

BOSS-ROLED COURT STIRS NEW YORK

Elevation of Dan Cohalan to Supreme Bench Threatens Trouble for Murphy.

PEOPLE PLAN VENGEANCE

Tammany Control of Governor and Domination of Appellate Division Apparent — "Snaps" Assigned to New Man.

BY LLOYD F. LONGRIGAN. NEW YORK, June 4.—(Special).—The elevation of Dan Cohalan to the Supreme Court bench has caused all sorts of trouble for Charles F. Murphy, leader of Tammany Hall. Already it is clear that the issue this Fall will be Cohalan and Cohalanism, and the Republican county president, Samuel S. Koenig, is quite cheered up over the prospect.

When it comes down to the matter of an issue, there is nothing that so arouses the people of New York as one that affects the judiciary. Prove to them that a judge is being advanced because of the personal friendship of some boss, and they are likely to get out and make all kinds of trouble.

People's Temper Shown.

It was an issue of this kind that threw the Democrats out of power back in 1892. David McKim, then Democratic leader, was under obligations to a lawyer named Maynard, who had helped the party to steal the state Senate that year. And Maynard's reward was the nomination for Justice of the Court of Appeals. When the votes were counted it was found that he had carried the entire ticket down to crushing defeat by unheard-of pluralities.

Mayor Low was elected principally because Richard Croker turned down Justice Daly for re-nomination, because of a personal grudge. Still, when you think of it, neither of these cases was as flagrant as the present one.

Cohalan, as a lawyer, does not rank in the first class. His name is seldom heard in the courts, but his slightest whisper "goes" in Tammany Hall. And it was because of that that he now wears the black silk robe of a Supreme Court Justice.

Choice Forced by Murphy.

Cohalan was appointed to fill the vacancy due to the retirement of United States Senator O'Gorman. Governor Dix made the appointment, and, to his credit, it must be said that he fought vigorously against doing so. But the Governor, although personally one of the most amiable of men, has no backbone. And when Murphy informed him that unless Cohalan was appointed, the Governor would not be confirmed by the Senate, Dix wilted, and sent in the name of the grand scab of Tammany Hall.

It has been the unwritten law in the state that a Justice, appointed to fill a vacancy, receives the nomination of the party for the full term when the voters are called upon to elect a place at the ensuing election. Wherefore the general public is expecting that it will have a chance to take a whack at Cohalan's name.

But a Tammany man, enough of an insider to make his views important, told me the other day that Cohalan will not be on the bench after December 31 next.

Trick on Voters Planned.

Cohalan knows that if he went before the voters he would be slaughtered. No man living could make a worse run, unless, perhaps, it might be Murphy. So Cohalan does not intend to sacrifice himself this Fall. Instead he plans a trick, which both he and Murphy think will redound to the good of the organization.

Cohalan has always wanted to have the title of judge. That is why he insisted upon taking the place at the present time. But he has neither desire nor intention of remaining on the bench. Otherwise I am convinced that Murphy would never have allowed him to go there. For Murphy understands sentiment in the city, even if he is a poor judge of state wide or National conditions.

Murphy and Cohalan know that there will be a great outcry against the new judge, and that already several newspapers and various civic organizations are gathering material to be used in the coming campaign. Of course the crusade will not begin in earnest until the Fall, but the ammunition will be ready. And Cohalan has figured out how he can make his enemies unhappy.

"He will not, for the present, say anything that would draw attention to his retirement from public life. Things will drag along, with the fire directed against him, until the eve of the convention. Then it is his intention to measure his retirement. In the interest of harmony, the newspapers will be satisfied, because they can claim a victory. Cohalan will be satisfied, because he will have served as long on the bench as he desires. And Murphy will be satisfied, for he can contend that the organization has listened to public opinion, and therefore should be upheld by the voters."

Successor Already Chosen.

This same Tammany man tells me that Cohalan's successor has already been picked out. The judge-elect is declared to be Archibald Watson, Mayor O'Gorman's friend and Corporation Counsel. Watson, although not heretofore ranked as a strict organization man, is in high favor with Murphy, because he has been one of the department heads who could always be relied upon to do the "right thing for the boss."

Cohalan has been on the bench only a few weeks, and already the criticisms have grown louder. Now the Appellate Division has been dragged into the case, and the dignified judge who has served as long as are beginning to realize how unpopular they are.

Justices of the Supreme Court rotate around among the different parts, the assignments being made by the Appellate Division. And when Cohalan went on the bench it was necessary to detail him to work.

The two parts of court are the special terms, parts one and two. The Judge in those terms has the appointment of all referees, receivers and commissioners of various kinds. His patronage is valued at more than \$2,000,000 a year, and Cohalan starts right in dealing it out.

Giving Cohalan the "snaps" at the outset means the "snaps" at the previous case new judges have been

POLITICIAN WHOSE ELEVATION TO SUPREME BENCH STIRS NEW YORK.



DANIEL F. COHALAN.

put on the ordinary trial terms for at least a year. The theory is that they need experience before taking up the most important of the work, and it must be admitted that it sounds reasonable. But, ordinary citizens ask, if this is so, why was an exception made in the case of Cohalan? He never presided over a court in his life, while numerous of his colleagues have been promoted from the minor tribunals.

Court Ruled From Outside.

To the man outside it looks very much as though Dix appointed Cohalan because Murphy demanded it, and that the Appellate Division gave him the choice details for the same reason. All in all, it is what might be called "pretty raw work."

Murphy, of course, has nothing to say at present. He has troubles of his own, for, in addition to the Cohalan mixup, there is a lively little revolution pending up in the Bronx. The district leaders there have mutilated and left the organization. And it is all over a matter of patronage.

There are many hungry Democrats in the Bronx these days. The Borough President is an anti-Tammany man who hands out his places to independents. And Mayor Gaynor has been a disappointment.

So the district leaders had a bright idea. They decided that the Borough of Bronx was big enough to be a county by itself, and began to agitate for it. Adoption of the plan would mean Judges, a Sheriff, County Clerk and other officers which the organization could use in its business. It was really a bright scheme.

But Murphy put his foot down and would have none of it. His public reason was that it would be an unnecessary expense, but privately he says that Cohalan County would be harmful politically.

Free of the domination of the organization, the Bronx men would be more than likely to enter combinations that would upset Tammany's control.

Owing to Murphy's objections the bill was killed. Then the leaders resubmitted it. And it was a nasty mess and is giving Murphy much concern.

All in all the boss is not happy, and he expects to have a busy Summer mending various political fences.

ALASKAN MINES SOLD

LONDON PEARSON SYNDICATE PLANS DEVELOPMENT.

McKinley Lake District to Be Made Second Treadwell—Half Hundred Claims Secured.

CORDOVA, Alaska, June 4.—Representatives of the London Exploration Company, the Pearson Syndicate, are here closing a deal for the purchase of more than 10 gold quartz claims in the McKinley lake district near this city. The purchase price is approximately \$100,000.

Henry Brainober, J. H. Lubach and C. H. Pearce, representing the Pearson interests, have been examining the properties several days and are conducting the negotiations for the transfer of claims. The experts, who have investigated the claims, report immense bodies of high-grade low-grade ore which they report will exceed in extent and value the famous Treadwell gold mines on Douglas Island, Southeastern Alaska.

The claims are situated 12 miles from Cordova and only three miles from the main line of the Copper River and Northwestern Railway. The property contains a good water supply and is heavily timbered so that there will be no difficulty in obtaining construction material. Mr. Brainober said tonight that the Copper River Company has agreed to build a branch to the property where the London Company will build a 100-stamp mill.

520 Acres Near Elgin Platted. ELGIN, Or., June 4.—(Special).—The Twin Butte Orchard Company is in plat 520 acres of orchard land six miles southeast of Elgin on Indian Creek into 20-acre tracts. Claude Huffman, until recently a realty dealer of Elgin, is the chief owner and promoter of the enterprise.

JUSTICE TO SMALL STATES PROPOSED

Census Expert Would Improve Method of Apportioning Members of House.

FRACTIONS MAKE TROUBLE

Dr. Hill Lays Down Principle That Ratio of Representatives to Inhabitants Should Be as Close as Possible.

WASHINGTON, June 4.—(Special).—An entirely satisfactory method of apportioning members of the House of Representatives among the several states, after each decennial census, never has been carried into effect, and the question always comes up for discussion by the House committee on the census when preparing an apportionment bill. Dr. Joseph A. Hill, statistician of the Division of Revision and Results of the Census, has submitted to Chairman Houston, of the House census committee, a statement explaining a method of apportionment which promises to bring much more satisfactory results than the methods hitherto employed.

The Constitution provides that Representatives shall be apportioned among the several states according to population, but the method of apportionment is left to the discretion of Congress. The fact that the exact quota to which any state is entitled on the basis of population invariably includes a fractional part of a Representative.

Rule Unjust to Small States. The census act of 1850 prescribed the rule is first to decide upon the total number of Representatives to be apportioned, then ascertain the exact mathematical quotas for which the states are severally entitled on the basis of population, and next add up the whole numbers in these quotas. The difference between the total thus obtained and the total number of Representatives to be apportioned is the number of Representatives to be assigned to fractions, and these are allotted to the states in the order of the size of the fractional remainder.

The defect in the rule of 1850 lies in the fact that gives the same fraction the same weight without regard to whether it occurs in the quota of a small or a large state. Under this rule a large state whose quota, say, was 35.2, would take precedence over a small state whose quota was 2.5 and the result may be that the fraction of a large state is counted, that state receiving 35 Representatives, while the fraction of the small state is disregarded, that state receiving only one Representative. Yet the fraction in the case of the smaller state constitutes more than one-third of the exact quota to which that state is entitled on the basis of its population, while in case of the large state it constitutes less than one-seventh of the exact quota.

Another method of apportionment which has been used has been designated as the method of major fractions. A ratio or divisor is selected, which is divided into the population of the several states, and an additional Representative is assigned for the quotient while every minor fraction is disregarded.

It may happen that a major fraction appearing in the exact quota to which a state is entitled is converted into a minor fraction in the application of the method of major fractions, or that a minor fraction is converted into a major fraction. For instance, in the apportionment of 427 Representatives, Pennsylvania's exact quota, 35.65 involves a large major fraction, but in the application of the method of major fractions this becomes converted into a minor fraction, the result of the division in the case of this method being that of Pennsylvania, although entitled to 35.65 Representatives, would receive, under the rule of major fractions, only 35 Representatives.

Remedy Is Suggested. If two states, A and B, have, respectively, a population of 160,000 and 480,000, and the number of Representatives to be apportioned is 100,000 population, A would be entitled to 1.60 Representatives and B to 4.80, if the quotas could be made exact. If only one Representative remains to be assigned for a fraction, under the 1850 rule that Representative would be assigned to B because of its larger fraction, which would give five Representatives to one for A. That makes the inequality in representation unnecessarily great. If representation could be exact, B should have three times as many members as A, but under this method it secures five times as many.

Dr. Hill's alternative is to give A two Representatives and B four, thereby making B's number of Representatives twice as great as A's. That conforms more nearly to the relative population than B giving B five times as many Representatives as A. The ratio of 2 to 1 comes nearer to the correct ratio of 3 to 1 than the ratio 5 to 1 does.

Dr. Hill goes on to say that the principle followed is that the ratios of the number of inhabitants per Representative should be as nearly uniform as possible.

This new rule of apportionment does away with the injustice to the small states, as compared with the large states, which was found to result from the rule of 1850.

WOMEN TO MEET JUNE 27

Washington Club Federation Will Hold Convention at Olympia.

TAFT VISITS RELATIVES

Sister-in-Law in Pittsburg Receives President En Route Home.

PITTSBURGH, Pa., June 4.—President Taft arrived here at 9:10 tonight and was immediately driven to the residence of his sister-in-law, Mrs. Lucy Laughlin, where he remained until time to take his train at 11:18. The train is due in Washington at 8:45 tomorrow morning.

Friends of the President who came east with him were greatly pleased with the way in which his speech in behalf of Canadian reciprocity before the Western Economic Society in Chicago has been received.

The President will get into the fight again tomorrow to have the bill reported out unamended to the Senate by the finance committee and it is certain his 2000-mile trip to make one speech for reciprocity has strengthened his conviction that much of the country looks upon it with favorable eyes.

TWO HAVE NARROW ESCAPE

Improperly Filled Balloon Endangers Lives of Occupants.

FRESNO, Cal., June 4.—Charles Brown, a professional parachute jumper, and Charles Friedell, of a tree and irrigation ditch. Soon after the balloon left the ground at a local park, it was discovered that it had been improperly filled. It tilted and began to descend rapidly. Brown jumped into a ditch filled with water.

Friedell's hands were lashed to the bar of the trapeze and he was unable to free himself. After falling some distance, he was dragged into the top of a tree and hung there until rescued. The balloon escaped and is lost. Friedell was only slightly hurt.

FOUR DROWN AT ST. LOUIS

Launch Capsizes in Mississippi and Bodies Are Lost.

ST. LOUIS, June 4.—Four men were drowned and three rescued from a similar fate at noon today, when a gasoline launch capsized in the Mississippi River here.

The identified dead: John A. Dietrich, 16 years old, a clerk. August Masterbrook, 35, grocer. Charles Totsch, 45, butcher. The name of the fourth man drowned has not been learned and the bodies of the dead are unrecovered.

The accident is attributed to overcrowding the launch.

BOATING TRIP IS FATAL

(Continued From First Page.) who had finally succeeded in laying hold of the upturned Galilee, and went to their rescue as rapidly as possible. They succeeded in saving 10 persons who had been in the water an hour and a half.

All of those rescued were in bad shape when they were finally taken off the wreck. They were chilled through by the cold water and nearly exhausted from calling for aid, and their struggles to hold to the boat which was being whipped about by the wind.

Those rescued are: Miss M. E. Covey, Captain Brown, Ivey Naylor, Volle Naylor, Mr. McMillan, Mr. Rodwell, Helen Moreton, Mr. and Mrs. O. K. Clarke, Miss Catherine Behan.

Captain Brown had 20 years experience as a sailor before coming to Utah and was considered a competent man at handling a sailboat.

VOTE SEWER COMPETITION

Taxpayers want sewers to cost less. Vote Yes on sewer amendment. Pd. Adv.

GARY'S TALK OUT

Steel Magnate Urges Co-operation and Stability.

WAGE-CUTTING IS FEARED

Address to Manufacturers Shows Apparent Wishes Are Overruled by Difficulty in Meeting Reductions of Rival.

NEW YORK, June 4.—The arguments with which Elbert H. Gary, chairman of the directors of the United States Steel Corporation, addressed iron and steel manufacturers who were his guests at a recent luncheon to discuss the independent action of the Republic Iron & Steel Company in reducing prices, were made public by him today. They threw added light on what occurred behind the closed doors at the Metropolitan Club, where the conference was held.

Mr. Gary argued for continuing co-operation among the steel makers, and for stability in prices, but his apparent wishes on the price question were overruled by a general difficulty to meet the cuts of the Republic Company. In his remarks, Mr. Gary touched upon the possibility of wage reductions, the value of fair dealings and frankness by great corporations in view of the recent Supreme Court decision in the Standard Oil case.

Stability Is Urged. "I had advocated and shall always advocate, so long as I believe I have a right to do so," said Mr. Gary, "the stability of prices, the regularity of business conduct on the part of all calculated to recognize and advance the interests of others."

"I have urged you to remember, and I again call attention to the fact, that when you make substantial reductions in your prices you face the possible necessity of reducing the cost of production, including the wages you are paying to the men in your employ."

"Do not forget that the laboring men—the employees of the corporations—have more at risk than the employers. You have no right to run the risk of being compelled to put their wages below what they ought to be unless you are driven to it, and I hope that whatever may be done you will not reduce the wages until you feel it is an absolute necessity."

Bombshell Referred To. Referring to the bombshell which the Republic Company threw into the steel market by reducing prices, Mr. Gary said: "We are confronted with a very serious and disagreeable problem. I do not for me to criticize men nor to pass judgment on their motives."

"One thing we know, that is a leading iron and steel company hitherto in our country suddenly, for reasons considered good by those in charge, given notice that, for the present at least, it is not desirable to co-operate with us. I would not expect or ask anyone to do anything he believed wrong, legally or morally, but on the other hand if anyone who has been co-operating in this opinion and believes it is for his pecuniary interest for the time being to withdraw, then I do not hesitate to say that so far as I am concerned, I am perfectly willing to let him stand outside and if I have sufficient influence it shall not in the least affect the relations of the rest of us."

In discussing at the outset of his address the Standard Oil decision, Mr. Gary said he disagreed with the statements of some persons that the Supreme Court had modified the Sherman law and had read into that act the word "unreasonable." He said he was inclined to think that if that were true "the adoption of that view and conduct based upon it might result in very great harm to the business interests of the country generally."

"If the business interests of this country generally should reach the conclusion by reason of the ruling in the Standard Oil case, that the Sherman act, so-called, has been overthrown, we shall find that a result and in the long run we will suffer by reason of such an attitude."

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