

GOOD EVENING

THE WEATHER. Fair and cooler tonight. Saturday fair; easterly winds.

Evening Journal

Journal Circulation Yesterday Was 24,964

VOL. IV. NO. 230.

PORTLAND, OREGON, FRIDAY EVENING, JANUARY 26, 1906.—SIXTEEN PAGES.

PRICE TWO CENTS. OF TRADES AND NEWS STANDS, FIVE CENTS.

BRAND NEW TWIST GIVEN CHARTER BY THE COUNCIL IN CENSURING LANE

LAW SMASHED LANE'S HANDS TO BITS ARE TIED

If Council is Right in Declaring Ordinances Appropriating Funds Bruin Illegally Appointed Provide in Every Case for Spending of Every Cent of Appropriation.

WILLIAMS GUILTY OF IDENTICAL OFFENSE AND THE MAYOR MAY DECIDE TO VETO THEM

Provisions Relating to Residences Have Always Been Applied Only to Executive Officers—Grand Jolt to Whole City Service If the Malarkey View is Sustained.

In order to find a pretext for the charge that Mayor Lane and the civil service commission had violated the city charter it was necessary for the investigating committee of the council to place on the charter's provisions an interpretation absolutely undreamed of hitherto.

Section 25 of the charter provides that all officers of the city of Portland must have been residents of the city for three years before taking office.

Section 128 provides that all municipal officers, except women, shall be registered voters of the city of Portland.

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AT OUR NATIONAL AUTO SHOW. ENDORSEMENTS: "I have used it for years..." "It stands up under all kinds of hard usage..." "I can make it carry heavy loads with impunity..." "It's never wears out..." "It has been a great convenience..." "IT'S PERFECTLY SIMPLE TO CONTROL IT!" "THE MONEY POWER" "THE 'GOODTHING' CAR. EASY AND CHEAP!" One of the Prominent Exhibits.

FIVE MORE SURVIVORS SAVED FROM WRECK OF THE VALENCIA

TROOPS TO QUELL BLACK HAND

Unable to Cope With Conditions City of Monongahela Appeals to the State.

COUNTRY TERRORIZED BY MURDEROUS GANG

Warrants Out for the Arrest of a Hundred and Forty-Nine Members of Law Defying Band—Twenty-One Murders Committed.

EDISON WINS BIG LAWSUIT AGAINST THE GOULDS

Western Union Never Paid Inventor for Use of Automatic Telegraph Instruments.

TAKE MORE TESTIMONY IN THE SMOOT CASE

Washington, Jan. 25.—Supplementary testimony in the Smoot case will be taken February 5. Senator Smoot is discussing his case declares that he represents no faction of the state, but all the people in Utah. He says that he is under no influence from churches or party.

But Thirty-Eight of the Hundred and Fifty-Four Aboard Vessel Rescued.

SURVIVORS BROUGHT TO SEATTLE BY THE TOPEKA

All Unite in Praising Heroic Conduct of Crew—Wreck Entirely Submerged—Those on Second Barge Reach Shore.

CHARGES FRAUD IN INSURANCE

Charles F. Rossiter Claims He Bought Two Supposed Twenty-Year Life Policies.

THEN FOUND THEY WERE ORDINARY LIFE POLICIES

Gave Promissory Note for Them, Rossiter Claims, and When He Tendered Policies and Demanded Notes in Return, He Was Refused.

DON'T YOU OVERLOOK NEXT SUNDAY'S JOURNAL

Here are some features of next Sunday's Journal: William Jennings Bryan in Japan. Life of the Carthusian monks in England. Snowshoeing and mid-winter sports on Mount Hood. How President Penrose built up Whitman college. The workers' magazine filled with practical suggestions. James Barnes' story, "The One Who Thought" in the banner series of short stories. "Uncle Sam," the World's Schoolmaster, illustrated in colors. "How Flowers Are Grown to Match the Color of Your Clothes," illustrated in colors. A page for boys and girls by Polly Evans. How to be healthy and beautiful by Mrs. Henry Symes. And for the children the colored comic pictures.

STILL UPHOLD INVALID ACT HAD GOOD NOT GUILTY

Members of Ways and Means Committee of Council Persist in Paying Hulme and Woodhouse, Illegally.

Jury Falls to Sustain Criminal Libel Charge Against Editor of Colliers' Brought by Justice Deuel.

SALARIES OF MAYOR'S APPOINTEES WITHHELD

City Auditor Devlin Refuses to Pay Hey and Barrel Until Ways and Means Committee Approves Payroll, or Court Issues Permanent Order That City Pay Them.

JEROME WARNS PAPERS THAT PRINT SCANDALS

Declares That New York Papers Almost Without Exception Are Run From the Counting Room—President Roosevelt Returns Copy of Fads and Fancies Sent Him.

According to the recent decision of Judge Frazar that the state law providing for the appointment of a plumbing inspector in cities of certain size was constitutional and that William Hey, appointed by Mayor Lane to fill the position in Portland, was entitled to the office, the ordinance passed by the city council creating the office of plumbing inspector and deputy plumbing inspector and naming Thomas E. Hulme and Harry Woodhouse, respectively, to the positions, is invalid.

In face of this fact the ways and means committee of the city council, by Councilman Messersmith, signed the payroll of Hulme and Woodhouse every month since the contest over the offices began and have refused to pay the salaries of Hey and his assistant, Colburn Barrell, who were appointed and placed in possession of the office by Mayor Lane and who have performed all the duties of the positions.

The state law providing for the appointment of plumbing inspectors was enacted several years ago, while the city ordinance passed by the present councilmen, who attempted by so doing to keep their favorite Hulme and Woodhouse in office for political reasons, is of no effect whatever, in so far as it conflicts with the former.

Auditor Gets Order. After the court rendered its recent decision on the case and issued a writ stating that Hey and Barrell were rightfully entitled to the offices, City Auditor Devlin drew warrants for their salaries for October and November. The members of the ways and means committee, who are Republicans and are doing everything in their power to obstruct the administration of Mayor Lane, instructed the city auditor to pay no more money to Hey and Barrell or they would hold him liable. They took this stand on the ground that the order of the court simply said that Hey and Barrell were entitled to the positions under the state law and as such were entitled to salaries; that they had no funds to pay salaries of men holding their offices under the state.

Each month they have been approving the payroll of Hulme and Woodhouse, who no longer perform the duties of the office, although City Attorney McNary informed them that in being declared entitled to possession of the office, Hey and Barrell were also entitled to salaries. Councilman Messersmith and other members of the committee paid no heed to the city attorney and continued to withhold the salaries.

Warrants Are Refused. Hey and Barrell have applied many times for their salary warrants, but the city auditor has refused to deliver them. The matter reached a climax this morning when Barrell demanded of the auditor that the claims be paid. Devlin positively refused to do so without a permanent order from the court directing him to draw the warrants or the approval of the ways and means committee of the payrolls.

"I have no interest in the matter any so far as my own protection is concerned," said he. "If the ways and means committee will approve the payroll I will draw the warrants within 10 minutes. If the committee gets a permanent order of the court directing me to pay the salaries I will then be forced to draw the warrants. In either case I will be protected, and that is all that I am after."

Devlin took the matter up with City Attorney McNary and the latter told him he was right in his position, and that he should do nothing which would hold him liable. When seen by a reporter the city attorney laid the blame for the trouble on the ways and means committee.

(Special Special Service.) New York Jan. 25.—After being out but a few minutes, the jury in the case of Norman Haggood, editor of Collier's Weekly, for criminal libel against Justice J. M. Deuel, owner of Town Topics, returned a verdict of not guilty. In closing for the state this morning District Attorney Jerome took up the case and discussed the alleged libelous article from a legal standpoint as to the justification and excuse for printing the same, saying: "We deal with the case as developed by the testimony."

Jerome in summing up said that the course of Town Topics should act as a guide to many newspapers of this city. He warmly attacked local papers as containing "some vile scandal clothed by some clever artist," and declared that New York papers, almost without exception, are run from the counting-room. He said that such a course could not be pursued with impunity.

"What happened to the 10-cent weekly may happen to the 1-cent daily," declared the district attorney. The case has been one of the most sensational heard in criminal courts for many days. When the exposures concerning "Fads and Fancies" and "Town Topics" were first made last year, Norman Haggood in an editorial in Collier's severely attacked Justice Deuel for his connection with Town Topics. A criminal libel suit was filed in retaliation by Deuel and in proving its case the defense has shown up the methods employed by Colonel Mann, manager of Town Topics, and Justice Deuel in using their journal to blackmail members of New York's most exclusive smart set, by the publication of facts derogatory to them unless liberal advertisements were placed in Town Topics or a liberal space was taken in Fads and Fancies, which purported to be an elaborate collection, beautifully gotten up, of autobiographies of the leading people in America.

Wealthy Broad. It was shown by the defense that subscriptions to Fads and Fancies were paid for at from \$1,500 to \$10,000 each and that the full list brings the total closely up to the \$250,000 mark. It was also shown that Colonel Mann had borrowed nearly \$200,000 from J. F. Morgan, J. R. Keene, W. K. Vanderbilt, W. C. Whitney and other prominent financiers. Many of these loans were never repaid. Others were repaid in stock of Town Topics, whose par value was \$10 a share at the rate of \$1,000 a share.

The largest single loan was obtained from J. R. Keene and totaled \$50,000, part of which was repaid. From W. K. Vanderbilt \$25,000 was secured. From W. C. Whitney \$10,000, and from C. P. Huntington \$5,000, from J. P. Morgan \$2,500, from John W. Gates \$20,000, from Charles M. Schwab \$10,000 and from Thomas F. Ryan \$10,000.

The defense proved that Justice Deuel had an office in Town Topics, owned a majority of the stock of the paper, was consulted regarding items published and read the proofs of the journal. Bernard M. Baker of Baltimore, president of the Baltimore Trust company, and many other prominent business men testified that they were the objects of bitter attacks in Town Topics until they advertised liberally in its columns, and the attacks then ceased.

Norman Haggood and Robert Collier, owner of Collier's Weekly, were both on the stand yesterday. The latter testified that Haggood had written the articles concerning Justice Deuel in Town Topics, under instructions from himself. He stated that what first aroused his indignation was an article in Town Topics concerning Miss Alice Roosevelt, in which she was referred to as Alice.

The last evidence for the prosecution was a letter from Grover Cleveland, in which he stated that he had examined Fads and Fancies and thought it was an admirable book. A telegram received from Washington this morning says that a statement was given out at the White House stating that in view of Colonel Mann's testimony yesterday, which included a list of correspondents having access to the counting room, the president had ordered the copy of Fads and Fancies sent him and the declaration that he had given photographs of the same.