BAILEY TO BLAME, SAYS STATE BOARD

Commissioner Retorts Impure Milk Is Fault of Honorable Body.

CAMPAIGN TO BE STARTED

After Relations of State Official and Health Organization Are Settled It Is Announced Effort Will Be Made to Better Milk Supply.

Charges of derellction of duty were passed back and forth between the State Dairy and Food Commissioner, J. W. Balley, and the State Board of Health yesterday, animated by the present wholesale distribution of impure milk in Port-

tiand and outlying districts. Mr. Bailey directed a sarcastic communication to the Board in which he accused that beds of inefficiency, a compliment that was returned with interest.

It was the sense of the members of the Board present, Drs. R. C. Yenney, Andrew C. Smith and E. A. Pierce, that the State Dairy and Food Commissioner is largely to blame for the present unsanitary conditions existing in many dairies. It was charged that he has falled to carry out certain specific suggestions

It was charged that he has failed to carry out certain specific suggestions made by Dr. Yenney for the betterment of dairy sanitation.

The Board met in the Medical building at 2 P. M. for the purpose of planning a campaign for wholesome milk. Definite action was not taken, however, as the Board wishes first to establish just what relationship must exist between fixed and the State Commissioner. Another meeting the date of which has not been fixed, will be called in a few days. The meeting yesterday was confined largely to a discussion of a comminmention from Mr. Bailey. A report was also heard from Dr. Yenney showing that heard from Dr. Yenney showing that bacteria are abundantly present in the milk supply of Portland. Microscopic examinations of samples from various dairies showed from 19,000 to 1,200,000,000 bacteria per cubic centimeter, the ac-cepted maximum being 160,000. Mr. Bailey's letter, written in response to a communication from the Board directing his attention to the bad milk supply, foi-

Balley's Letter to Board.

FORTLAND, Oct. 15.—To the Honorable State Board of Health in Convention As-sembled—Gentlemen: I herewith return Four valued communication of recent date your valued communication of recent date without domment.

I am surprised and pained to know that the condition of the dairies supplying our city with milk and cream is such as to cause sickness, and to learn of the higher death rate among children this Summer, under the inspection of the city authorities, together with the authority now wested in your honorable body (authority which gives you full power to mike such rules and regulations governing the sale of diseased animals and their products as in your judgment may seem necessary.

With this authority and the efficient support of the City Inspector, we should look for more healthful conditions and a lower death rate than under my inspection up to last March, when the city milk ordinance was passed.

With this authority and the efficient support of the City Inspector, we should look for more healthful conditions and a lower death rate than under my inspection up to last March, when the city milk ordinance was passed.

A year or more ago I requested your honorable secretary to accompany me on a tour of inspection that he might know the conditions as they existed at that time, and that I might have the benefit of his knowledge, wisdom and advice on this important matter. I recall with pardonable price the high compliment he paid me at that time on the work I had done in the important matter. I recall with pardonable price the high compliment he paid me at that time on the work I had done in the improvement of fairy conditions.

These conditions seemed to be satisfactory to your bedy up to about a month ago. Prior to that time, and in fact since that time, I can recall not a single instance of your having notified me by phone or in person or in any other manner that conditions were other than satisfactory, not does my letter file contain a single communication from your relative to unsatisfactory conditions. Your bulletins, which I receive from time to time, make no montion of the alarming conditions that you have so recently discovered.

I have noted with pleasure the declaration from your bonorable body that you will take infectant and declaration from our worthy City Health, Board, and with a similar degree of pleasure a similar declaration from our city Board of Trade, and with no small amount of satisfaction to the rumer that the pure food committee of the Consumer have noted with a similar declaration from our city Board of Trade, and with no small amount of satisfaction to a possible solution of the matter.

Now in conclusion I would suggest—if one in my humble position may be permitted to make a suggestion to you the trusted custodians of our public health—that your honorable body get busy! A reasonable time will be given for this work. If nothing is done I shall conclude that it is an acknowledgement

Board Discuses Defiance.

"That's the same old story." said Dr. Smith, when the reading was completed. "We get plenty of defiance from the State Commissioner, but we can't get "We have no trouble getting co-opera-tion from the city and county and from everyone excepting Batley," said Dr. Ven-

What does he mean in his letter when he refers to the compiliments paid him?"

Dr. Smith inquired of Dr. Yenney.

"More than a year ago." was the reply. I went on an inspection trip. I pointed out to him then certain filthy conditions. But he hasn't carried out a single suggestion as to the resultation of

conditions. But he hash t carried out a single suggestion as to the regulation of those duirtes."

"He seems to have ignored every request we ever made upon him." said Dr.

Pierce. "I think we had better determine exactly what legal authority we have and take rigid action looking toward a betterment of the existing condition." said

support of the Board of Trade and various organizations in any action it may take looking to the application of a remedy. Adjournment was taken for a few days until a suitable campaign may be formulated.

Balley Says He's at Sea.

Mr. Bailey said yesterday that, although frequent attacks have been made upon him through the press regarding the condition of dairies in and near the city, the State Board of Health has not written him, phoned him nor extended to him the courtesy of inviting him to attend its meetings.

The statement was made yesterday and the day before," said Mr. Bailey, "that the State Board intended to force me to do my duty. I should like to have it point out where I have not done it. There never has been a time in all these years when I would have

in all these years when I would have Adams' attorneys.

refused to co-operate with it in a pro-feasional way, or in a business way. I appear to be in the center of a fight, yet have never been given the oppor-tunity to make any explanation what-

tunity to make any explanation what-ever as to the situation.

"I do not believe in newspaper fights, but I think it is due the public to know my position in this matter. When these people come to me in a reasonable man-ner, divested of all sensationalism and outside influence, they will receive all the consideration my office can give them.

"What the Inient of this fight is, I confess I don't know. Promises to do things have been made. At first great headlines appeared in an afternoon paper to the effect that the City Board of Health intended to do something; then it was the State Board of Health, yet conditions remain today exactly the same as they were before. same as they were before.

Says Former Control Good.

"Until last March I had control, as "Until last March I had control, as an officer of the state, of all the dairies. Improvements had been marked in the last few years, during the time I had this work in charge. Then the City Board of Health secured the passage of a city ordinance in Portland, appropriating money to employ a man exclusively for milk and dairy inspection. At the last session of the Legislature the State Board of Health was given authority to make such regulagiven authority to make such regula-tions as to dairies as it saw fit. An appropriation was made for the em-ployment of three deputies for my office, to keep tab on dairies in counties outside Multnomah. They have inspected about 1000 dairies in Tillamook, Coos, Lane, Line, Washington and Marion counties, and the report from the creameries is that under this inspection the milk and cream received has tion the milk and cream received has been vastly better than ever before. These deputies are still doing this

OREGON LAW WORKS WELL, IS OPINION OF C. W. JAMES.

Prison Superintendent Believes Erring Men Are Given Better Chance to Lead Better Lives.

SALEM. Or., Oct. 15 .- (Special.)-"It is unfortunate that the authorities in of the interior countles cannot have a better opportunity to observe the workings of our indeterminate sentence law, said C. W. James, Superintendent of the Oregon Pentientlary today. "The law is

said C. W. James. Superintendent of the Oregon Penitentiary today. "The law is the best legislation of the kind that we have on our statute books, and in this part of the state, where the officials and public have a chance to see the work it is doing, the law is coming into very general use," continued Mr. James. "The report of a committee appointed to look into the matter reported to the American Prison Congress, held recently in Seattle, that from 65 to 70 per cent of the paroled prisoners make good as we use the term, while on the other hand, of the convicts sent up for a definite length of time, about 65 to 70 per cent slip back into their criminal ways and sooner or later find themselves back behind the bars. We have found that this percentage in both classes of convicts, has held good in the Oregon convicts, has held good in the Oregon penitentlary.

"When a man is paroled under the inwhen a man is paroles didner serving the minimum time under the law, he goes out into the world as a ward of the state. The parole officer of the prison, and the other state officials engaged in reformatory and penal work, are directly interested in helping him gaged in relative to the price of himself. Also his friends, and family if he has any, realizing that the price of backsliding will be a long term in prison, are on the alert to help him get honest work and keep him out of trouble. On the other hand, the man who serves out a stated syntence has no one to help the other hand, the man who serves out a stated sentence has no one to help him regain his standing in the commumity after he leaves the penitentiary. The state takes no interest in him, his friends realize that the authorities have no hold upon him and the public, in the absence of anyone to speak for the convict, shuns him and makes it hard for him to remain

him and makes it hard for him to remain homest, no matter how honorable his intentions may be.

Asked as to his opinion of the efficacy of capital punishment, Mr. James said "I have given this matter a great deal of thought and study and I have about concluded that hanging is not an effective which the deterrent of the crime for which it is prescribed as a punishment. During the past seven years Oregon has averaged about two executions annually. At one time during the past year there were more condemned men in the prison were more condemned men in the prison. awaiting execution than at any one time previously in the history of the instituthat this was due to the increase in popu lation, but this can hardly be true be-cause there has been no increase to speak of in the number of convicts."

DOGS GET INTO COURT Canine Hospital Subject of Big Legal Tangle.

Legal Tangle.

The King Hill Kennels were "raided" at night a black cocker-spaniel dog was kicked; Mrs. S. B. Adams, owner of the place, fainted, and the account of the raid was published in the newspapersthese are in short the charges which Mrs. Adams makes against W. F. Teevin, a patroiman, Henry J. Ottenheimer and W. E. Tobin in a suit for \$7000 damages which is now on trial before a jury in Judge Gantenbein's department of the Circuit Court. The questions of R. Circon, attorney for the defendants, and the answers of Mrs. Adams, who was on the witness stand yesterday afternoon, were ludicrous in the extreme Even Judge Gantenbein could not restrain his feelings, the situation seemed so funny.

Judge Gantenbein could not restrain his feelings, the situation seemed so funny, and laughed vigorously, the jurymen and speciators keeping him company. But Mrs. Adams falled to see the joke.

Mrs. Adams kennels are located at 530 Washington street. It was on December 3 last year, at 7:30 P. M. that the three defendants went there with a search-warrant bearing the address "700 Washington street," where Mrs. Adams formerly conducted her business. She refused to admit them, and they forced an entrance. Mrs. Adams says the forcible entry is worth \$500. The dog which was kicked coughed up blood and died in two weeks. She says it was worth \$500. Her fainting spell and subsequent nervousfainting spell and subsequent nervous-ness she thinks worth \$2000, while the publicity she secured through the news-paper stories she thinks damaged her \$3000.

Asked what damage the patrolman did to her premises, Mrs. Adams created considerable merriment by saying he "jerked the mattrees off on the floor looking for dogs." The jury had been to view the premises early in the afternoon, and Attorney Cliron wanted to know of Mrs. Adams "whether that was your husband we saw up there washing dogs today." She answered in the affirmative. Asked what property she has, she said it consists of dogs. She said the black dog didn't yelp when it was kicked, but just barked.
"Oh, he was an educated dog, was her". Asked what damage the patrolman did

'Oh, he was an educated dog, was he?" asked Citron.

The case will probably last several days. Strong and Thompson are Mrs.

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15 MINUTES will take you to the center of the Park, when the extension of the Broadway line, which is now assured, is completed.

Car line passes through the best residence portion of the East Side. A fine class of people are now buying home sites in ALAMEDA PARK.

Fifty per cent of the entire tract already sold.

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Take Irvington car to destination; then go north on Twenty-fourth street to the tract. A representative at our imposing office building.

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AGED PIONEER DEAD

Major Barnhart Passes Away at Portland Home.

1850 HERE JOBBER

Well-Known Citizen Served as First Superintendent on Umatilla Indian Reservation Under Nesmith's Appointment.

Major William H. Barnhart, ploneer Portland merchant and one of the first superintendents of the Umatilia Indian Reservation, died Thursday night at his home, 606 Third street, after an illness of several months. Major Barnhart was aged 82 years and located in this city originally in 1850. He is survived by a widow. The funeral services will be held at Finley's undertaking chapel at 1 o'clock at Finley's undertaking chapet at 1 october tomorrow afternoon, and will be conducted by Rev. William A. M. Breck, of St. Matthew's Episcopal Church.

Born in the State of New York in 1827, Major Barnhart crossed the plains to Oregon in 1850, locating in this city, where for several years he was engaged in the wholesale business on Front street, near Pine. During the administration of Governor Nosmith, he was appointed Gov-ernment Agent at the Umatilia Indian Resernment Agent at the Umatilia Indian Reservation and served in that capacity for 12 years. Subsequently he was engaged in the general merchandise business at Umatilia. Late in the 70's he returned to Portland, where he retired from active life and established a comfortable home on Third street, where he passed the remainder of his life.

mainder of his life. Major Barnhart was a literary man and possessed considerable ability as a writer. He was a great lover of roses, in the cultivation of which he took great pride, with the result that the spacious yard at the Third street home is today a veri rose garden, containing not less than 300 varieties.

ONE FINED, OTHER FREED Men Who Kill Salmon With Spears

Haled Into Court.

SCAPPOOSE, Or., Oct. 15 .- (Special.)-Sam Adams, arrested by Deputy Fish Warden Goodnough, plead guilty today in Justice Whitney's court and was

promptly fined \$50.

D. D. Holgate, who was with Adams when he procured the fish, was tried before a jury of six men and was acquitted.
The men had killed salmon in Scappoose
Creek with spears, and as Scappoose Creek is a favorite spawning ground, the offense is a grave one.

Oswego Widow Dies.

OREGON CITY, Or., Oct. 15.—(Special.)

—Mrs. Betsy Gottberg, who died at Oswego, October 12, was born in Sweden in 1845. She came to America in 1872, and married at Green Bay. Wis., in 1874, coming to Oregon in 1887, and locating on a farm at College. Her husband died on a farm at Colton. Her husbend died in years ago. She leaves the following children: Charles Gottberg, of Oregon City: Mrs. Nellie Ball, of Oswego; Gus Gottberg, of Colton, and E. A. Gottberg, of Oregon City.

Wheelock's Dead Body Found.

HOQUIAM, Wash., Oct. 15.—(Special.)

The body of John G. Wheelock. -The body of John G. Wheelock, chronicled as missing in today's Oregonian, was found today on a lot which he had been clearing at odd hours. The body was within 30 feet of the public travel on Ekhind avenue. Wheelock had evidently felt a sickness

coming on. He had put his tools away under the roots of a fallen codar. He was lying in a crouching position and had evidently sat down, when death arrived.

Ex-Senator Lindsay Dies.

FRANKFORT, Ky., Oct. 15. - Ex-United States Senator William Lindsay died at his home here early today. Mr. Lindsay was formerly Chief Justice of the Kentucky Court of Appeals, and had served as State Senator and Representative before going to the United States Senate. After quitting political life he began the practice of law in New York. He was 72 years old.

AMUSEMENTS

WHAT PRESS AGENTS SAY

Two Performances Today. There will be two performances at the Bungalow Theater, Twelfth and Morrison, streets, today. David Belasco will present the famous and charming American actross Blanche Bates, in her latest dramatic suc-Blanche Bates, in her latest dramatic suc-cess. "The Fighting Hope." A special mati-nee will be given at 2:15 o'clock this after-noon and the last performance tonight at \$15. Do not overlook this, your last two opportunities of seeing this brilliant star.

Superb Bill at Orpheum. Superb Bill at Orpheum.

The splendid hill at the Orpheum this week affords simple amusement for all. Mile Blanci has completely captivated the hearts of the large crowds which have attended this popular place of amusement throughout the week by her superb dancing, which has proved a revelation and a rare treat for the lovers of heauty and grace. Mile Blanci wears a number of magnificent gowns.

Baker Matinee and Tonight. There will be but two more opportunities to see the big song show "The Sunny Side of Broadway," which has made such a hit at the Baker this week. This afternoon's matines and toulght will close the very successful engagement. Light and frothy comedy, an abundance of tuneful melodies and songs, together with the pretties charus of dancing girls seen here this season, have combined to make it a winner.

One of the best bills offered by a local vaudeville house this season is entertaining packed houses at Pantages this week. Top-lined by Signor N Schlizonyl's famous Hungarian Hussar Band, direct from European triumphs the bill offers such stars as Jack Oliver, Milton & Dolly Nobles, Lester & Shannon, the Naples Trie, and a number of others equally good.

Last Chance for Miss Fay. The last opportunity to see Anna Eva Fay at the Grand will be today and tomorrow. The engagement of the remarkable woman closes with the performances tomorrow night. Thousands of people have asked her questions and received satisfactory answers at the Grand, and the performance of the fair mahatina has mystified all who have investigated her act.

Lyric Has Good Play. "The Flagship" will be presented at the Lyric by the Athon Stock Co. for the last times at today's matines and tonights performance, and the great third act representing the deck of the battleship Oregon still calls forth lavish applause from the suddences which have been large all week.

COMING ATTRACTIONS. "Three Twins" Tomorrow.

"Three Twins" Tomorrow.

The big musical comedy sensation, "Three Twins" will begin an engagement of seven nights tomorrow at the Bungalow Theater. Twelfth and Morrison streets. This is the largest musical play Portland has had in years and judging from the advance talk heard from the "wise ones" on theatrical lore, theater goess will have a rare treat. Special matinees will be given Wednesday and Saturday.

Portland's New Theater to Open. Portland's New Theater to Open.

The newest and finest of local playhouses, the Portland, will be opened Monday evening by Russell & Drew, as the home of the Sam S & Lee Shubert, Inc., attractions, with George Fawrett, in "The Great John Ganton" for the premier performance. This powerful play of Chicago business and social life has been sent direct from its record run at the Naw York Lyric Theater for the opening card.

Loisset at Orpheum Next Week. Ratchen Loisset, who comes to the Orpheum next week, introduces a charming and original act. She is a wonderful little singer of preposeesing appearance with a clever selection of songs, in which she introduces some wonderful trained pigeons and a fine white English buildes, with spiendid comedy effects.

Donald Bowles Opens Tomorrow All next week at Baker Theater, the well-known actor. Donald Bowlea supported by an excellent company, will make his farewell appearance in this city in the drama, presenting Edward Peple's beautiful play, "The Prince Chap," The week will be a notable one in Portland theatricals, for Mr. Bowles is the most popular member of Baker Stock Company.

"A Bunch of Kids."

Coming to the Grand with the reputation to being one of the best acts of the kind yaudeville is Will Rossiter's 'A Bunch f Rids.' Instead of the conventional hosirosm background, the nine performent this act are seen at a picule in the punity. The set serves to introduce many f the newest and most popular acong. The fellings, comedy hat manipulators, will a hit.

Great Bill Coming to Pantages Theater goers have an enjoyable week in prospect at Pantages for, besides the seven regular feature acts. Hert Swan will present its wonderful troupe of trained alligators. This aggregation of performing silurians is, without exception, the greatest in modern day vaudeville and will score a distinct triumph during the Portland engagement.

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