THE DAILY JOURNAL HAS A LARGER PAID CIRCULATION IN PORTLAND AND IN OREGON THAN ANY OTHER DAILY PAPER, AND ON THE STREETS OF PORTLAND THERE ARE SOLD DAILY A THOUSAND OR MORE COPIES OF IT THAN OF ANY OTHER DAILY PAPER. THE PRICE IS TWO CENTS A COPY

TO SELL REAL ESTATE
TO HIRE MORE HELP
ADVERTISE IN THE JOURNAL

The weather—Occasional rain tonight and Thursday.

Oregon Daily Journal

DAILY WITH HER OWN WINGS SHE FLIES

JOURNAL CIRCULATION
YESTERDAY WAS
29,450

VOL. VI. NO. 270. PORTLAND, OREGON, WEDNESDAY EVENING, JANUARY 15, 1908.—FOURTEEN PAGES. PRICE TWO CENTS. ON TRAINS AND NEWS STANDS, FIVE CENTS

GOVERNOR REBUKES ONE-SIDED DECISIONS

BULL RUN SUPPLY IN JEOPARDY

Portland's Water Sources Filed on by Mount Hood Railroad Company—Relief Only Through Congressional Interference.

Conflicting Filings of Company and City Make Situation Acute—Water Board Rushes Into Three-Hour Secret Session.

Outmaneuvered in making water filings on the Bull Run river by the Mount Hood Railway company, the city finds itself confronted with a situation which it is said can only be relieved by congressional interference guaranteeing the city exclusive water rights against the claim of the company or any other individual or corporations.

So acute has the situation become because of conflicting filings made in the past few weeks by the city and the railroad company at the Oregon City land office that a secret session of the water board was held yesterday morning, which was attended by members of the board, Mayor Harry Lane, City Attorney Kavanaugh, Superintendent Dodge and Deputy Auditor Wiegand. All other persons were excluded not excepting newspaper men.

Filings Were Incorrect.

The fight between the company and the city is for the possession of water rights in excess of those now controlled by the city. The present rights are fully protected but if the city should wish to extend its present system it could not do so without securing the rights over which the present controversy hinges.

The company had these excessive rights properly secured but the time limit had lapsed and the city saw an opportunity to step in and secure them for the contemplated extension of its present system. Papers were filed but were not properly drawn. The authorities discovered the mistake and filed fresh papers but this time forgot to file a plat along with them. The company officials learned of this and filed on the same rights. Finally discovering the latest error, the city filed the third time.

Company Evidently Winner.

Whether the city can regain the rights it lost through the bungling of the papers in the courts is considered extremely doubtful. To do so it would be necessary to show that the city's rights are not only prior but superior to those of the company. Inasmuch as improvement work is necessary to hold the rights it will be necessary for the company to be able to show good faith in protecting its rights.

There can be no doubt as to the priority of the company's claims and it is reasonably certain that it will proceed with its improvements as rapidly as possible to protect its rights in that way.

Neither the company nor the city officials care to discuss the case and it is believed the company is endeavoring to compel the city to accept a compromise which later will be all to the benefit of the company. City officials and especially members of the water board realize that the only way to secure a perfect water system from the Bull Run reservation will be to secure exclusive rights on all the headwaters of the various streams.

City in Dangerous Position.

To allow the company to drive in the entering wedge at this time would greatly weaken the city's position in future action. With this idea in mind, a delegation from the water board conferred with Senator Fulton and Congressman Ellis just before the members went back to Washington, in regard to securing favorable congressional action.

While it was given out that Senator Fulton and Congressman Ellis would do all in their power to secure the passage of a bill guaranteeing cities similarly situated to water sources as Portland, it is believed in the face of recent congressional action it will be impossible to round up congress into passing such an act.

Both the city and the company have conflicting filings on the Little Sandy river and streams other than Bull Run river. That the situation is very serious is not denied by those protecting the city's interests and just what course of action was decided upon this morning was withheld. The meeting lasted several hours and the members appeared to have passed a strenuous time when they emerged from the committee room.

SAYS SOCIETY WOMEN SMOKE.

Mrs. Herman Oelrichs is making an active canvass to obtain proxies for 600 shares of Illinois Central stock in the interest of Stuyvesant Fish. Mrs. Oelrichs recently created a sensation in a San Francisco cafe by puffing a cigarette. She holds that smoking is not uncommon among society women of the east.

WOMAN JUDGE OF JUVENILE COURT

Boys Who Stole Her Leather Goods Report to Her Daily.

Mrs. S. M. Dockarty, 324 Washington street, has established a juvenile court of her own.

Mrs. Dockarty sells postal cards and burnt leather goods. Ten days ago her stand was broken into by three boys and several hundred cards taken. By the assistance of a man who saw the boys carrying away the stolen goods Mrs. Dockarty learned their identity.

The boys were brought before her and admitted their guilt. Part of the stolen cards were returned. But pieces of leather and leather cards valued at $12 had been given away and traded away by the youngsters and Mrs. Dockarty was compelled to stand the loss.

But Mrs. Dockarty did not report the matter to the authorities. If she did she realized that the youngsters would probably be sent to some reformatory. Instead she made up her mind to try to do a little good in the world herself.

Woman Acts as Judge.

The youngest boy is 10 years, the oldest 16 and the other about 12. Two of them are Italians.

The boys seemed sorry for the theft they had committed and their actions and guilty manners impressed the woman they had robbed.

They pleaded with her for another chance, and the chance has been given them. Mrs. Dockarty has not even informed the parents of the boys of the robbery.

(Continued on Page Two.)

EDITOR PUTNAM SHOULD NEVER HAVE BEEN FINED

SPARKS LOSES TEDDY'S ROAST

Letter From President to Nevada Governor Stolen From Legislature.

(United Press Leased Wire.)

Reno, Nev., Jan. 15.—War is on at the special session of the legislature. President Roosevelt's letter to Governor Sparks, in which the chief executive of Nevada is severely criticised for appealing for troops for Goldfield when no reason for such a call existed, has been stolen.

This was announced at Carson today when the legislators were preparing to ask the governor to present the communication to the session for consideration. Sparks avers the letter was stolen from his office and the charge is now made by the union men that the letter was stolen to prevent the scandal that would follow its publication in full and that the crime has been committed by friends of the Mine Owners' association. On the other hand the mine owners allege that the letter has been taken by the miners.

Arrests are threatened unless the communication is found before the opening of this morning's session.

DEATH LIST MAY BE TWO HUNDRED

Bodies Burned at Boyerstown Are Sorted and Displayed for Identification.

(United Press Leased Wire.)

Boyerstown, Pa., Jan. 15—A ghastly scene is being enacted here today in the public school house where the victims of Monday night's theatre fire and panic are being identified. During the night three undertakers and their assistants sorted out the charred bodies, separating those with marks by which they could be identified from the ones that cannot possibly be recognized.

By daylight this gruesome work had been completed. When the doors of the school house were opened to those seeking the remains of friends and relatives, a heart-rending scene followed. Several women, after recognizing features of the dead, swooned and were carried from the room. As each body was identified it was borne to an adjoining room.

Coroner Kohler has announced that all bodies must be buried within three days, whether or not they are identified. In all, 168 bodies have been recovered. Kohler thinks the death list will be from 175 to 200.

AMERICAN TARS ACT WELL AT RIO JANEIRO

(United Press Leased Wire.)

Rio De Janeiro, Jan. 15.—Flag officers and a few senior captains of Rear-Admiral Evans' fleet of 16 warships are today the guests of President Penna at the executive palace, where the American seafighters met several Brazilian officials and merchants.

During this afternoon American Ambassador Dudley will entertain all the officers of the squadron and the newspaper correspondents at a garden party. The excellent conduct of the American jackies ashore is being generally commented upon.

Argentina announces that it will send a division of warships to greet the American fleet off the coast and Chile will send a fleet to greet the Americans off Patagonia.

Chamberlain Takes Indirect Rap at Recent Queer Findings of Courts.

(Special Dispatch to The Journal.)

Salem, Or., Jan. 15.—George Putnam, editor of the Medford Tribune, who was fined $150 for alleged libel on the grand jury of Jacksonville county, refuses to avail himself of the efforts of his friends to procure from Governor Chamberlain a remission of the fine, and proposes to carry his case to the supreme court.

Numerous friends of Putnam wrote or wired to Governor Chamberlain urging the exercise of executive clemency And now there is no doubt that the governor would have complied with these requests, but today Railroad Commissioner Oswald West received a letter from Putnam saying, "I can neither ask nor accept a remission of the fine imposed on me. I have done no wrong, I am guilty of no crime, and a fair trial will prove my cause to be a just one."

In view of Putnam's attitude the governor cannot intervene, but he said today:

"Assuming the facts to be as stated in the press reports, Mr. Putnam is certainly entitled to remission of the fine imposed by the Jacksonville court if he wants it. My knowledge of the facts has been derived from the newspapers and from the information thus received I am certainly of the opinion that the fine should not have been imposed. But since Mr. Putnam is determined to carry his case to the supreme court, there is no occasion for me to intervene."

Putnam's alleged offense consisted in criticising the grand jury of Jackson county for its failure to indict W. S. Barnum, who made a murderous assault with an ax on J. F. Reddy, mayor of Medford. The grand jury retaliated by indicting Putnam for libel and on his trial the judge refused to allow the admission of evidence offered by Putnam to prove the truth of his charge against the grand jury.

APOLOGIZES TO HAWAIIAN GIRLS

Brother of Stanford White Sorry He Said "All Coons Look Alike to Me."

(United Press Leased Wire.)

Seattle, Jan. 15.—A letter of apology saved Richard Mansfield White, brother of the late Stanford White, from expulsion last night from the Seattle Commercial club.

During the recent visit of the Hawaiian girls in this city and while a banquet was being held at the Commercial club White used the expression quite audible, "All coons look alike to me." For this action the directors deemed that his conduct was not that of a gentleman and voted to expel him from the club.

White heard of the action and sent a most abject apology for his conduct and Mr. White is still a member of the organization.

PLUM PUDDING WRECKS FEAST

Guest of Honor Whipped by Host for Hugging Wife While Saving Her Life.

(Special Dispatch to The Journal.)

Paris, Jan. 15.—Quite a tragedy attended the entrance of a plum pudding at a party in a flat in the Rue St. Hyacinthe, where in honor of a young Scottish friend the host had ordered the pudding to be well lit up with rum. Just as the servant was about to deposit it on the table the flames caught her lace cap.

With a cry of terror she dropped the dish on the table. It was smashed, and the blazing rum set fire to a lady's dress. She flung herself into the arms of her Scottish neighbor, screaming "Save me." With great presence of mind he emptied a bottle of mineral water over her corsage. The flames were extinguished, but she immediately abused him for spoiling her dress. The jealous husband next attacked the unfortunate Scot for embracing his wife, and the combatants had to be separated.

WANTS TO FINE STANDARD AGAIN

Sims of Chicago Plans to Extract Eighty Millions From Oil Trust.

(United Press Leased Wire.)

Chicago, Jan. 15.—District Attorney Sims, upon arriving today from Washington, where he is thought to have discussed the matter with President Roosevelt, announced that he will make an effort to bring the Standard Oil company of Indiana to trial next week on the remaining 4,000 counts in the indictments returned against the corporation for alleged rebating.

It will be possible, in the event that the company is convicted on each count, to impose fines aggregating $80,000,000. John D. Rockefeller may be compelled to come to Chicago to testify, as he was compelled to do in the other trial.

PAYS ONE DOLLAR FOR TONGUE LASHING

(United Press Leased Wire.)

Los Angeles, Cal., Jan. 15.—Damages in the sum of $1 have been awarded by a jury in Judge Monroe's court against Mrs. Lulu Fouts in favor of Mrs. May K. Marvin, president of John H. Reagan chapter, United Daughters of the Confederacy, who are not now exactly united. The $1 was immediately paid. Mrs. Marvin sued Mrs. Fouts for $75,000 damages alleging that she had slandered her to other members of the chapter.

PRELIMINARY TRIAL OF JAP STABBERS

(United Press Leased Wire.)

Vancouver, B. C., Jan. 15.—The preliminary hearing of the Japanese charged with stabbing city firemen is now going on. There is an evident effort to center the blame on one man, who will be committed for trial in the higher court on the charge of attempted murder.

"NEED WORK," DECLARES KING.

King Victor Emmanuel of Italy says emigration of Italians to America does not, as reported, cause crops to go unharvested in his country. The king said that there were many unemployed in Italy and that their conditions called for action to prevent their starving.

NO MORE BRONZE FRUIT MEDALS

Horticulturists Go on Record Favoring Cash Prizes in the Future.

This morning's session of the horticulturists passed a resolution declaring in favor of a complete code of water laws to place water rights on an equal footing with land rights; practically decided to do away with the competition for honorary awards and to substitute cash prizes in the future.

Several changes were made in the constitution as to time of convention and protection of growers against disease by stricter quarantine regulations.

No more honorary rewards for the apple growers was the cry at the session of the Oregon State Horticultural society in Woodmen hall this morning. Half a dozen of the exhibitors spoke on this phase of the prize awarding and demanded that in the future cash prizes ranging from $10 to $1 a box be awarded.

They held that each box of apples shown at the exhibition cost the exhibitor $5 to bring to Portland and felt that something more substantial than a bronze medal or a blue ribbon should

(Continued on Page Two.)

BOURNE'S DEFENSE OF SCHUEBEL

Says Appointment Was Made Only After Careful Consideration of Attorney's Merits by President Roosevelt.

Submits Letters Written in Support of Choice for Position Held by W. C. Bristol—Schuebel Once Withdrew.

Senator Jonathan Bourne has forwarded from Washington the reason he asked for and secured the appointment of Christian Schuebel as United States district attorney for Oregon. Senator Bourne gives the full text of Mr. Schuebel's letters of recommendation from prominent jurists and also declares that President Roosevelt wished to reward Mr. Schuebel for his stanch support of "pure political principles," and of "clean administration and a square deal." Senator Bourne's statement follows:

By United States Senator Bourne.

Doubtless the president as well as I will be adversely criticised by certain people on account of appointment of Hon. Christian Schuebel to the United States district attorneyship of Oregon, but the action was not taken unadvisedly by the president or myself. While there is no foundation in fact for the statements heretofore made that Mr. Schuebel's appointment was being urged by me in liquidation of an election obligation either to him or to his partner, Hon. W. S. U'Ren, it is true that I have urged the appointment in a measure in recognition of his services to the Republican party as chairman of the Clackamas county central committee, but chiefly and primarily on account of his personal honesty and integrity and my firmly grounded faith in his legal attainments, based on the indorsements of the judges in whose courts he has practiced.

Battle for Better System.

Yet over and above all this the consideration with me has been, as I believe it has been the determining consideration with the president, to give recognition to the principles for which Mr. Schuebel stands, and for which his partner, Mr. U'Ren, has made a most heroic and unselfish battle for a better system of laws in our state, for cleaner administration and for a square deal. I am aware that after Schuebel becomes United States attorney the baser passions of some men may be invoked to cast stumbling blocks in his way, but he will be fully sustained by the administration and the department of justice in a vigorous and disinterested execution of the law, certain of his own ability to make good, and certain of the cordial and loyal support of law-abiding citizens.

It has been charged and probably will again be charged that Mr. Schuebel has been engaged in efforts to undermine W. C. Bristol, the retiring district attorney. In that relation I ask you to quote herewith Mr. Schuebel's letter, as follows:

Oregon City, Or., Nov. 20, 1907.

"Hon. Jonathan Bourne, U. S. senate, Washington, D. C. My Dear Senator—It has been said by some that my application is an injustice to Mr. Bristol, and that my friends and I were endeavoring to secure Mr. Bristol's rejection so that a vacancy might occur for my benefit. I was informed last spring, on what I had reason to believe was good authority, that Mr. Bristol would retire from office about the end of this year, in pursuance of some understanding or agreement. I made my application to you believing that this was true. I have the highest regard for Mr. Bristol as a man and as a lawyer and would not, nor would I ask any friend to do anything towards removing a public officer or creating a vacancy in the public service in order to make a place for me.

"My relations with Senator Fulton have always been very friendly, and I do not wish the misunderstanding between Senator Fulton and Mr. Bristol to affect my friendly relations with either. Neither do I wish to be understood as trying to involve yourself, or any friend of mine, in their misunderstanding for my advantage. I only ask that if a vacancy occurs, my name may be considered at that time, and that I be given a square deal and no star chamber proceedings, as I believe that the president means what he says 'that every man is entitled to a square deal.' Sincerely yours,

(Signed) "CHRISTIAN SCHUEBEL."

Withdraws Application.

It has also been charged I understand he has been so "hot-foot" for the appointment that he insisted upon it even at the expense of harmony in the delegation. That charge is also untrue. To show that I have been the insistent party for the reasons just named is to do Mr.

(Continued on Page Three.)

GROUP OF DELEGATES TO THE OREGON STATE HORTICULTURAL SOCIETY IN SESSION TODAY.—PHOTO BY JOURNAL STAFF PHOTOGRAPHER.