CANAL FORTS ARE NOT FORBIDDEN

Foraker Says Government Has Right to Protect Waterway.

TREATY-MAKING REVIEWED

Ex-Senator Advised Hay at Time and Asserts Pact Ratified by Great Britain Allows Forts, but Provision Is Indefinite.

WASHINGTON, Jan. 8.—A contribution designed to clarify the confused situation that has arisen over the decision of the United States to fortify the Panama Canal was submitted today by ex-Senator Foraker, of Ohio, to President Taft, who made it public.

Throughout the period in which the Hay-Pauncefote treaty was negotiated and ratified Senator Foraker advised with John Hay, then Secretary of State, and made many of the suggestions that are incorporated into the treaty preserving to this Government the right to take such means as deemed necessary to protect the canal and the shipping without specifically authorizing fortifications.

Senate's Acts Reviewed.

Senator Foraker's letter to President Taft reviews the acts of the Senate in connection with treaty-making with England, and laws passed subsequently to the ratification of the existing Hay-Pauncefote treaty. The letter tells of the ratification of a treaty by the Senate December 20, 1900, which was rejected by the British government.

When it was presented to the Senate it contained a provision against fortification, and there was much criticism of the Secretary because of that fact.

The provision was amended in accordance with public sentiment and after Great Britain's rejection of it, harsh and severe criticisms of Mr. Hay were renewed.

Hay Greatly Disturbed.

Mr. Hay was greatly disturbed by the attitude of newspapers and Senator Foraker said he received a call from him one Sunday morning and he seemed distressed and discouraged.

He showed Senator Foraker a letter from Lord Lansdowne, indicating that it would not be worth while to make an effort to negotiate another canal treaty, unless a provision were made therein for the settlement of the pending treaty between the United States and Canada. Mr. Hay regarded such a treaty as impossible and thought it barred further progress with respect to the canal.

Matter Is Discussed.

Drifting into a general discussion of the whole subject, Senator Foraker and Secretary Hay, it appears, agreed that it would be idle to undertake to secure the ratification of any treaty that flatly prohibited fortification by the United States or involved this Government in any obligation to consult any other power regarding protection of its own property. Senator Foraker suggested several changes from the compact which had been rejected by Great Britain, among them new matter and some transpositions that would soften the effect.

They include the following:

"The canal never shall be blockaded, nor shall any right of way be exercised, nor any act of hostility be committed within it.

Right to Protect Held.

"The United States, however, shall be at liberty to maintain such military power along the canal as may be necessary to protect against lawlessness and disorder."

Senator Foraker said that he marked these changes in a copy of the Hay-Pauncefote treaty which was handed to him by Mr. Hay, who took it away with him, and in the Fall of the same year, August 13, 1901, wrote to the Senator in confidence that he hoped to conclude a new treaty with England in line with "all the suggestions which you kindly made to me."

The treaty was negotiated and sent to the Senate in December, 1901, and was ratified without amendment and in due time was ratified by Great Britain and became a binding agreement. In his letter to the President, Senator Foraker shows that he had no doubt that the United States was reserving the right to fortify the canal.

Fortifications Are Allowed.

From the treaty provision for the establishment of the military force on the canal, Senator Foraker says, it would follow as a matter of course that such a military force would have a right to do whatever was necessary in the way of intrenching itself, "or in plainer words, fortifying itself against attacks."

He adds that the idea was that, with the canal constructed at a cost of hundreds of millions of dollars, "no one would ever question our right to do whatever might be our judgment to uphold our authority and protect our property and commercial rights."

Quoting from the Spooner law, providing for the construction of the canal, and the treaty with Panama, Senator Foraker shows it to have been set forth clearly that it was the intention of the United States to protect the canal and harbors. The Panama treaty uses the words, "The United States shall have the right to establish fortifications."

No Question Raised.

He cites the fact that the British government did not raise any questions as to the Spooner law or to the Panama treaty being in contravention of the Hay-Pauncefote treaty. He said that he supposed, and he thought other Senators were of the same opinion, that the British government recognized and understood that when the second Hay-Pauncefote treaty was ratified, it was a matter left wholly to the discretion of the United States, "to determine to what extent he would employ military power and resort to fortifications to protect our rights."

Senator Foraker said in part:

"An explicit stipulation to this effect was not insisted upon because silence on the subject of itself left us free to do as we see fit."

Rights Are Favored.

Mr. Foraker closed his letter with the following:

"There were several Senators and many persons who were of the opinion then, and are probably of the opinion now, that it might be good policy for the United States not to fortify or do anything else that would invite an attack on the canal or make that a theater of hostilities in case of war; but however that may be, it was, I know, the purpose of the great majority of the Senate, and as to the second treaty, at least, the purpose of Mr. Hay also to preserve to the United States an unquestioned right to do with respect to all such matters whatever in its judgment it might at any time think its best interest required."

EX-SENATOR, WHO AIDED HAY IN MAKING TREATY, SAYS GOVERNMENT HAS RIGHT TO FORTIFY CANAL.

JOSEPH F. FORAKER, OF OHIO.

AIDES ARE CLEARED

Aviators Say Moisant's Airship Was Not Faulty.

CONTROL FOUND INTACT

International Birdmen With Man Killed Resent Charge That Mechanicians Let Moisant Go Aloft in Unacroworthy Craft.

NEW YORK, Jan. 8.—Four of the international aviators who were with Moisant at New Orleans when he fell to his death, have sent to the Associated Press a signed statement of their findings in an examination of his machine, made on the spot immediately after he fell.

Rene Simon, Rene Barrier, Garros and Audemars all declare that the evidence shows that Moisant had shut off the power; that every stay and control was intact, and that nobody will ever know why his "wonderful and admired airmanship" met defeat.

But on one thing they are emphatic—that Moisant's mechanicians—Gerspach and Ferlet—had taken every precaution, and that his death was in no way due to any omission of theirs.

Albert Fileux's statement, published here, that Moisant's Bleriot had been too often broken and repaired, and that it was overweighted with gasoline when he went up for the Michelin prize, they deny as unfounded imputation of neglect. Fileux was the mechanic who made the Paris-London flight with Moisant.

In a letter to a New York newspaperman, received here tonight, Garros writes for his fellow aviators, supplementing the statement to the Associated Press, which is in part as follows:

"An incrimination of carelessness causing death is a professional dishonor for those boys who are known in France among the best men who ever worked on aviation fields. What was printed about them, made them so sorry that they cried when they talked to us about it.

"We carefully examined the wrecked Bleriot a few minutes after the accident, and we hereby certify that all the controls of the machine were absolutely intact. It was said that the motor had stopped, but Moisant had stopped it himself. He was obviously trying to land in a little space specially prepared for the purpose, a few feet from the fatal spot. In fact, we found the ignition shut off. What is the cause that defeated Moisant's wonderful and admired airmanship everyone will talk about, but nobody can know. But we are positive that nothing went wrong with the machine."

Coincidentally with the arrival of Garros' letter, the Aero Club of America made known tonight that it has given up all hope that Grahame-White, the British aviator, will withdraw his protest against the award to Moisant of Thomas Ryan's $10,000 prize for the Statue of Liberty flight.

A hearing on the protest is to come before the Federation Aeronautic Internationale in Paris, day after tomorrow, but it has been thought that, in view of Moisant's unfortunate death at New Orleans, the protest might be withdrawn. No word of any such intention having been received at the eleventh hour, the Aero Club gave out tonight an informal resume of its position and of the brief which it will submit to the international arbitrators.

In a word, the club believes it was perfectly justified in awarding the prize to Moisant at the close of the international meet here, and it will fight to the end for his memory and estate and for the good name of American sport.

Briefly, Grahame-White's original protest to the Aero Club of America was based on the fact that he was not allowed to make a second trial against Moisant's better time.

PRINEVILLE WILL BUILD

New Ten-Room Schoolhouse to Cost $26,000.

PRINEVILLE, Or., Jan. 8.—(Special.)—An election was held yesterday in which there was but one negative vote, on a proposition to erect a $26,000 public school building. The building will be completed this year and will be ready for use by September 1. It will be two stories with ten rooms.

LOVE FOR SEE IS TOLD

(Continued from First Page.)

has sought shelter with friends living near the flat, was warned to keep away from her former abode unless accompanied by a policeman. Despite the espionage of two plainclothes men, Mona, while at the "temple," succeeded in having a secret conversation with a friend of See, who met her in the lower hallway.

Mrs. Rees, divorced wife of Major Harry L. Rees, of Portland, Or., and mother of Mona, was one of the first converts to See's "Absolute Life." She has written some verses, which bear the title, "A Woman's Version of a Vampire."

Stephen H. Bridges, father of Mildred, is determined to press the case against the "prophet" to the last ditch.

"I can't talk at present," said Bridges. "My grief is too great for expression. I intend, however, to make a sensational statement during or after the trial of the cur who has ruined my home."

See's trial comes up Tuesday in the Chicago-avenue Municipal Court. It is understood that Bridges and Captain Danner, of the Sheffield-avenue police, will endeavor to obtain an indictment against See, upon whom the Municipal Court can inflict a sentence of no longer than a year.

Since his imprisonment See has been preaching the doctrine of the "Absolute Life" to his fellow inmates of the jail.

100,000 SEE FLIGHTS

SHAM BATTLE BY AIRSHIP IS SPECTACULAR EVENT.

Latham, Who Flew to Golden Gate Saturday, Is Unable to Get His Machine Off Ground.

SAN FRANCISCO, Jan. 8.—Owing to dangerous cross-currents of wind that swept across the peninsula today the aviators at Camp Selfridge were forced to give a tame exhibition to the crowd of close to 100,000 that had gathered in and out of the field to witness the flights. The sky was bright and the wind was low, but the aviators became cautious after the dying out of the treacherous currents.

The only spectacular event of the day was a sham battle between soldiers of the Second Batallion of the Thirtieth United States Infantry and Aviators Brookins and Parmalee in their Wright biplanes. From a height of 400 feet the aviators dropped mock bombs on the soldiers, while the soldiers defended themselves by shooting blank cartridges at the intruders. As there was no casualty list it will take an official verdict to establish the verdict.

Hubert Latham, who flew to the Golden Gate and back yesterday, could not get his Antoinette off the ground today. He started out bravely and managed to hurdle a ditch and a number of Army targets, but struck a down-current that brought the tail of his machine to the ground with a crash. James Radley had similar difficulty with his Bleriot monoplane, although his machine was not injured. Orva Meyerdorffer, a local amateur, attempted to fly in an aeroplane of his own make, but fell into a ditch and wrecked the machine.

The cruiser Pennsylvania came down from Mare Isand today and dropped anchor in the south bay. The cruiser is equipped with a platform on which Eugene Ely will attempt to land in his Curtiss biplane. Ely will make the trial when the weather is fair.

MINER BURNS TO DEATH

Fellows Try to Rescue Him, but They Fail.

BUTTE, Mont., Jan. 8.—William Guedelhofer was burned to death in his cabin early today. Two miners attempted to rescue him, but he fell against the door and they were driven back by the heat.

Guedelhofer lived on a mining claim to prevent some other person from gaining title, as the property was in dispute. He was 53 years of age. His wife and one daughter are in Seattle, and another daughter, married, is in Indianapolis.

Hillsboro Holds Suicide Inquest.

HILLSBORO, Or., Jan. 8.—(Special.)—Coroner Brown yesterday held an inquest over the suicide, J. S. Mitchum, aged 50 years, who severed his jugular vein in the bunkhouse at the George Galbreath ranch, near Tualatin. Mitchum stood before a mirror and used a razor as his method of self-destruction. He had worked several times at the Galbreath ranch, and returned there shortly before the holidays. He left no information as to the reason of his act, nor did he leave any papers telling of family or friends.

Camas Merchant Laid to Rest.

CAMAS, Wash., Jan. 8.—(Special.)—The funeral of Greenleaf Barrows, a retired merchant, who died of pneumonia at the Commercial Hotel last Sunday morning, was held from the Methodist Church in this city. The body was taken to the Knapp Undertaking room at Vancouver and embalmed. Mr. Barrows was 68 years old and leaves one sister, who lives in Montana. He came to Camas about a year ago from Bozeman, Mon.

REPORT IN TIMES CASE IS FORBIDDEN

Court Puts Ban on Findings Said to Uphold Theory Bomb Was Used.

HIGH EXPLOSIVE TRACED

No Labor Organization Implicated, but Grand Jury Says Paid Writer Prepared Statement Issued by Federation of Labor.

LOS ANGELES, Cal., Jan. 8.—(Special.)—The Times today publishes what purports to be a copy of the complete report of the special grand jury which investigated the Times building disaster of October 1 in which 21 persons were killed. The jury returned 23 indictments on Friday, but the court refused to let it submit the exhaustive report which had been prepared. Judge Bordwell declared that the submission of such a report would be contrary to law. He made the following statement tonight:

"The grand jury investigating the Times case has made no report in that matter and will make none. I positively forbade the grand jury making any report because such action would be unwarranted and would constitute a plain violation of the law. In order that there might be no misunderstanding whatever, I further warned the members of the grand jury that the making by them of any report would place them directly in contempt of court.

Report False, Says Judge.

"Publication of what purports to be a grand jury report in this case is without justification or foundation and bears on its face evidence of trickery and deceit. There has been no grand jury report in this matter and will be none."

The report published here today contains the statement that it did not come from any member of the grand jury, and no court official could be found who knew anything about it. This report says, among other things:

"We unanimously report that there was placed in the Times building in that part thereof known as Ink Alley, a high-power explosive in the nature of dynamite or nitro-glycerine, and that the origin of the catastrophe may be found by the destruction wrought by this agency.

Gas Theory Considered.

"We made exhaustive inquiries into the explosive action of illuminating gas. The possibility of gas being the destroying agent, the explosive force, received full consideration. We found not one physical fact, we heard the testimony of no expert, we received the evidence of not one witness which made such an hypothesis.

"On October 26, 1910, there was published and widely circulated what purported to be a report and finding of a committee appointed by the State Federation of Labor to investigate the catastrophe. We desired to have the benefit in our investigation of any information which such committee might have in its possession or have knowledge of and which might be material to the inquiry. We therefore called before us all members of the committee who could be found in the state, namely six of the seven. We further requested their attorneys to testify as to any information which they possessed, with which request they complied.

Report Written for Hire.

"Upon learning the names of the witnesses before such committee, we called to testify before us such of the witnesses as could be found, and received from the attorneys of the State Federation depositions and affidavits of the remainder. We further received testimony of the author of the report.

"It appears from the testimony that only three of the seven members of such committee signed the report, heard the evidence upon which it was founded, or even read such report before its publication.

"We further find that the report was made and written by John Kenneth Turner for a financial consideration and that it was promulgated without the signature of a majority of the committee, and without knowledge on the part of four of them, as to its contents.

Organizations Not Implicated.

"After a full, fair and impartial hearing of the committee's witnesses and of many others upon the subject, we find that there is not a scintilla of evidence upon which to base the findings of such report, and that it was issued, as explained by its author, not as a finding of the facts of the explosion, but as an argument in defense of the accusations made.

"This jury is satisfied from the testimony that the explosive used at the Times building was a part of the nitroglycerine purchased at Giant on September 23, 1910, and that the identity of some at least of the destroyers of the Times building is known by the proper authorities as well as by us, and that in God's good time the murderers will be brought to punishment.

"While we are satisfied from the testimony that the perpetrators of this terrible catastrophe have been members of labor unions and officials and organizers therein and intimately associated and connected with certain leaders and high officials of labor unions, we had no testimony that any labor organization, as such, participated in the commission of this crime."

CLAIMS ARE NOT ALLOWED

Demand for $7589 Will Be Presented at Salem.

SALEM, Or., Jan. 8.—(Special.)—In a statement prepared by the Secretary of State today it is shown that claims have been disallowed during the past two years to the amount of $7589.78.

These claims will be presented to the Legislature. The major portion of these are owing to deficiency funds not included in the general appropriation bill and for claims for which no provision has been made by the Legislature.

MAN 96 ATTENDS COURT

Aged Litigant Resists Effort of Vancouver to Open Street.

VANCOUVER, Wash., Jan. 8.—(Special.)—Although he is 96 years old, and fought in the Civil War with one of his sons, Michael Damphoffer of Vancouver, attended court last week in a suit he had brought to enjoin the city from opening a street through his property, between blocks 60 and 61. Damphoffer has owned and lived on the property since 1860. He has the street fenced and claimed the land. The city desired to open the street and attempted to tear down the fence last Summer, but Damphoffer brought suit.

The question for Judge McMaster to decide is whether Damphoffer is the owner of the land.

Although nearly a century old, Damphoffer is strong and active. Last Decoration Day he walked and marched in line six miles in one day. He walked down town to the celebration and walked back to his home again, spurning an offer of the use of a horse and buggy.

ADVANCE ANNOUNCEMENT

The Wiley B. Allen Fire Insurance Adjustment Sale of Pianos

Will Open Next Wednesday Morning, the Eleventh

You may look forward to a very unusual offering. There will be over $50,000.00 worth of new, up-to-date Pianos and Player-Pianos placed on sale unreservedly next Wednesday morning at prices that mean bona fide savings, which will arouse intending piano purchasers far and near.

READY WEDNESDAY MORNING

This adjustment sale was occasioned by the unfortunate fire in our building a few nights ago which almost cost the lives of two firemen. It sustains in every detail the high standard of this firm.

Terms may be arranged to meet the convenience of any reasonable person.

READY WEDNESDAY MORNING

304 OAK STREET — The Wiley B. Allen Co. 304 OAK STREET — BETWEEN 5th & 6th

WALLOWA SCHOOL READY

Fine New $25,000 Building Only Awaits Furnace.

WALLOWA, Or., Jan. 8.—(Special.)—Wallowa's new $25,000 high school building will be turned over to the School Board within the next ten days. The carpenters have finished and the contractors have only to wait on the plumbers who were delayed by the failure of the foundry people to deliver the furnace on time.

The building is one of the most modern in the state. Containing six classrooms, a principal's office, recitation-room, auditorium, two manual training rooms, gymnasium, laboratory, library and fuelroom, besides lavatories, spacious halls, closets, etc., it will meet the needs of this city for high school purposes for several years to come. The building is of brick, two stories high with full concrete basement. It is finished throughout the interior in Oregon fir and plastered throughout. The building is covered with fireproof asbestos shingles.

City water, electric lights, a complete system of fire alarms and call bells has been installed and the heating plant is of the most modern hot-air type. The lavatories connect with septic tanks outside the building.

The new building will be occupied as soon as the furniture can be installed.

News Agent Is Arrested.

ROSEBURG, Or., Jan. 8.—(Special.)—Richard Watson, a news agent running between Portland and San Francisco, who says he lives at Portland, was arrested upon the arrival in this city late Saturday night of train No. 16. He is charged with selling improper literature.

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Headaches

"Academy" or "sightseer's" headache is one of the numerous ills of modern civilization. There is reason to attribute it, in part at least, to strain on the muscles that turn the eyeballs upward.

A lady who found no inconvenience in visiting the theater, when she sat in the dress circle, always suffered from severe headache when she sat in the orchestra, where she had to look up. The same effect is produced in picture galleries, especially in looking at pictures hung above the line. Cyclists who lean over the handlebars and turn their eyes up to look ahead have the same trouble, and so do compositors and people in many other occupations requiring continued use of the elevator muscles.

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