

PLANT KEPT COAL, SAVES EX-OFFICIAL

Henry H. Schwartz, Former
Land Office Field Chief,
Reviews Case.

BALLINGER IS LAUDED

Attorney Who Had Direct Charge of
Government's Fight Against Cun-
ningham Claims Says Finan-
ciers Tied Up Lands.

That it is to the interest of certain kings of finance to keep the Alaska coal fields locked as long as possible, was declared yesterday by Henry H. Schwartz, Mr. Schwartz, now a practicing attorney, was formerly Chief of the Field Service of the General Land Office, and in each had direct charge of the Government's case during the investigation of the Cunningham Alaska coal claims.

"Portland in paying freight on coal hauled a thousand miles by rail," said Mr. Schwartz. "When Secretary Garfield's Attorney-General, George W. Woodruff, resigned at Ballinger's invitation, he at once became secretary of the Peabody Sales Company, a sort of corporate device or selling agency, which handles much of the coal output of the West Virginia coal fields."

Ballinger Is Upheld.

"In a single year the United States Government paid almost \$1,000,000 in freight alone for battleship coal hauled from the Peabody Sales Company on the Pacific Coast. It is still paying freight on Eastern coal, although there is better battleship coal in the Cunningham group of claims. Also, the wages are being paid in West Virginia, and not in Alaska."

"Judge Ballinger never in any way sought to influence the action of any Government official in connection with these claims. I had charge of the claims when he was Commissioner, when Garfield was Secretary, and when Ballinger was Secretary."

"The most cruel tragedy in recent political history, and the most wanton and cold-blooded assault ever made to destroy an honorable man and a statesman, purely political revenge or advantage was the conspiracy of certain politicians and magazine business offices to destroy Judge Ballinger and space writers need the money. I have digested every paper or report the Government ever had in the case and have usually dictated practically every letter in the Cunningham cases written by the Government during the investigations. Divested of the political passions, there is nothing sensational in the matter."

"These cases are of interest to the public because of their political aspect and because the magazines and space writers need the money. I have digested every paper or report the Government ever had in the case and have usually dictated practically every letter in the Cunningham cases written by the Government during the investigations. Divested of the political passions, there is nothing sensational in the matter."

"The Government records show that in 1903-3 Clarence Cunningham conceded the idea of acquiring these lands under the placer mining laws. At that time there was no coal land law applicable to Alaska. Cunningham consulted prominent mining lawyers among others, W. B. Heyburn, now United States Senator, and one of the leading mining law authorities in the United States. They advised him to acquire the coal lands in Alaska lawfully under the placer mining laws. These laws permit contracts, agreements and 'grubstakes' as to interests in the lands located. Under this advice Cunningham interested prominent persons in Spokane, Wash., and Wallace, Idaho, whereby he was to have one-eighth interest in the claim and they were to pay the bills. At this stage Cunningham went to Alaska."

"Various Alaskan prospectors had already staked out the land and were in possession. Cunningham bought out all these men and relocated the land as mining claims in the names of his coventurers in the enterprise, and filed these mining claim notices with the mining recorder of the proper Alaska mining district. He remained in Alaska until the Spring of 1904, developing the claims. In 1904 Congress passed a coal land law applicable to Alaska. Cunningham then returned to Alaska and relocated for the second time the 22 claims. Most of the claimants say they were never parties to the original contract with Cunningham and all of them, including Cunningham, say that at no time since the act was passed in 1904 and relocation made, did Cunningham have any interest in any claim except his own."

Claimants Raise Fund.

"The 22 claimants have contributed equal sums to a common fund used in developing a claim and determining the land-bearing character. After the lands were paid for and final receipts were secured from the Government, a committee of the claimants, appointed at a meeting at which about half of the 22 were represented, went to Salt Lake, Utah, and made a proposal to Daniel Guggenheim to sell the Guggenheims a half interest in the claims for a fixed price; the Guggenheims to put in a railroad to tide water and handle the coal. Secretary and other of the strongest men in the Cunningham group opposed this action and Commissioner Dennett now finds the option given was never ratified. It was entirely legal, however, being made after purchase from the Government."

Agreement Is Denied.

"At the hearings each of the 22 claimants swore there was no such agreement, and each swore he had no contract or agreement with others to do so. Most of the entrants admitted it could be advantageous to combine, and practically necessary to combine before the claims could be operated commercially to advantage. The law is, according to Judge Rudkin, that contract to combine would be illegal. Judge Hanford holds such a contract would not be illegal. The Commissioner of the General Land Office held that an agreement or understanding had before entry to combine after each entrant had paid for his own claim and secured patent is illegal."

Commissioner Dennett Has Also

declared that the testimony of the claimants that they have no agreement to combine and did not hold these claims in common as a voluntary association is not true. He reaches this conclusion because they contributed equally to a common fund used in developing one or two long tunnels instead of working independently on each claim, because

GOVERNMENT ENGINEER IN CHARGE OF RAISING OF THE MAINE, WITH WHOSE VIEWS MANY EXPERTS DISAGREE.



GENERAL WILLIAM H. BIXBY.

the various experts employed by Cunningham to expert the property and whose services were paid for from a common fund, have submitted blanket reports upon the group of claims as a whole and not reports upon individual claims; also because one of such reports advised the different claimants that two or three of the claims (without specifying which claims) were not underlain with valuable coal but were valuable for mining timber, and it does not appear that any of the claimants ever inquired whether his particular claim was of that inferior class.

Pool Is Main Complaint.

"The Government has never contended that any claimant was not qualified, nor that each has not paid for his own claim, and his full share of the development expenses; nor that there was lack of good faith. The charge is that they agreed to pool their claims or had a tacit understanding that they would combine and operate jointly when patent was secured. The 22 men have sworn they had no such agreement, but Commissioner Dennett has found that admitted facts are, in his opinion, inconsistent with absence of such an agreement."

"The claimants have recourse to the United States Courts from a conclusion of law in a final decision by the Secretary of the Interior. Before they can go into the courts in this case they must appeal to Secretary Fisher, and after he has finally decided to cancel the claims, the Federal Courts are open only to review the law. If Secretary Fisher shall set up a finding of facts sufficient to support his law there is no remedy."

WEST OUTLINES PLAN

GOVERNOR ADDRESSES ROTARY CLUB AT LUNCHEON.

Executive Praises Parole System
Followed and Proposes Way to
Gain Good Roads.

That an active crook is a better citizen than a passive saint was the declaration of Governor West in an address before the Rotary Club at luncheon in the Portland Hotel yesterday at noon. The remark was made in the Governor's endeavor to explain his position with reference to the parole system of the State, which he is an advocate. Fully 100 members of the club were present. They honored the Governor's position, passing a motion to that effect.

"Our system of parole, as we have adopted it, provides for the prisoner to be upon his own honor, and at the end of his term and at the end of six it was given \$5 in gold and a suit of clothes. He went out into the world as an enemy of society. We have changed this and propose to send him out among the people with the cheering hope that he can reform and become a useful member of our common citizenship. We obtain of him, for all and in return they are to report to us weekly or monthly, as the case may be. The prisoner is also asked to return to the State Treasurer 5 cents a day of his earnings if he has no family dependent upon him for support."

"Down at Salem we have convicts making brick, at work upon all buildings of the state and making roads. We have three times as many engaged in work, without guards standing over them, as we have had at any other time in the history of the state. Just the other day I put a landscape artist, in charge of a force of men to improve the grounds around one of the state buildings. His work is proving highly satisfactory and when completed will be one of the beautiful spots of the state."

"At present there are several organizations endeavoring to get up a good roads bill. I fear there will be a mixture of the intentions of both organizations to submit an initiative measure. To smooth out this wrinkle I propose to appoint a committee of prominent citizens to get up a law upon which all can unite."

President Edwards announced that the annual election of delegates resulted in the selection of Lewis A. Colton, John T. O'Neill, J. L. Wright and J. C. English to attend the National convention of Rotary Clubs in Portland August 21, 22 and 23. C. B. Merrick was elected National committeeman. Paul Grossmeyer acted as chairman.

Liquor Law Violators Fined.

ROSEBURG, Or., June 27.—(Special.)—Entering pleas of guilty to the charge of selling intoxicating liquors contrary to law, Edward Irwin, J. G. Graham and Ben North were each fined \$500 in the Circuit Court today. The defendants are conducting soft-drink places in Roseburg.

WORK IS MANAGED

Cyclone May Undo Engineer's Operations on Maine.

SEVERE STORM PREDICTED

Some Believe That Bixby's Belief

Cause of Explosion Will Never

Be Known Is Not Justified

With Task Incomplete.

HAVANA, June 27.—The work on the

wreck of the battleship Maine is still confined to balancing the contents of the cylinders, hauling and dumping into the cofferdam broken stones.

Some apprehension was felt today because of the report that the Weather Observatory at Santa Clara gave notice of an approaching cyclone. All precautions were taken. While a blow doubtless would imperil the dam, much depends upon the direction from which the wind comes. It would be most serious from the north.

Surprise has been expressed here at the opinions attributed to General Bixby, chief of the engineers in charge of the work of raising the Maine, who, upon his arrival at Tampa, was quoted as saying he did not expect the secret of the explosion of the ship's bottom to be revealed, and that the bodies would not be recovered.

The engineers here feel that the first belief is not fully justified in advance of the exposure of the ship's bottom. They also have strong expectations of discovering the bones of many sailors when the berth deck and the section below is reached.

CREMATORY SHUT DOWN

COMPANY PRESIDENT CLOSES INCINERATOR TODAY.

Refusal of Health Board to Accept New Garbage Destroyer Leaves Firm but One Avenue of Action.

Portland's new crematory, not accepted yesterday by the Health Board on behalf of the city, will be closed down this morning, according to a statement made late last night by A. B. Manley, president of the Public Works Engineering Company. The reason of the company for closing down is that should its operation be continued, it could not be directly under the supervision of the company, under the provisions of the contract, the six months' trial period having elapsed.

In addition to announcing his decision, Mr. Manley mailed a brief communication to Mayor Simon, inclosing a statement which was to have been presented to the Health Board at its meeting yesterday, the acceptance of which, Mr. Manley says, was declined. The letter to the Mayor follows:

"We enclose herewith a communication written for presentation to the Board at its meeting, and hearing of which was refused, and a statement of the reasons for the failure of the city to advise us wherein the crematory has failed to comply with our contract, and we see no avenue open on our part but the closing down of the plant. The communication referred to in the letter goes into the history of the engineering company's dealings with the city and suggests that if the new plant is to be continued in operation it must be under the company's exclusive control. As the communication was not received, the company holds that there is nothing for it to do but close down the plant, being unwilling to let the incinerator go into other hands before its formal acceptance."

With the new plant closed down, there is nothing left for the city to do but to resume the operation of the old burner. This burner is inadequate to meet the needs of the city at present, and much garbage will have to be placed on the dump, as was the custom before the new incinerator was completed.

The latest movement on the part of the Public Works Engineering Company is taken to be a step to force the city to take prompt action either in rejecting or accepting the plant. Mayor Simon has already stated that the plant will not be accepted during his administration.

CITY'S PERSONNEL TEN AT THE GUN

Charter Revision Committee
Suggests Roster of Municipal Officials.

WARM ARGUMENT IS HAD

Making City Attorney an Officer

Elected by Direct Vote of People

Is Point on Which Members

of Body Are Divided.

A Mayor, six Commissioners, City Auditor and City Treasurer, elected by direct vote of the people, and a City Attorney, appointed by the Mayor, will constitute the official personnel of the City of Portland as agreed to tentatively by the charter revision committee at a meeting last night, if the proposed commission government is adopted. The complement of officers and the salaries they are to receive are subject to amendment and revision by the commission before its report is finally submitted to the voters of the city.

Under the tentative plan adopted by the commission at last night's meeting, the Mayor, while a member of the proposed commission, will have a vote only in event of a tie. However, he will be at all times vested with the power of veto, and before any and every measure falling under his official displeasure can become operative, it must receive a two-thirds vote, or four of the six members of the commission, as is necessary for its original passage.

Eleven of the 15 members of the charter commission who attended last night's meeting agreed unanimously that the purpose of a commission form of municipal government contemplated the election by direct vote of the people of a City Auditor and a City Treasurer. But it was over the manner of selecting a City Attorney that the only stumbling block was presented.

Cellars Gives Argument.

George B. Cellars contended that the City Attorney should be elected by direct vote of the people in the same manner as the City Auditor and City Treasurer for the reason that the attorney, like the other officers, was to represent the people of all the city. Judge E. C. Bronaugh, chairman of the commission, William F. Woodward, Rev. Benjamin Young and others of Cellars's colleagues, maintained that the selection of a legal adviser, under a commission form of government, should be vested in the commission itself, in the same manner as a counselor was selected by a board of directors of any committee, explaining that the subject of discussion, it was finally decided, the official should be selected by appointment by the Mayor.

The matter of salaries to be paid and the length of time to be devoted to the city's business by the commissioners and the other elective and appointive officers of the city were referred to the standing committee on finance and accounts. In the discussion preceding this action, however, it developed that the sentiment of the majority of the commission was in favor of the giving by these officials of their entire time to the municipality in consideration of adequate compensation to satisfy this committee will make a tentative report at a meeting of the commission to be held next Wednesday night.

Appointments Announced.

Pursuant to instructions adopted at the former meeting of the commission, Chairman Bronaugh last night announced the appointment of standing committees. In forming these committees, however, Chairman Bronaugh departed slightly from the instructions of the commission and named only six instead of seven committees. He referred to the exposure of the ship's bottom and water, which, under the original instructions of the commission, contemplated the appointment of two committees, one to handle the ship's bottom and the other to handle the water. The committees announced by Chairman Bronaugh, however, were:

Finance and accounts, public property, etc.—Adolphe Wolfe, chairman; J. E. Werlein and Rufus C. Holman. Water and fire—R. D. Inman, chairman; Ray Lombard, Adolphe Wolfe, Streets and sewer, construction and repair—George B. Cellars, chairman; S. Grutze and William H. Daly.

Police and public safety—Rev. Benjamin Young, chairman; D. O. Lively and George B. Cellars. Public utilities, docks, harbors, etc.—William F. Woodward, chairman; O. W. Taylor and Henry E. Reed. Health and charities—Dr. Andrew C. Smith, chairman; William F. Woodward and J. E. Werlein.

Understanding Is Reached.

A definite understanding was reached among the members of the commission by which they will consider as a framework in the construction of a commission charter the revised charter which was submitted to the people and rejected two years ago. This suggestion was made by Mr. Woodward, who argued that by doing so the work of the commission would be greatly facilitated. The fact that the text of the commission government plan, as originally proposed two years ago, could easily be revised and amended to meet the demands and requirements of the subsequent growth, needs and development of the city.

Present at last night's meeting of the charter commission were 11 of the 15 members, as follows: Judge Earl C. Bronaugh, chairman; S. Grutze, secretary; Henry E. Reed, O. W. Taylor, George B. Cellars, J. E. Werlein, Rufus C. Holman, Adolphe Wolfe, William F. Woodward, Rev. Benjamin Young and Dr. Andrew C. Smith.

First Alfalfa Harvested.

HERMISTON, Or., June 27.—(Special.)—The first cut of alfalfa is in stack on the Umatilla Irrigation lands, and farmers are shipping the new potato crop. The tubers are commanding the highest market price where offered.

Only 4 Days More of the Big Removal Sale

\$5.00
Silk Messaline
Petticoats
at

\$2.85

5th and Alder 5th and Alder
GRAND LEADER
5th and Alder 5th and Alder

\$6.00 Pure
Australian
Wool
Sweaters

\$2.45

When Mr. Wertheimer opens up the NEW GRAND LEADER at 145 Seventh Street, between Morrison and Alder, it is his intention to carry a strictly high-grade line of women's outer wearing apparel, which will be sold at popular prices, and to avoid moving any of the stock now on hand

Has determined to sell the balance at unheard-of low prices

The stock is all new, this Spring's make, and the regular prices have always been FULLY ONE-THIRD LESS than at any other store in this city. No misrepresentations—everything marked in plain figures.

WERTHEIMER BUYS GRAND LEADER STORE

The purchase of all interest in the Grand Leader cloak and suit store by the president and general manager, Sam E. Wertheimer, was announced yesterday. The purchase is the signal for a change of location from Fifth and Alder streets to much larger quarters at 145 Seventh street, in readiness for opening July 1.

The growing business of the store necessitated the procuring of larger quarters, said Mr. Wertheimer yesterday. A number of the stockholders did not care to take further active part in the store's growth, and so Mr. Wertheimer decided by purchasing all stock not heretofore owned by him, to assume entire control and management of the store.

It is announced that the business of the new store will be confined to exclusive styles in coats, suits, raincoats and waists conducted on a cash basis. There will be no outside or leased departments as was the case with the old store.

Appreciation to the public for support during the history of the Grand Leader store in its present location was expressed yesterday by the old stockholders. The new location at 145 Seventh street is between Morrison and Alder.

DAR WANTS CHANGE

Plan Is to Have Circuit Judges Take Probate Cases.

A. E. CLARK EXPOUNDS

Multnomah Association Addressed
on Topic—Serving of Papers on
Defendants by Plaintiffs Is
Urged—Library Discussed.

To place all probate subjects in the hands of the Circuit Judges, instead of with the County Judges as at present, is one of the changes in the judicial procedure of Oregon contemplated by Attorney A. E. Clark, who with Attorney Thomas O'Day, is a member of the judicial procedure committee of seven members, appointed by Governor West. Attorney Clark addressed the Multnomah Bar Association last night. He said:

"Another change for the better would be the starting of suits by the serving of papers by the plaintiff upon the defendant, instead of filing them in court. By this method the public knows nothing of the difficulty until the time comes to set the case for trial. Many cases are settled amicably before this time comes, hence the change will benefit persons of this kind by shielding them from public scrutiny."

Members of the association urged that the County Court provide two more deputies for Constable Williamson, saying that the work of his office is more than he and the deputies he now has can attend to.

A committee was appointed to wait upon the County Court, and seek to have the law library installed in the

"Gives Any Woman A New Skin."

Lillian Langley in The London Fashion. (Engr.)
"Within the last three months, I have answered over 1000 letters, from women asking me and the same question: 'What shall I do for my complexion?' and, although I dislike to write for publication, my knowledge of toilet articles will put any woman's mind at rest as to what she should use."

"After 25 years of study in the treatment of the face, neck and arms, I find that few women know how to really improve their appearance. The usual treatment of the beauty specialist is a dangerous thing, as it is too harsh. It seems to have done good, but Oh my! shortly hair starts to grow, and such a lot of wrinkles, and the skin soon becomes rough and red and is all dried up."

"The following simple home recipe will practically give any woman a new skin: Dissolve an original package of maystone in 3 ounces of witchhazel. Massage the face, arms and neck with this solution twice daily. This will remove all shine from the skin, giving it a natural, dainty color. It prevents the growth of hair and is absolutely harmless even to a baby's skin. All sorts of facial blemishes will soon disappear, and also the stray hairs."

Adv.

ALL THE NEW VICTOR RECORDS
ALL THE NEW COLUMBIA RECORDS
ALL THE NEW EDISON RECORDS
are to be found in the beautiful new salesrooms of the new

Edison
The Nation's Largest Dealers, Now at 7th and Alder

new Courthouse. This committee consists of Thomas O'Day, A. E. Clark, John H. Hall, Samuel White, Charles J. Schnabel, John P. Logan and A. L. Vesicle.

The attorneys were unanimous in their belief that space in the new east wing ought to be provided for the library as soon as the change from the old building is made.

There is a record of 2,718,000 enlistments during the Civil War. It is stated that this number is fewer than 2,700,000 under 22 years of age. Those under 19 numbered 1,151,435, and those under 17 years 844,891.

"The Yankee Doodle Boy" makes records for the Victor

Now you can enjoy in your home the big song hits that helped to make George M. Cohan so popular with theatre-goers. The three records just issued are Cohan through and through—perfect reproductions of his voice and mannerisms.

"Arms of America March" played by Pryor's Band

Pryor's new march possesses every quality a military march should possess—stirring martial strains, great brilliancy and melodiousness. Played by his own band with a spirit and absolute precision seldom attained in military band renditions.

Any Victor dealer will gladly play these records for you, and give you a July supplement which contains a complete list of new single- and double-faced Victor Records, with a detailed description of each.

Out today with the July list of new Victor Records

Always use Victor Records played with Victor Needles—there is no other way to get the unequalled Victor tone.

Victor Talking Machine Co., Camden, N. J.

Sherman Clay & Co.
WHOLESALE AND RETAIL
VICTOR MACHINES
RECORDS AND SUPPLIES
SIXTH AND MORRISON, OPPOSITE POSTOFFICE

Graves Music Co.
111 Fourth St.
Direct Factory Agents
Talking Machines
AND RECORDS
Why Not Come to Headquarters? Most Complete Stock on the Coast.