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The Weather—Occasional rain tonight and Tuesday; cooler tonight.

Journal

JOURNAL CIRCULATION YESTERDAY WAS 31,250

VOL. VII. NO. 226. PORTLAND, OREGON, MONDAY EVENING, NOVEMBER 23, 1908.—SIXTEEN PAGES. PRICE TWO CENTS. BY TRAIN AND BY STAMPA FIVE CENTS.

PROSECUTION CORRIES CHAUFFEUR LATHAN

ADmits THAT HAS FAITH IN THE SCORE FALSELY HONOR OF SOLONS

Involves Both Burns and Ruef and Damages Case of Defense—Exciting Scene When Man From Portland Was Questioned.

(United Press Leased Wire.) San Francisco, Nov. 23.—Abraham Ruef, charged with offering a bribe to a former supervisor to secure a vote for the passage of an overhead trolley franchise for the United Railroads, was charged today on the witness stand by Alexander S. Lathan, his former chauffeur, who had recently been brought here from Portland, with influencing him to commit perjury before the grand jury at the time of the graft investigation.

Lathan, who has been searched for by the prosecution for more than a year, declared that he knew nothing of the affairs of Ruef. He was then confronted with his own affidavit, in which he admitted taking Ruef to the offices of the United Railroads.

Maxim's Admission. Becoming badly rattled, Lathan admitted that he had signed the affidavit. He then said in response to the question of Special Agent William J. Burns, he later declared that Burns also had told him to tell untruths under oath to the grand jury. The testimony of Lathan was admitted into evidence after one of the bitterest scenes between a witness and a jury that has as yet marked the trial.

Lathan was represented by Judge J. E. Harper, who objected to Lathan taking the stand, on the ground that he had been extradited for another purpose. Judge Lawson overruled the objection. Lathan's constitutional right was then pleaded by Harper and again the court overruled the objection. Lathan then became excited and finally was admonished by the court to remain quiet and to keep his seat.

Affidavit Recalled. The affidavit of Lathan which was read averred that he had accompanied Ruef from a haberdashery store where a shirtbox was obtained by Ruef, in which it is alleged the money was finally placed, to the offices of the United Railroads. This was in May of 1906. The affidavit was dated January 1, 1907, and purported to have been made in the presence of Burns and Miss Kate Conroy, at that time stenographer for the grand jury.

Before the affidavit was presented, Lathan remembered nothing of the matter. Afterward he became a stammering and uncertain witness. He "guessed" the signed the document but did so because Burns said it was true.

"Did you under oath tell untruths to the grand jury?" was asked. "With a present nervousness the witness testified that he did."

"Why did you swear to these untruths?" was told to "By whom?" "By Burns and Ruef." The case referred to was when Ruef was under immunity.

Throughout Lathan's examination Henry Ach, attorney for Ruef, constantly objected to the line of questioning by the prosecution.

Toward the close of the session Assistant District Attorney J. J. Dwyer accused Judge Harper of whispering instructions to a young man seated near Ruef, who in turn, he said, signaled to the witness.

Harper and Ruef sprang to their feet, Harper denouncing Dwyer and accusing him of misconduct. Ruef excitedly whispering to the witness, Judge Harper denied the charge and the court made no comment.

In concluding his examination of the witness, Hiram Johnson summed up his questions in the following: "Is there one single statement made

Major J. P. Kennedy, Chairman of Republican County Central Committee, Convinced That Statement No. 1 Men Will Keep Pledges.

"And what is more, I have faith enough in the honor, the integrity and the citizenship of the members of the legislature to believe that Governor Chamberlain will be selected United States senator on the first ballot."

This is from Major J. P. Kennedy, chairman of the Multnomah county Republican central committee, one of the hardest workers in the state for the election of Taft in the recent election and a Republican whose standing and record is unquestioned.

Major Kennedy was the chairman of the Multnomah county campaign last June and directed the fight in this county against the election of Governor Chamberlain.

Whereas, When the people of Oregon elected the members of their legislative assembly on the first day of last June, 69,668 voters cast their ballots in favor of the bill instructing members of the legislature to elect, by the way, as such officers, vote for and elect for United States senator the candidates who receive the highest number of the people's votes, and only 21,162 voted against that bill, and as at the same election George E. Chamberlain received the highest number of the people's votes, there cannot possibly be any doubt or misunderstanding of the will of the people of Oregon; and

Whereas, The election of a United States senator by the legislature next January is now wholly a question of morals, and not of party politics, because 51 members of the legislative assembly stand pledged by their Statement No. 1 agreement with the people of Oregon and of their several legislative districts to vote for the candidate for United States senator who received the highest number of the people's votes at the election last June, as well as by the people's instruction law; therefore, be it

Resolved, By the Central Labor council of Portland and vicinity, that we view with profound regret the attempt now being made by certain politicians, led by Harvey W. Scott, the Daily Oregonian, and Senator C. W. Fulton to induce and persuade the legislature to violate their pledges to the people of Oregon and to the voters of their several districts, and we deplore the fact that any man or politician in Oregon should be so wholly lost to all sense of honor and morality that he would for a moment countenance or approve the attempt to cause the elected representatives of the people to betray their trust by the commission of perjury in any manner, and especially a form which can not be punished by imprisonment in the penitentiary, or other legal sentence; and further be it

Resolved, That we most earnestly urge all members of organized labor, and other good citizens, to refuse their signatures to any so-called petitions to members of the legislative assembly to directly or indirectly violate their pledges or disobey the people's instructions given at the general election.

"We, the undersigned, joint legislative committee of the Oregon State Federation of Labor, and the Oregon State Granges, heartily endorse and concur in the sentiments and recommendations of the above resolution."

H. M. LORNTSEN, Astoria. W. H. FITZGERALD, Portland. For Oregon State Federation of Labor. A. J. MARON, Hood River. F. M. GILL, Estacada. EUGENE PALMER, Albany.

Marconi Does Not Get Prize



(United Press Leased Wire.) Stockholm, Nov. 23.—Guglielmo Marconi was ignored by the committee in the distribution of the Nobel prizes. It was unofficially announced about two weeks ago that the inventor of the wireless telegraph would be awarded a prize in physics but the honor was bestowed upon Professor Max Planck, of the University of Berlin. The awards were as follows:

For chemistry, Professor Ernest Rutherford, director of the physical laboratories of the University of Manchester, England; literary, Algeron Charles Swinburne; physics, Professor Max Planck, professor of mathematics and physics in the University of Berlin; medicine, divided between Paul Ehrlich, of Berlin, and Professor Eli Metchnikoff, of the Pasteur Institute, Paris.

INDEPENDENTS' CAMPAIGN BILL

Three Hundred and Fifty-Nine Dollars the Total Spent in Oregon.

(Special Dispatch to The Journal.) Salem, Or., Nov. 23.—The Independence and Democratic parties filed their sworn detailed expense accounts with the secretary of state today. It is shown by the statement of the Independence party that the national committee was drawn upon as money was needed by the state committee. Altogether, but \$359 was spent by the Independence organization in this state.

The Democratic account is a copy of the statement filed several days ago with County Clerk Fields of Multnomah county and shows \$1,296.95 to have been subscribed by different individuals, all in small sums. Disbursements were \$1,689.97, leaving a balance in the treasury of \$139.33.

The Republican statement filed Saturday, falls to account for the source of the \$4,000 turned over to Chairman C. N. McArthur by Treasurer Ralph E. Williams. The Huntley corrupt practices act requires each treasurer to make a report showing the source of all funds.

Several electoral nominees also filed sworn statements of funds expended during the campaign.

TUNNEL UNDER PENITENTIARY

Work Discovered in Missouri Prison on Eve of Wholesale Break.

(United Press Leased Wire.) Jefferson City, Mo., Nov. 23.—Following the discovery of an attempted jail break which would have released hundreds of convicts in the Missouri penitentiary, a rigid investigation of the prison management was begun today. A serious scandal may be unearthed.

The jail delivery, which came close to being successful, is believed to have been engineered by life-sentence convicts. The plot had been carefully worked out and was discovered in the nick of time. A long tunnel was found, leading underneath the prison yard to the wall. When the work was discovered the hole had been bored nearly through.

SAYS THEORIN WAS SEEN IN ALBANY

Chief of Police of That City Sends Word That Murder Suspect in the Rasmussen Case Was Recognized by Man Who Knew Him.

(Special Dispatch to The Journal.) Astoria, Nov. 23.—A special to The Budget reports that the steamer Sus Elmore, on which the suspect Theorin was supposed to have taken passage, is harbored at Tillamook, the sea running very high off the harbor.

F. Theorin, for whom Sheriff Stevens is looking on the suspicion that he is the murderer of Watchman M. C. Rasmussen of the steam schooner Washington, was seen in Albany this morning, according to a telephone message received at the sheriff's office shortly before noon. The message came from the chief of police of Albany, who says that Theorin was seen there about breakfast time by a man who knew him through having worked on board the same vessel with him.

If this story is correct, it disposes of the theory that Theorin, after murdering Rasmussen, fled aboard the afternoon, made his escape in some sea-going vessel. Theorin until recently was captain of the gasoline schooner Condor and is well known by seafaring men along the coast.

The only clue the sheriff has in the Rasmussen case is the fact that the man who was seen talking to Rasmussen that afternoon, and who it is supposed that was seen in Albany, answers the description of Theorin.

Is Merely a Theory. Whether or not Theorin is the right man is conjectural, for the description given by the carrier of the harbor boat Palmer of the man who boarded the Washington does not tally in some particulars with that of Theorin. However, the strongest reason for suspecting the ex-captain of the Condor of being the murderer is that he disappeared from the city Friday morning.

But this link in the chain of circumstance is not as strong as it was first thought to be. It has been learned that more than a week before the murder of Rasmussen, Theorin had announced his intention of going to San Francisco in search of employment. Moreover, Theorin was seen about the city as late as 3 o'clock Friday afternoon, nearly 36 hours after the account.

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UP TO OREGON DELEGATION

Government Ownership of Oregon City Locks Now Rests With Congress.

The last spike has been driven, so far as any action by the engineering authorities can be taken in advance of congress making the necessary appropriation for the government ownership of the locks and canal at Oregon City. Major McAdoe is completing his report on the basis cost of labor and materials to supplement the report already made by engineers formerly made, and it will be forwarded this week to the chief engineers at Washington.

Colonel Hofer, who as chairman of the Willamette Valley Open River association, has been pushing the preliminaries all along the road, when congress meets all the official data and engineering information will be officially at the disposal of congress on which to base an appropriation. It will be up to our delegation to secure the proper clause in the rivers and harbors bill that is going to be put through at our session to make available the money already appropriated by the same and whatever else is necessary to secure the locks and canal and make them forever free to the people.

"Free locks and canal" on the Willamette means a reduction of from \$1.50 to \$1.25 on every car load of freight that is shipped in or out of the valley, because the 50 cents a ton tolls collected at the falls of the Willamette by a private corporation is added and absorbed as a differential by all railroads handling freight in that territory. I am assured by the steamboat companies doing business on the river that they will immediately reduce their tariffs 50 cents a ton when the locks are made free.

There will not only be a large number of new boats put on the upper river, but the money spent for keeping an open channel in the Willamette will be doing the people some good. A large amount of traffic that is now impossible on account of the prohibitive tolls will be created, such as piling, sawlogs, railroad ties, cordwood and building materials like brick.

HENEY DEVOTES HIMSELF ANEW TO WAR ON GRAFT



(United Press Leased Wire.) San Francisco, Nov. 23.—Francis J. Heney, the graft prosecutor, who is recovering from the shot fired by Morris Hays, the would-be assassin, today issued the following statement: "I humbly thank Almighty God for my miraculous escape from death. It was the corruption of man that leveled the murderous weapon, but a divine Providence directed the bullet. Henceforth my life shall be consecrated to the just enforcement of the law and to the principle that no man shall be above the law."

"In this great human battle against vice and corruption, let no one believe that the true source is to be found in the individual dynamiter, jury bribers, kidnapers and assassins, and that their extermination means ultimate victory. Such beings are but the bubbles emanating from the pool of filth that has been years in the making. The seed has been sown and we must reap the harvest, but in gathering the taro let us be satisfied with nothing but the roots."

"Let us all now highly resolve that we shall not only not tolerate crime in any form, but that we shall likewise cast out and discredit the tolerators, the apologizers and the abettors of crime; that justice shall not be made a mockery in our courts, either by violent methods or through debased performances of men, professional or otherwise, sworn to uphold the law; that the plausible shall not be accepted for the true, whether uttered by the higher-ups or lower-downs, by honest-minded weak men or by designing trimmers."

"It has been a terrible sacrifice, but if my blood has not been shed in vain, if the assassin's bullet has suddenly disclosed to the public eye the hideousness of the gigantic conspiracy to defeat the law, then I shall feel that I have not lived in vain, that my poor

efforts have met with immeasurable benefit to my beloved city and state. "Toward the poor, wretched instrument of this crime I have no feeling but pity. "To my friends and the public who have so long and so faithfully stood by me and cheered me on during days of

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BODY OF GIRL FOUND ON TRACK

Tramps Believed to Have Committed Brutal Crime Near Los Angeles.

(United Press Leased Wire.) Los Angeles, Cal., Nov. 23.—The mutilated body of a young girl was found on the Southern Pacific railroad tracks near Alhambra yesterday. No clue to her identity has been found. The officers believe she was murdered. The body was found by W. Lemon, who, fighting at the sight of her corpse lying between the rails, rushed to a nearby house for assistance. While he was gone, a train passed and severed the head and right arm from her body. Minute investigation revealed a small hole near the right ear, which the officers believe is a bullet wound. Based on their theory upon this they declare the belief that the girl was murdered by the tramps, who threw her body across the tracks.

COULD BUILD FACTORY

"If the men of Portland would buy hats manufactured in this city, they would save from 25 per cent to 50 per cent of their hat money," says I. Kaufman, proprietor of the Eastern hat factory. "It is to the people's credit to state that our hat industry, which is the only one in the city, has increased wonderfully and if the majority of citizens would insist on getting Oregon-made hats it would be necessary for us to build an immense factory, which would be only one of many similar plants. The same is true of all other kinds of home industry. If home patronage was for home-made articles the payrolls of scores of the industries of Portland and Oregon would soon be doubled."

JOHN D. TRIES EVASION OF QUESTIONS

Kellogg Endeavors to Find Out Names of Standard Oil Stockholders in 1874, but Fails to Obtain Required Information.

(United Press Leased Wire.) New York, Nov. 23.—John D. Rockefeller was on the stand again today in the government's suit for the dissolution of the Standard Oil company of New Jersey, and was even more stubbornly resistant, under the cross-examination of Frank B. Kellogg, than he was last week. He dodged behind failing memory and resorted to various means of avoiding direct replies to the questions put persistently by the "trust buster."

Kellogg endeavored to find out the names of the Standard stockholders in 1874, but Rockefeller would give little information. Kellogg went over the list of capitalists whose oil business was swallowed by the trust, in an endeavor to establish their identification with the Standard Oil company.

It was shown that the president of the New York Central, the president of the Erie and three directors of the Lake Shore were connected with the Standard prior to 1872.

"At the beginning of the hearing Rockefeller answered a few questions with animation but he soon took an obstructive attitude and used every means to defeat Kellogg's purpose.

Asked Four Plans of Twenty. Kellogg questioned Rockefeller closely concerning the financial standing of his competitors and forced from him the admission that the Standard absorbed between 20 and 25 plants from 1872 to 1874.

"After you took the plants, did you continue to operate them?" asked Kellogg. "My memory fails," was the reply. Coached and aided by Kellogg, Rockefeller succeeded in recalling four plants which, he said, were continued in operation, saying their geographical situation and important physical condition was the reason for saving them.

Kellogg then resumed his questions regarding the manner of buying plants with stock certificates of the Standard. The witness admitted that he purchased the Imperial Refining company, the Devon Manufacturing company and the Jet Carey company with stock, taking deeds for the plants. Rockefeller admitted that the principal stockholders in these companies received Standard stock.

CERTIORARI WRIT FILED

Taking the \$29,000,000 Oil Case Up to Federal Supreme Court.

(United Press Leased Wire.) Washington, Nov. 23.—Attorney-General Bonaparte today filed in the United States supreme court a petition for a writ of certiorari to review the judgment of the United States court of appeals in the \$29,000,000 Standard Oil case, under which the case was remanded for retrial.

HIS MONEY GONE IN HAT VENTURE

J. G. Johannes Accepts Less Than He Sued Milliner-Partner for, However.

Half pairs were accepted by J. G. Johannes in the circuit court this morning in settlement of his suit against Florence Evans a milliner. He alleged that she owed him \$152 and possibly more as the result of a joint enterprise in the sale of merry widows.

Johannes says that in August and September, last year, he advanced \$150 to the milliner, who was to add \$50 of her own and sell a stock of the gayest kind of headwear in Tacoma, Seattle and Spokane. She was to repay the \$200 and divide the profits with him. In defense the milliner declared that the financial disturbances last fall thwarted her plans. She said that it tightened the purse strings of wealthy purchasers to whom she catered, and she succeeded in selling only a few of the hats. Besides, she alleged that Johannes did not fill the agreement as he was to put in \$150, and only furnished half that sum.