," said he. "We have been up against a stone wall, but I think we have established the fact to the satisfaction of the great mass of Americans that our son did not commit suicide.

"The first inquiry was a farce and the methods used to cover evidence then only showed the rotten condition of affairs in the Navy Department. We have made them sit up and maybe we will make them sit up a little more."

TO NAME "MEN HIGHER UP"

Young Persch to Tell Secrets of Alleged Stock Theft.

NEW YORK, Aug. 18.—According to information given out at the District Attorney's office tonight, Donald L. Persch, the young note broker, who is under $50,000 bail, charged with the larceny of copper stocks belonging to F. A. Heinze, will make a complete statement tomorrow, attempting to exonerate himself, and to lay the blame on "Men higher up," who, he has intimated, from time to time, used him as a tool.

Attend Rosenthal's shoe sale.

PHOTOGRAPH AT SCENE OF SUTTON INQUIRY, WHOSE FINDINGS WERE ANNOUNCED YESTERDAY.

ARROW 1 INDICATES MRS SUTTON, ARROW 2 MRS. PARKER.

COLORADO TOWNS PREY TO TORRENT

Repeated Cloudbursts Send Deluge Down Valley of Arkansas.

MANY TOURISTS STRANDED

Water in Wild Fury Almost Up to Famous Bridge in Royal Gorge and Railroads Are Blocked. Pueblo Under Water.

DENVER, Aug. 18.—Another cloudburst at Four-Mile Creek, near Canon City, tonight made more disastrous the flood in the Arkansas River which since dawn today threatened the adjoining towns, washed out railroad tracks and tied up many tourist trains. The cloudburst was one of the heaviest in that section and soon the river, swollen by mountain torrents near Canon City, had risen eight feet six inches.

The trains of the Denver & Rio Grande and Colorado Midland Railroads were blocked at many places and scores of tourists were delayed at Pueblo, Salida, Grand Junction and other points.

Royal Gorge Scene of Fury.

The magnificent Royal Gorge, where the Arkansas River rushes through a canyon nearly 3000 feet deep, was a scene of wild fury. The water had reached the level of the famous hanging bridge. Many of the nearby canyons were washed clear of tracks.

At Pueblo the water tonight was splashing over the levee at the State Asylum grounds, and with a six-inch rise the grounds of the asylum as well as a large portion of the residence section nearby will be under water.

Officials of the Rio Grande state that 45 miles of their track between here and Salida, a distance of 100 miles, is washed out and that it will be at least a week before main line traffic can be resumed.

Pueblo Loses Bridges.

At Pueblo the Ninth-street bridge, a steel structure, was carried out and several other bridges are reported damaged. A considerable quantity of stock in pens at the slaughter-houses was carried away and some cabins destroyed.

The report of the coming flood reached Pueblo at 3 o'clock this morning, and a few minutes later the whistling of locomotives and the clanging of the fire bells aroused the people living in the river bottoms to their danger. Five thousand persons labored frantically for hours to move their belongings to higher ground. No loss of life has resulted.

At Florence the entire population worked throughout the night carrying goods to higher ground in the expectation that practically the entire town would be submerged.

Horsemen were sent out last night all along the river between Canon City and Pueblo and even below here, to warn people of the approaching flood.

PINCHOT'S HEAD MAY FALL

(Continued From First Page.)

recting the affairs not only of the Forest Service, but of the Interior Department as well. Although a Bureau Chief in the Agricultural Department, Mr. Pinchot issued orders to the Secretary of the Interior, and Mr. Garfield quietly obeyed. It was the hand of Mr. Pinchot that shaped everything with reference to public land matters.

When Mr. Taft came into the White House, Mr. Pinchot wished to continue this dictation. But he ran foul of Mr. Ballinger, who told him to keep hands off, and the President also informed Mr. Pinchot that he must confine his activities to the Forest Service. The President went so far as to abolish the Conservation Commission, because it was not authorized by law. That deprived Mr. Pinchot of the direction of the affairs of the commission, and took away his last color of right to interfere in the workings of the Interior Department. That fact did much to annoy Mr. Pinchot; he resented being shorn of the great authority he had wielded in the last Administration. At the same time it strengthened Mr. Ballinger and gave him undisputed control of his department.

Conservation as Law Allows.

As has previously been explained, both the President and Mr. Ballinger are committed to and believe in the policy of conservation of natural resources, but they will carry out that policy only so far as the law permits. They recognize the shortcomings of the law, and will do their utmost to secure such additional legislation as they deem necessary. Pending the passage of such legislation, temporary expedients have been taken to prevent further absorption by trusts and combinations of the remaining natural resources of the country. Thus they are putting up to Congress the question of whether or no the Roosevelt conservation policy shall be continued or dropped. If Congress legislates and broadens the powers of the executive branch of the Government, all that Mr. Roosevelt sought to do will be done, but done according to law; if Congress, by adverse action or by inaction, fails to approve the Roosevelt policies, the Administration will follow the law as far as it goes, and there stop. Public sentiment, however, is apparently thoroughly aroused, and the consequence will be the enactment of such laws as are deemed necessary to permit of the permanent adoption of the conservation policies.

To the minds of many of his friends, Gifford Pinchot went too far in his speech before the Irrigation Congress at Spokane. He openly and frankly advocated doing everything not prohibited by law; the general interpretation is that Government officials can do only that specifically authorized by law. That speech will probably return to plague Mr. Pinchot.

TAFT IN BALLINGER FIGHT

President Finds His Department Negligent in Some Ways.

WASHINGTON, Aug. 18.—Reports are current today that President Taft has taken a hand in the Ballinger-Pinchot-Newell embroglio, with the result that the Attorney General's office has been called upon to review its former decision in which it was held that the Reclamation Service was transgressing the reclamation law, because it was prosecuting work for which no funds were obtainable. An investigation disclosed the fact that Attorney General Wickersham was misinformed as to the finances of the Reclamation Service.

It is estimated that $4,000,000 were obtainable for the work in question and that somebody connected with Secretary Ballinger's office had not taken pains to inform himself of the true inwardness of matters in submitting the case to Wickersham.

What is said to be a reflection upon Secretary Ballinger is the statement that the President has insisted that the case be prepared by officers of the Reclamation Service, rather than by the legal force in the secretary's office.

The officials at the Interior Department and Department of Justice show no disposition to discuss the situation.

Wade H. Ellis, of Ohio, is acting Attorney General during the absence of Wickersham.

AVIATORS TO CONTEST

RHEIMS IS MECCA OF "HUMAN BIRDS."

Aeroplanists From All Parts of World to Meet in Friendly Rivalry for Prizes.

NEW YORK, Aug. 18.—Thirty-eight aeroplanes have been entered in the aviation competitions which commence next Sunday at Rheims, France, and further information received today from abroad indicates that all records for long-distance flights will fall. The names of the pilots for the various aeroplanes which will compete for the prizes have not yet been announced. Besides the valuable prizes which have been offered for the events, 200,000 francs have been put up as prizes.

Aviation week at Rheims will open next Sunday with the French elimination races for the international aviation cup offered by James Gordon Bennett, and the Aero Club of France will select three pilots making the best flights to represent it in the big race. The distance is 20 kilometers or twice around the aerodrome. The final contest for the Bennett cup will take place on August 28.

Besides the elimination race for the Bennett cup on Sunday there will be the opening contests for the Prix de la Vitesse, which is a distance of 30 kilometers, and four prizes will be distributed to the machines making the best time around the course.

Aeroplanists making the best time around the course of ten kilometers, either in special flights or in other contests, will be awarded three prizes and designated winners of the Prix de Tour de Piste. The Prix des Aeronauts will be awarded to the dirigible balloon making five tours of the aerodrome course in the best time.

On Monday the grand Prix de la Campagne et de la Ville de Rheims will be held and some excellent competitions between aeroplanes are expected.

Six prizes will be awarded to six aeroplanes traveling the longest distance without recharging. All through the week contests for these various prizes will be held and the flights will take place between 10 o'clock in the morning and 7 in the evening.

NEW PRESIDENT IS CHOSEN

Dr. Julius Christian Zeller to Head University of Puget Sound.

TACOMA, Wash., Aug. 18.—(Special.)—Dr. Julius Christian Zeller, of Bloomington, Ill., has been elected president of the University of Puget Sound to succeed L. L. Benbow, resigned.

Dr. Zeller, who is 37 years old, comes highly recommended. For three years the chairs of philosophy and sociology in the Illinois Wesleyan University were held by him, and he has spent 12 years in the ministry. The retiring president will probably remain with the university

BIDS ARE OPENED

Cramp & Sons Lowest in Race for Huge Battleships.

ARMOR BIDS IDENTICAL

Prices for 26,000-Ton Craft Vary From $4,500,000 Up—But One Ship to Be Built in Any One Yard.

WASHINGTON, Aug. 18.—William Cramp & Sons, of Philadelphia, were the lowest bidders for constructing the battleships Wyoming and Arkansas, the two monster dreadnoughts authorized by Congress.

They submitted two bids—one at $4,500,000 and another at $4,475,000. Only one ship can go, however, to any firm of builders. The New York Shipbuilding Company, of Camden, N. J., made the next lowest bid at $4,675,000.

The Bethlehem Steel Company, the Carnegie Company and the Midvale Steel Company submitted to the Navy Department identical bids for furnishing the main portion of the armor of the battleships Wyoming and Arkansas. Their figures were for class A, $420 a ton, for 11,486 tons. For the other classes, amounting in all to about 1500 tons, the bids varied.

Bids for the vessels were made under two heads, class one being according to the Navy Department's plans, and class two the department's plans as to hull and equipment, but with machinery suggested by the bidder. As a result there were propositions for the installation of turbine coupled with reciprocating engines, and turbines combined with electric motors. The speed promised generally was 20½ knots, under both classes, but the New York Shipbuilding Company also offered to build a vessel at 20¾ knots at $4,750,000, under class one and at $4,875,000 under class two. Another bid by the same company was for a 20½ knot vessel at $4,780,000.

Bids submitted by the Newport News Drydock & Shipbuilding Company were, class one, $4,790,000, and two bids under class two at $4,680,000 and $5,010,000, respectively.

Eight bids came from the Fore River Shipbuilding Company, all under class two and ranging from $4,747,000 to $5,097,000

These vessels are to cost $6,000,000 each, exclusive of their armor and armament, and are to make a high rate of speed. The vessels are to be of 26,000 tons each, the largest ever undertaken by the American Naval establishment, the increase in tonnage in this class of vessels being from 20,000.

MISCEGENATION IS GOOD

So Says Chicagoan, Who Would Better American Race.

CHICAGO, Aug. 18.—"I believe that a little of the blood of the American Indian mingled with that of our own race would produce a strain of maghood which would be hard to equal."

So declared Professor William Matthews, of the department of sociology and anthropology of the University of Chicago in a lecture yesterday. The subject of his talk was "Race Prejudice."

"As people become better acquainted with conditions as they exist," the speaker continued, "the prejudice against the races will gradually disappear, and intermarriage will be common. The prejudice of the future then will not be bound up with the tint of the skin, but with the degree of intellectual development and occupation.

"In recent years a number of marriages have been recorded between the Japanese and the Americans. I see no reason why this should not go on, and I do not believe the result would be harmful to our standard of life. The Japanese have shown themselves to be our equals in many ways, and a little mixture of their blood into our countrymen would be a good idea. I believe, however, that the talked-of cross between the negro race and the American would be too violent, and it would not meet with success."

Joint User Bridge Wanted.

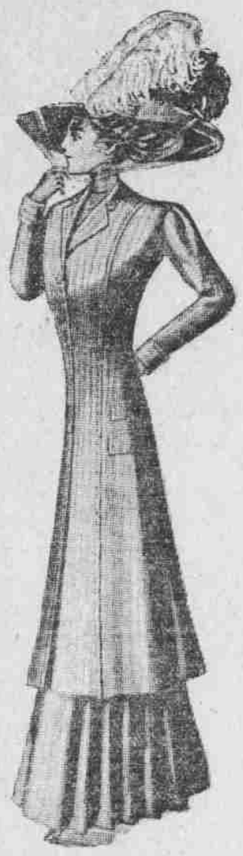
HOQUIAM, Wash., Aug. 18.—(Special.)—A committee appointed to confer with the Union Pacific officials regarding the erection of a joint user bridge to be built by the city and railway company instructed the chairman to demand a joint user bridge and pledged the city's share for the cost of construction. Three ways of raising the funds were discussed, but no final action was taken in the matter. The committee also recommended a single-deck bridge.

Sir Frederick Treves considers that we have practically reached the therapeutic limitations of the X-rays, the high frequency current and the Finsen light, but that in radium we still have unexplored fields of usefulness.

MERCHANDISE OF MERIT ONLY

Lipman-Wolfe & Co.

ANNOUNCE THE EARLY ARRIVAL OF NEW FALL SUITS.



The salient features of the Tailor-Made Suits for Fall are the elongated waists, close figure lines with particularly snug hip low-front lap, full length sleeve, hip yoke effect on skirts, with a reduction in high belt mounting. These features make the garment severely plain, but of a quiet elegance.

To this should be added a strong revival of materials of soft textures in fancy or semi-fancy weaves, Zibelines, Camel's hair, serges, and diagonals. To this must be added a very marked tendency to fabrics used for men's wear. Indeed, most of the finer suits, such as the Pellard imported suits, are tailored mostly in men's wear fabrics. Colors are notably dark, but of indifferent shading, classified as pastel. Most of the models show the development of the Moyen Age features which will be felt in all Fall costumes and dresses.

Especially Interesting to Tourists and Travelers

Your Piano Is Worth More Now in Exchange

Than It Will Be Worth in the Fall

If it is in your mind to buy a Pianola Piano next Fall, and—

If you have at present a piano that you will want us to take in exchange—

Then it will pay you to see us NOW.

We have an enormous stock of these magnificent instruments on hand—never heretofore, not even in New York, has it been possible to show such a tremendous number of latest Pianola Pianos of each of the various styles and in the various superb and costly woods and finishes used only by the world-renowned makers of this magnificent art product.

Never again will Portland witness a showing of so extensive and superb a variety of styles and designs.

There's many a "silent" piano in many a home, where there ought to be a Pianola Piano—a genuine Pianola Piano—an instrument that is not "mechanical," but, on the contrary, makes it possible for every member of the family to produce the choicest music with perfect individuality and expression.

We are now prepared to take such "silent pianos" in part payment for one of these very latest Metrostyle and Themodist Pianola Pianos, and we will make it an object of any owner of such old-style piano to do business with us now.

It is an object with us to receive exchanged pianos at this time so that we can have the quiet Summer in which to thoroughly overhaul them and keep our repair shops busy.

Will arrange most unusually liberal terms of payment for any responsible buyer not wishing on the spur of the moment to pay the difference in cash.

If you ever expect to own a Pianola Piano, now is the time to see about it at Eilers Piano House, Retail Department, "The Always Busy Corner," at Park (Eighth) and Washington streets.