

DUNBAR TRIAL TO LIGHT UP MUCKRAFT

Review of Case Which Shows Law System Under Which Office of Secretary of State Was Operated for Years—Politics Play Important Part

(Special Dispatch to The Journal.)

Salem, March 7.—The past week has been occupied with the suit of the state against F. L. Dunbar, secretary of state for eight years, brought by District Attorney John H. McNary and L. H. MacMahon to recover about \$100,000 of fees collected during his term of office. It is charged by his counsel, Clyde Fulton of Astoria, that the suit is of a political nature, and he has treated it as a persecution until he has aroused the indignation of Judge Galloway to that extent that very sensational developments are awaited. A warrant has been issued that will bring Dunbar into court with his private records, or what remains of them, for the defense has alleged in an affidavit that the records were destroyed. The political feature grows out of the fact that in 1902 when Dunbar accepted a renomination the platform of his party pledged him to accept a flat salary and turn all his fees and perquisites received under some thirty odd sections of the statutes into the state treasury. He was able to prevent the legislature from enacting the flat salary law in the session of 1903, and again in 1905, when he secured an amendment to the flat salary law preventing it going into operation until after his term expired in 1906.

Disclosures of the Week.

The disclosures of the first week, which were all secured against violent protests on the part of Fulton, which the trial was a farce and a fraud, which Dunbar treated as a joke and sought in every way to dismiss and limit the investigation, were as follows: No part of the defense, and the case is today attracting more attention than any matter of litigation that has come up in the history of the state.

The evidence shows that during the two terms of Dunbar he received and retained more than \$94,000, no part of which was ever accounted for. This large sum of money was received from the following sources:

He filed 2,661 articles of incorporation for which he was allowed \$2.50 each and 25 cents a folio for recording each. The number of folios were 10,968.

He issued 8,533 commissions to notary public at \$2 each and 614 trade marks and brands at \$2.50 each, for furnishing copies of house and senate journals and the session laws, for the use of the state printer, he charged the state 25 cents a folio, amounting to \$11,884.75.

Seventy-four commissions of deeds were appointed at \$2 each and 407 miscellaneous commissions were issued at \$2 each. He furnished 7,132 certificates to agents of fire insurance companies at \$5 each, besides 150 licenses to life insurance agents at \$1 each.

Remarkable List of Grifts.

Also 609 annual licenses to fire and life insurance companies of which sum collected he retained \$23,300, 228 requisitions at \$4 each, 76 registers of deeds, 156 powers of attorney, 21 certificates of authority to insurance companies at \$2 each, 25 statements of insurance companies at \$10 each and 715 annual statements at \$5 each, besides other grifts amounting to quite a sum of money.

The state has been unable to prove the sum of the money collected from different persons and corporations for furnishing copies of public records and many other things of which no record is

kept in the office of the secretary of state. It is claimed that these items alone would aggregate more than \$30,000 and only accounts kept of them was by the defendant, who claims to have destroyed the books and is thereby unable to produce them.

The evidence showed that the defendant even charged the state for issuing requisitions of the state for state prisoners although these requisitions were issued by clerks who were paid for that work by the state.

No attempt was made to compel the defendant to repay the money collected by him for serving on different boards and commissions, so that even if the defendant is compelled to repay the \$96,000 already proved, he will yet have the money for furnishing copies of public records, etc., and his salary as secretary of state and as a member of different boards and commissions, amounting in the aggregate to perhaps \$20,000 for his eight years of service.

Unlawful Retention of Fees.

Aside from the law allowing the secretary of state to retain fees in certain insurance matters, the rest of the fees collected by him into the Oregon statutes to fatten the office of secretary of state gave him no specific authority to retain fees. They were simply retained because the statute made no disposition of them, while the legislature each year appropriated large sums to pay the clerks in that department for the very work he was supposed to be collecting the fees for. The law allowing him to retain fees and the act of retaining fees was clearly prohibited by the constitution in section 1, article 13.

"The governor shall receive an annual salary of \$1,500. The secretary of state shall receive an annual salary of \$1,500. The treasurer of state shall receive an annual salary of \$2,000. The judges of the supreme court shall each receive an annual salary of \$2,000. They shall receive no fees or perquisites whatever for the performance of any duties connected with their respective offices; and the compensation of officers, if not fixed by this constitution shall be provided by law."

Other Rulings.

"No person holding a lucrative office or appointment under the United States or under this state shall be eligible to a seat in the legislative assembly; nor shall any person hold more than one lucrative office at the same time, except as in this constitution expressly permitted. Provided, that officers in the militia, to which there is attached no annual salary, and the office of postmaster, where the compensation does not exceed \$100 dollars per annum, shall not be deemed lucrative."

"That the coming week will reveal still greater divergence from the fundamental law is the expectation of the state. In the trial the past week the present secretary of state made a very strong impression that the judge was not impartial, and that the attorney, contrary to the reluctance shown by Dunbar to come into court, Secretary Benson has done all in his power to give the state the attorney's assistance in arriving at the amount of fees that were collected. The defense is laying a foundation to take the matter into the supreme court, and the Oregonian editorial of Friday is construed here as a threat to make the higher court treat Dunbar with lenience.

ADVANCE SPRING SALE

Our entire stock of Ladies' Tailored and Fancy Spring Suits, Long and Short Coats, Silk Shirtwaist Suits and Skirts to be sold at greatly reduced prices during this coming week.

25 Broadcloth and Worsted Suits



\$20.00 values, special \$7.50
\$35.00 values, special \$12.50
\$50.00 values, special \$19.75

Any Silk Petticoat



Black or colored, values \$6.45 to \$12.00. Special \$6.45
All Umbrellas and Ladies' Bags at HALF PRICE
\$6.00 White Sweaters \$3.95

New Spring Suits

Some of the classiest garments ever shown west of New York arrived at The Fashion within the last few days.

Every garment is of highest character and all man-tailored.

In order to insure the success of this sale we give the greatest values in Spring Suits yet offered in the city.

\$75.00 values \$50.00
\$80.00 values \$40.00
\$50.00 values \$35.00
\$40.00 values \$30.00
\$30.00 values \$22.50
\$22.50 values \$15.00



New Spring Skirts

All the newest styles in Voiles, Panamas, French Serges and Rajah Cloths at special prices.
\$25.00 values, special \$17.50
\$20.00 values, special \$12.50
\$15.00 values, special \$10.00
\$10.00 values, special \$7.95

Fifty Black Coats

BEST BROADCLOTHS AND KERSEYS.

\$50 vals., special \$25.00
\$35 vals., special \$17.50
\$25 vals., special \$12.50
\$20 vals., special \$10.00
15 vals., special \$7.50



Silk and Moire Raincoats

ALL GUARANTEED.
\$37.50 Moire Coats, special \$18.75
\$35.00 Silk and Moire Coats, special \$17.50
\$25.00 Silk Coats, special \$12.50
\$20.00 Silk Coats, special \$10.00
\$16.50 Silk Coats, special \$8.75



CRUISERS NOT AGROUND YET

Some Sharps Say They Never Would Be—Pillsbury Himself in Doubt.

(United Press Leased Wire.)

Washington, March 7.—Rear Admiral Pillsbury, chief of the bureau of navigation, tonight reiterated the opinion that the cruiser squadron cannot go to Portland because it cannot get over the Columbia river bar.

"The ships I refer to when I say cruiser squadron, draw 26 to 27 feet," said he. "I have never heard of ships of such draught crossing the Columbia river bar."

When it was recalled to him that the Charleston last summer passed over the bar, he said the Charleston drew not more than 22 to 23 feet.

Inquiry among different officials at the navy department develops as it has been developed in every such instance in the past, lack of agreement as to the facts in this and similar cases. Admiral Pillsbury adheres to the view he first expressed, although he promised The Journal representative that he would go into the matter exhaustively to ascertain the exact truth.

Another official said the cruisers draw something like 26 to 27 feet, and that the water at low tide on the bar was 21 feet at the last report, with scouring going on all the time as the result of the jetty's construction, so that with the tide at eight or nine feet it seemed to him cruisers could safely cross the bar, unless too heavy swells were running, adverted to a possible mistake in taking the record of the draught of vessels, and accepting what is given as "mean draught" as that does not represent the actual depth of water needed. "Mean draught" means the average draught

of the keel as between the actual draft fore and aft.

Portland navigators say that the navy department has some antiquated rules in effect that would prevent a United States war vessel taking on a pilot at a home port. It is generally known and admitted that ocean-going vessels are brought into the Columbia river by Astoria pilots. The navy department would, it is said, be absolutely safe in sending its cruisers into this harbor if it would, like all modern navigators, take on local pilots to keep their vessels in the ship channels. Assent during the last year more heavy steamships than ever before have called at the Port of Portland, and the number is increasing every year into the millions of any kind. In last December the British steamer Como went out of this harbor drawing 25.8 feet. In June last year the British steamer Assent went out, drawing 26.3. The British steamer Hyndford went out in May, drawing 26.5 feet. There were many others, including the Glenestra, 25.1; the Crusader, 25; the Irish Monarch, 24.7.

Discrimination.

For years the navy department refused to send government transports to this port, and still persists in using the port of San Francisco, exclusively for shipping or receiving troops destined to and from the orient. Troops leaving Vancouver barracks, or destined to them, have to take the long and expensive rail trip between Portland and San Francisco, because of the navy department's monstrous prejudice against the Columbia river. Yet one of these transports, which for years was kept away from this harbor on the pretext of insufficient water, is now running regularly under the name of the Rose City, on the line of the San Francisco & Portland Steamship company, and does not experience the slightest difficulty in crossing the Columbia river bar.

Pillsbury's Deductions.

The Pacific commerce recently made application to the navy department to have some of the heavy vessels of the Pacific fleet sent to Portland to participate in the Rose Festival ceremonies. The Journal's Washington correspondent has been informed by Chief Pillsbury of the bureau of navigation of the navy department, that he has not yet received such a request, but when it is referred to him he will rule that the cruisers cannot go there because cruisers cannot get across the Columbia river bar. The last two years' work of the government engineers has considerably improved the bar channel, but an unfortunate prejudice existing between Pillsbury and the navy department is said to blind the navy department in many cases to the good that war department engineers may accomplish in the internal improvement.

SHIRAZ RIOTS END WITH REVOLVER SHOT

(Heard News by Longest Leased Wire.)

Teheran, March 7.—Kavam El Mok Shirazi was shot dead in his home this morning at Shiraz. This probably will end the troubles in Shiraz, as Kavam was the principal cause of the discontent there. It is believed that the shah's courtiers are attempting to charge Zill-Ush-Sultan, the shah's uncle, with being connected with the bomb outrages. The shah has issued a receipt to the minister of justice to proceed with the trial of the suspected persons behind closed doors. This has created suspicious comments among the Anjoumens, who asked permission of the assembly to assist at the trial.

NEW TRIAL IS DENIED

Judge Gantenben Holds Defendants in Conspiracy Case Not Entitled to Second Hearing—Overrules Every Motion Made.

Judge Gantenben in the circuit court yesterday decided that E. E. Radding and Mrs. Belle Waymire are not entitled to a new trial on the charge of attempting to blacken the reputation of Mayor Lane. Attorney Seneca Fouts, for the defendants, asked that the time for sentence be fixed for as early a date as possible, and the court named next Tuesday morning at 9:30 o'clock.

As the offense is a misdemeanor, the maximum sentence under the law is six months in jail and \$1,000 fine. It is possible that the defendants may further postpone threatened imprisonment by appealing to the supreme court. The defense appears to be well financed, as shown by ability to furnish cash bail of \$1,000 for each of the defendants, and an appeal is expected.

John F. Logan, who took the lead in the examination of witnesses for the defense in the trial, was not present in court yesterday. W. E. McGarry and Seneca Fouts appeared to present the motion for new trial, and were primed for long arguments, but Judge Gantenben narrowed the field of debate by indicating that his mind was made up on several of the points ad-

versed as reasons for a new trial. Objections were made to the instructions of the court, which McGarry said were argumentative and calculated to give the jury the impression that the judge wanted the defendants convicted. McGarry said that he believed the court had inadvertently placed emphasis upon the instructions offered by the state.

Had Considered Instructions.

Judge Gantenben replied that he had carefully considered the instructions before giving them, and he did not believe that any error had been committed. He suggested that argument on that line only consumed time, and that the attorneys for the defense had best address themselves to the claim of newly discovered evidence. McGarry intimated that since the trial the defense has learned a great many things to the detriment of the mayor's conduct. Patrick Bruin, the former chief of detectives, was the only prospective witness named, but McGarry said that women tenants of the Hamilton building are ready to tell of other incidents. He insisted that this was material evidence, showing a line of conduct tending to support Mrs. Waymire's accusations, but Judge Gantenben was unable to see how that could be brought into the case. As to Bruin's evidence, which is said to relate to admissions made by the mayor, the court said that would not tend to disprove the charge of conspiracy.

Dan J. Malarky, reinforced by District Attorney Manning and R. W. Montague, sat ready to meet the onslaught of the defense, and had a great stack of legal lore in front of him, but the action of the court in curtailing the argument rendered it unnecessary for him to go beyond the skirmish line. He did have one lively clash with McGarry over the proposed testimony of Bruin. He said that Bruin was in court during the trial, and Attorney Logan knew what the detective chief was willing to tell.

Logan that he did not know," said McGarry.

"Your colleague, Mr. Logan, knew," retorted Malarky.

"Well, we will have an affidavit from Logan that he did not know," said McGarry.

Malarky returned to the charge, and for a few moments both attorneys vociferated at once. But the defense did not succeed in impressing the court that Bruin's testimony would be material.

The court also overruled the point of the defense that an error was made in receiving the verdict of the jury in the absence of the defendants and their attorneys.

UNION COUNTY PRESS ASSOCIATION FORMED

(Special Dispatch to The Journal.)

La Grande, Or., March 7.—The Union County Press association was organized here today. State Secretary Schbird of Union county was present. The papers represented were: La Grande Evening Observer, La Grande Morning Star, Elgin Recorder, Oregon Scout, Union County Republican, Union and North Powder News. The officers elected are: E. C. Currey of the La Grande Observer, president; Miss Mollie K. Probst of the La Grande Star, secretary; Miss Roberts of the North Powder News, treasurer.

RETURNS AFTER TRIP "TO OLD COUNTRY."

Edward Javenhus, who has been traveling for F. Javenhusen & Co. of Bremen, Germany, has returned to Portland after an extended trip through Europe.

Mr. Joseph makes his headquarters at Altona, Washington.

Fashion

CLOAK and SUTHOUSE
MATTHEW GEVURTZ PROPRIETOR
141 SIXTH STREET, COR. ALDER, OPP. OREGONIAN
This Sale Starts Monday, March 9th at 9 o'clock and Continues One Week Only

Good Piano \$190

SEE US MONDAY
Hovenden-Soule Piano Co.
Cor. Morrison and W. Park Sts.

CONSUELO IS NOT SOCIALIST

Duchess of Marlborough Declares She Is Making Personal Visit.

New York, March 7.—"I am not a socialist," declared Consuelo, duchess of Marlborough, as she alighted today from the steamship Lucania for a visit to her mother, Mrs. O. H. P. Belmont.

The duchess was met by Mrs. William K. Vanderbilt Jr. and Mr. and Mrs. O. H. P. Belmont. William K. Vanderbilt Jr. started to meet the duchess in quarantine, Staten Island, but missed the revenue cutter.

Although her name did not appear on the passenger list, it became known she was on board soon after the vessel left Liverpool. Although the main object of her visit here is to see her mother, it is said that her main purpose is to continue her sociological investigations in the city prisons and on Ellis Island.

When the duchess was shown a dispatch from London to the effect that she had become an out and out Socialist, she laughed and quickly said:

"Oh, you mean the countess of Warwick, not me."

The countess of Warwick is mentioned in the clipping, she was told.

"She is mentioned as a coworker

of yours," she was informed, whereupon the duchess denied that she was a Socialist again.

When asked why she was making the visit she answered that her coming was really personal and that the reason for it would interest no one.

NORMA MUNRO TO WED EARL, RUMOR

Foreign Dispatches Say Heiress Will Become Wife of Yarmouth.

Paris, March 4.—The all-absorbing topics of conversation in the cafes today is the rumor that the Earl of Yarmouth, the recently divorced husband of Miss Alice Thaw, sister of Harry Thaw, is to marry Miss Norma Munro, known to two continents and erstwhile intimate friend of Mrs. Leslie Carter-Payne.

Since the announcement of the marriage of the English earl with Miss Thaw, leaving him free to remarry, society has been asking "What next?" In the announcement of the approaching event said to have been made by none other than Miss Munro herself, in a letter to one of her intimate friends, the question has been answered in a way that will give an opportunity to recall the varied careers of both.

Miss Munro has been living in this city for some time, but is now thought to be on the Riviera, where it is thought the engagement took place. The Earl of Yarmouth was the Monte Carlo the greater part of the season, but has not been seen there in the last few days.

The earl is known to be in need of money, so the report that he is about to remarry is received here without incredulity. No one, however, had heard now any considerable portion of the one fifth part of Miss Thaw's estate which was settled upon him at the time of his marriage to her. It is said that Miss Munro at one time inherited \$25,000 from her father, and that she has been who has been asking "What next?" In the rumormongering world she is attractive to the fortune-hunting class.