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The weather—Fair tonight and Wednesday; light frost tonight.

Oregon Daily Journal

WITH HER OWN WINGS SHE FLIES

JOURNAL CIRCULATION YESTERDAY WAS 30,803

VOL. VIII. NO. 28. PORTLAND, OREGON, TUESDAY EVENING, APRIL 6, 1909.—TWENTY PAGES. PRICE TWO CENTS. ON TRAINS AND NEWS STANDS, FIVE CENTS.

COMMISSION PLAN WILL GO BEFORE PEOPLE

COUNCIL FIGHT IS SETTLED BY MAYOR

Executive Casts Deciding Vote on Proposal to Submit New Charter to Voters—Belding and Cottel Meet With Defeat.

Lineup on Charter.

How the vote was cast on the question of submitting the charter amendments to the people:

Yes—Bennett, Cellars, Menefee, Rushlight, Vaughn, Wallace, Wills and Mayor Lane.

No—Annand, Belding, Concannon, Cottel, Driscoll, Dunning and Heppner.

Mayor Lane's vote this morning decided that the electors of Portland shall have an opportunity to adopt or reject the commission plan of municipal government at the July election. Councilmen Cottel and Belding waged a bitter fight to prevent the people from having any choice in the matter, and at the conclusion of an unusually lengthy and acrimonious debate had enlisted five other councilmen in their fight.

The final vote on the question of putting the new charter up to the electors resulted in a tie, seven voting for and a like number against. Councilman Baker was absent. When the clerk announced a tie and Mayor Lane was called upon to make a decision, he did so without any hesitation, remarking as he did so that he certainly had no wish to keep the taxpayers from saying how the city shall be governed.

A committee had been appointed at a previous council meeting to make a report on the charter submitted by the first commission of revision. This committee submitted a majority report to the council recommending that the amendments be placed upon the ballot. Dr. W. I. Cottel submitted a minority report, his reasons being explained, as they have been upon numerous other occasions, by him orally.

Thinks People Incompetent.

The burden of his remarks and those of Councilman Belding was that the people are not competent to judge for themselves what is for their best interests, and that the councilmen who represent the voters should constitute themselves guardians of the proletariat.

The filibusters, as the Cottel-Belding faction was dubbed, tried in every way possible to head off the new charter. At first it was moved to adopt Cottel's minority report. This motion was lost and then the obstructionists attempted to have the majority report laid upon the table until the amendments drafted by the charter commission of seven could be considered. This failed to carry as well.

On motion of Councilman Menefee the majority report was then amended so that the amended charter if adopted will take effect one year from next July. The recommendation of the report was that the amendments should not take effect until two years after passage.

The majority report was then adopted, only Cottel, Belding, Dunning and Driscoll still resisting its adoption.

But when a resolution to place the charter upon the ballot was introduced the conflict began anew and before the battle ended Belding et al. had succeeded in deadlocking the council. Mayor Lane then cast his vote so that the people may have a voice in selecting a revised plan of government.

The amendments drafted by the second charter commission will be considered by the council this afternoon.

COFFROTH OUT FOR JACK-JIM MEETING

San Francisco, April 6.—James W. Coffroth, the local fight promoter, started east today, determined to see James Jeffries and induce him to fight Jack Johnson in this city. Besides this important errand, Coffroth expects during his brief stay at Chicago to settle once for all the question of a match between Dick Hyland and Battling Nelson. He will also talk business with Silvano Ferretti, manager of Hugo Kelly.

MALHEUR PIONEER BURNED TO DEATH

Mrs. R. A. Lockett Dies in Fire That Destroys Home on Lower Willow Creek.

(Special Dispatch to The Journal.)

Ontario, Or., April 6.—Mrs. R. A. Lockett, aged 61, wife of Malheur county's first representative in the state legislature, and a well-known pioneer, was burned to death in a fire that destroyed their home on lower Willow Cre[illegible], 36 miles from here, last even[illegible]

[illegible] had been an invalid for years be[illegible] paralyzed. A husband and seven grown children—six sons and one daughter—survive.

AN OBSTACLE TO ROAD UP DESCHUTES

Balfour, Guthrie & Co. and Dalles Military Road Company Have $4,000,000 Irrigation Scheme That Would Block Railway.

The report of the engineers of the United States reclamation service on the Deschutes railroad will be forwarded to Washington tomorrow. In spite of denials that such is the nature of the report, it can be authoritatively stated that the document will announce that the securing of transportation facilities to central Oregon as early as possible is considered more important than any project the government has in view for the Deschutes canyon, and that the reclamation service will not stand in the way of building the Deschutes line up the canyon.

This report is being made by the reclamation service engineers with the understanding that the Harriman system will go ahead with its construction work on the new line as soon as all legal difficulties are out of the way. The character of the surveys made over the Deschutes route by the Harriman engineers and the expensive and thorough preliminary work done by them, is said to have convinced the government engineers that the railroad means business and is not working a game of "bluff." The preliminary work is said to compare very favorably with the somewhat hasty surveys of the Oregon Trunk line through the same canyon.

New Obstacle Arises.

But although the report of the reclamation engineers will remove all real impediments to the building of the Deschutes road, so far as the government is concerned, another and powerful adversary has arisen in the shape of The Dalles Military Road company and Balfour Guthrie & Co., who have plans for a $4,000,000 dam across the Deschutes and who claim that their project is of more importance than even the railroad. They point to the fact that their dam will cost $4,000,000, while the whole railroad. It is estimated, will cost but $500,000 more than that sum.

The coming of the powerful Balfour Guthrie company into the Deschutes entanglement is apt to mean some vex-

(Continued on Page Three.)

SIMON TO BE NOMINEE FOR MAYOR

Dr. Wetherbee Pulls Out of the Race and ex-Senator Will Probably Be Named by Republican Convention to Be Held Tomorrow.

Dr. Wetherbee Withdraws.

Yielding to the wishes of a great many of my friends and business associates, I consented a few days ago to allow my name to be used as a candidate for the mayoralty, much against my own personal desire and at a sacrifice. Since doing this a large number of my friends have insisted that my first duty is not to allow my name to be placed on the primary ballot, but to continue to further the interests of this community through the Portland Commercial club, and to devote as much of my time as I can spare from my private business to the advancement of Oregon and the Pacific northwest through the "500,000—1912 club," and laying before the people of the United States through the publicity work, the advantages of Portland, Or., and the Pacific northwest as a place of residence and proper place for the investment of eastern capital.

After careful consideration I have decided to withdraw from the mayoralty contest and not to allow my name to come before the assembly on Wednesday for indorsement, or the primary.

J. R. WETHERBEE.

Joseph Simon, ex-United States senator and old time political leader of Oregon, will be the nominee of the Manley convention for mayor of Portland, when that convention gets to work tomorrow morning, unless all signs fail. Dr. Andrew C. Smith will be that nom-

(Continued on Page Three.)

KNOCK HURTS PORTLAND'S CHANCE

By John E. Lathrop.

Washington, April 6.—Although a hard fight was put up by the delegation to get a new railway mail division headquarters at Portland the prospect is quite dismal. Both senators called at the department yesterday and today, and while they refuse to admit they will lose, I am convinced the most serious obstacle to be overcome is a belief of officials that Portland's population is not more than 150,000, an impression gained largely from a newspaper publication there that the city will show less than 175,000.

These claims, printed in a Portland paper, naturally tend to render nugatory the effort to get the headquarters away from Seattle, which is accepted here by officials as about twice the size of Portland.

TAFT DENIES HONOR TO FULTON

(United Press Leased Wire.)

Washington, April 6.—It was learned today that President Taft had definitely decided not to appoint former United States Senator Charles W. Fulton to the federal judgeship in Oregon, that was created at the last session of congress. The decision was made after a thorough and painstaking independent investigation of Fulton's qualifications and of his position in his party in Oregon.

United States Senators Bourne and Chamberlain were not asked for advice by the president, who, it is said, was firm in his determination to consult none of the senators.

On hearing of the president's decision both Bourne and Chamberlain consistently refused to make a statement.

It is understood here that when Taft requested the opinion of the other federal judges as to the possible appointment of the ex-senator, the replies returned were unanimous in their disapproval.

Thus far there has been dropped no hint as to the identity of the successful candidates for the new positions on the federal bench in Oregon and Washington.

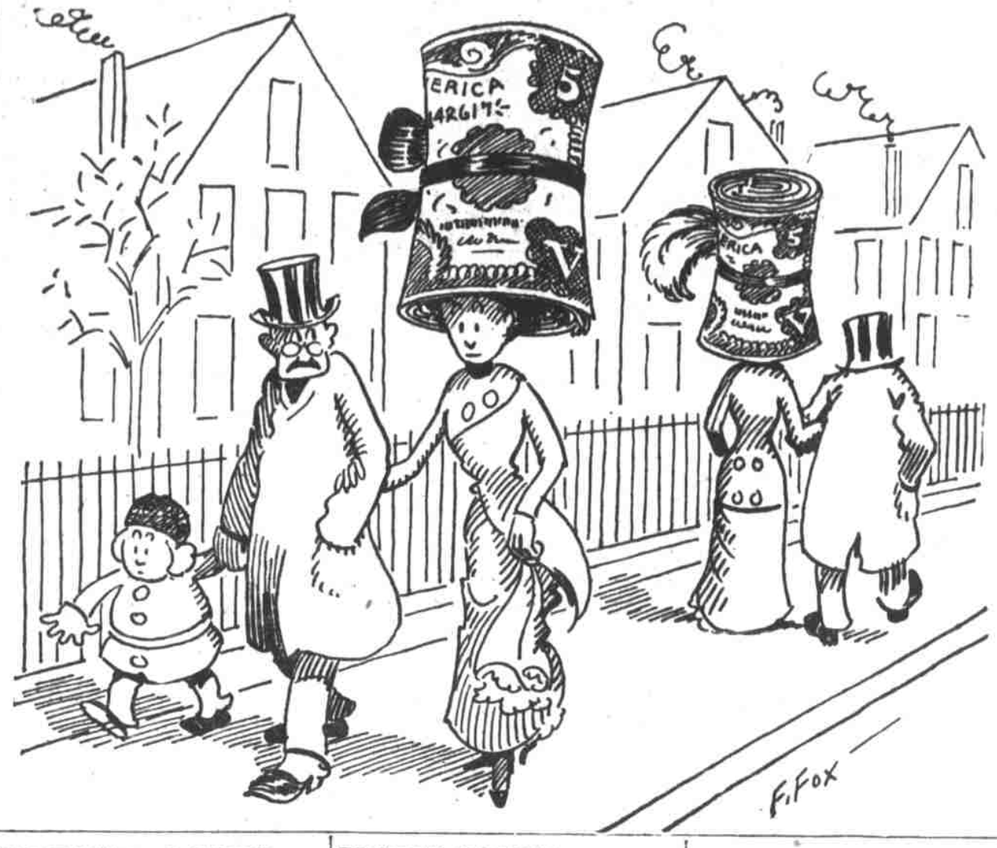
ASHLAND WITHDRAWS FUND DEPOSITED TO KEEP NORMAL GOING

Salem, Or., April 6.—The people of Ashland have withdrawn the $1500 deposited in the state treasurer's office for the maintenance of the Ashland normal school until the close of the year. The action was taken because the executive committee of the state board of normal schools regents would not receive the money unless it was donated with the express covenant that the donators would not ask the legislature in 1911 to reimburse them.

The executive committee, consisting of E. Hofer, superintendent of public instruction, J. H. Ackerman, and Governor Benson, held a meeting yesterday and decided to write to the people of Ashland and give them further time to return the money. Unless they do so this week it is likely that the members of the senior class in the Ashland normal school will not receive their diplomas from the state this year.

Another meeting of the board will be held Thursday, when final action in regard to the Ashland situation will be taken. The executive committee is acting according to resolution, embodying strict instructions, adopted at the last meeting of the board of regents, to the effect that no further expense should be allowed to accumulate.

NEW SHAPE, BUT SAME OLD MATERIAL



INSTANT DEATH MILL MAN'S FATE

Wm. Lewthwaite Is Crushed to Death in Willamette Company's Plant.

(Special Dispatch to The Journal.)

Oregon City, Or., April 6.—William Lewthwaite, head millwright in the Willamette Pulp & Paper company's mills, was crushed to death about 10 o'clock this morning while inspecting a paper machine in mill C.

The engineer had shut down the power to make a minor repair and Lewthwaite took advantage of the suspension to climb on top of a 12 inch belt. The power suddenly started up and Lewthwaite slipped down between the belt and the pulley. Death was instantaneous.

James McCulligan, an oil tender, was the sole eye witness.

The dead man was the only son of John Lewthwaite, Sr., superintendent of the Willamette Pulp & Paper company's mills.

RUEF MEN ALLEGE PROSECUTION UNFAIR

(United Press Leased Wire.)

San Francisco, April 6.—Because John Martin Kelly, one of the veniremen in the last Ruef trial, who is now the principal witness for the prosecution in the Newburgh bribery case, testified yesterday that he was now in the employ of the graft prosecution, engaged in investigating veniremen in the Calhoun trial, the graft defense is today accusing the district attorney's office of using unfair means to keep witnesses loyal to the side of the prosecution.

Kelly yesterday gave substantially the same testimony that he gave in the Murphy trial. He said that E. A. S. Blake approached him with an offer of $500 if he would hang the Ruef jury, providing he was selected as a juror. He said he notified the district attorney of this transaction and was advised to hold out for $1000, in order to trap the jury fixers.

Have You Read the Want Ad Section of Today's Journal

63 Advertise for help
32 Advertise for situations
75 Advertise furnished rooms for rent
185 Advertise real estate for sale
80 Advertise business chances
56 Advertise houses for rent
25 Advertise flats for rent
44 Advertise housekeeping rooms for rent

More Want Ads in The Journal than any other Portland paper

There Is a Reason

THINK IT OVER

PROBER OF THE SUBMARINE BOAT SCANDAL IS DYING

(United Press Leased Wire.)

Hartford, Conn., April 6.—It is authoritatively learned today that Governor George Leavens Lilley is expected to die momentarily. His secretary admits he is critically ill with Bright's disease.

Governor Lilley was elected to his present position last fall. Prior to that he was a representative in congress from Connecticut, having served continuously in the house of representatives since 1903. Last year he was the instigator of the famous submarine boat investigation, which was one of the big scandals of the year. Lilley is nearly 50 years of age.

GENERAL SMITH COMING HERE?

Rumored That He, Not Barry, Will Command Department of Columbia.

Some credence is given the report that Brigadier General Frank A. Smith, now stationed at San Francisco, will be given the command of the department of the Columbia instead of General Barry, who it was reported some weeks ago had been assigned to the command of this department.

Army officers here and at Fort Vancouver believe that General Barry is inclined to sidestep the final decision as to the removal of department headquarters from Vancouver to Portland or Seattle, and that this has much to do with his desire to remain in Washington.

General Smith is one of the most popular men in the army, and is regarded by his fellow officers as one of the ablest brigadiers in the service. He is a native of New York and a graduate from West Point in the class of 1873. He is 58 years old and has six years of active service before his retirement.

General Smith was colonel of the Eighth infantry and received his last promotion less than six months ago.

City Election at Tacoma.

(United Press Leased Wire.)

Tacoma, Wash., April 6.—Nine new councilmen will be elected at the city election today, but it is probable that less than a third of the vote will be cast. Up to 2 o'clock the voting was extremely light, except in the Fourth ward, where the Democratic candidate stands an excellent chance of winning. In the other wards Republicans are evidently far in the lead.

LANE IN LEAD FOR EXECUTIVE

Wessinger Boom on Increase and He is Crowding the Mayor for First Place.

Leaders in the Mayoralty Vote.

Mayor Harry Lane	149
Paul Wessinger	134
Dr. J. R. Wetherbee	43
W. H. Finck	40
A. G. Rushlight	34
A. Scholl	34
C. B. Merrick	34
Louis G. Clarke	32
Joseph Simon	26
Ben Selling	23
Ex-Chief C. H. Hunt	23
Dr. Robert C. Yenney	18
Dan Kellaher	17
S. S. Humphrey	11
Scattering	130
Total	748

Seven hundred forty-eight ballots have been cast up to noon today in the Journal's straw vote for mayor. Out of this total Mayor Lane has the lead with 149 votes. Friends of the open town, by a vigorous campaign, have put Paul Wessinger second in the race with 134 votes opposite his name. Dr. J. R. Wetherbee is third in the list with 43 votes.

Great and increasing interest is being shown in the balloting, 301 votes having been cast since yesterday noon. Each succeeding mail brings large numbers of new votes while a steadily increasing stream of ballots is flowing into the ballot box on the counter in the Journal business office.

The vote that has been cast to date for the various candidates is as follows:

Lane, 149; Wessinger, 134; Dr. J. R. Wetherbee, 43; W. H. Fink, 40; A. G. Rushlight, 34; A. Scholl, 34; C. B. Merrick, 34; Louis G. Clarke, 32; Joseph Simon, 26; Ben Selling, 23; C. H. Hunt, 23; Dr. R. C. Yenney, 18; Dan Kellaher, 17; S. S. Humphrey, 11; F. R. Byrdle, P. H. Tynan, J. H. Healy, C. E. McDonnel, George G. Gaunt, George McMillan, 6 each; R. L. Sabin, Gustav Ihle, 5 each; A. A. Bailey, 4; John Minto, John M. Gearin, L. A. McNary, Oscar P. Miller, W. C. Powers, William M. Davis, E. L. Long, 3 each; F. C. Barnes, Eddie Maher, C. K. Henry, John F. O'Shea, T. C. Devlin, B. S. Pague, W. Johnson, Fred Von Hoomissen, A. Crofton, S. Russell Smith, 2 each; C. Gritzmacher, George L. Baker, Frank S. Fields, D. M. Dunne, C. W. Hodson, A. L. Barbur, Fred T. Merrill, C. H. Thompson, R. W. Montague, Leo Friede, R. L. Stevens, E. W. Ring, S. C. Pier, Frank Porter, R. C. Bronaugh, T. B. Wilcox, L. D. Cole, J. H. Nolta, Kirk Sheldon, Jerry Powers, H. M. Crosby, Seneca Smith, H. B. Adams, E. O. Oliver, Herman J. Harris, Thomas O'Day, Herman Von Borstel, J. A. Strowbridge, David H. Smith, L. G. Keady, John E. Kelly, George W. Joseph, John Manning, Joseph Hingley, Dr. E. G. Clark, Thomas F. Dunn, Professor E. J. Finck, George Wilson, W. G. Shellenberger and E. M. Hartsell, 1 each.

WHO IS YOUR CHOICE FOR MAYOR?

Voters of Portland are invited to fill out the accompanying coupon and mail it to the Editor of The Journal. Name your choice for mayor, no matter whether he be a Republican or Democrat.

VOTE ONLY ONCE.

My choice for mayor of Portland for the coming term is .....

(Signed) .....

COMPETITORS VICTIMS OF SPIES

Government Introduces Evidence Showing Underhand Methods of Standard Oil Trust — Kellogg Warns American Citizens.

(United Press Leased Wire.)

St. Louis, April 5.—"If combinations such as the Standard Oil company are permitted to continue and are not checked, in time American citizens will be excluded from engaging in any enterprise, and all your children will be wage earners, mere employes of the corporations in the control of the few."

This is the word picture drawn today by Frank B. Kellogg, chief counsel for the government in the suit to dissolve the Standard Oil company of New Jersey, the holding corporation which owns all the varied interests of the vast Rockefeller institution.

Kellogg was resuming his argument in the submission of the government's case, after the most remarkable and exhaustive investigation, which included the examination of hundreds of witnesses, ever known in a civil case.

Kellogg analyzed the Sherman act and pointed out how, according to the contentions of the government, it prohibited the formation of such companies as the Standard.

In his final argument Kellogg asserted that the only remedy for the evil was the dissolution of the combination and declared rebates more than any other cause contributed to the growth of the Standard.

Spy Department Exposed.

Kellogg closed his argument at noon and Charles B. Morrison, former United States district attorney for the northern district of Illinois, who was specially retained by the government in this case, began speaking on the unfair methods employed by the Standard.

Morrison laid upon the table a bundle of papers, which he explained were reports for railroads, showing the shipments of oil by independent concerns, illustrating the manner in which the Standard checks up the business of its competitors.

"The papers were given to me by a boy named Armstrong, 17 years old, who was employed in the so-called competitive department of the Standard company. The government does not approve of the boy's method in turning over the papers but we have brought them into court."

The papers were reports, made in regular printed forms, showing the amount of each shipment, the name of the independent company making the shipment and the point to which the shipment was consigned. The so-called "competitive department," Morrison declared, was nothing more nor less than a "spy department."

Morrison, continuing his speech, declared that the Standard crushed its competitors at will, and he proceeded to relate several incidents showing, he said, how the Standard kept in touch with the independents and maintained its spy system. He said:

"Armstrong, who gave the government those records, worked in the Baltimore bureau of this 'department'."

Morrison pointed to one of the reports, which had been signed evidently by mistake, as the signature had been scratched off so vigorously that the paper was torn.

After obtaining a report from this spy department, said Morrison, the Standard would send its salesmen to the territory of the independents to undersell its competitors.

The Standard's Defense.

The "brief at law" filed by the attorneys for the Standard today, outlines the contentions of the defense. It declares that size does not constitute monopoly, even if it involves exclusive control, unless such control is the result of "conspiracy or combination in restraint of trade."

The brief declares there is no similarity between the present case and that of the Northern Securities company or the American Tobacco company, which have been cited by the government. It sets forth that these cases were instances of the combination of diverse interests, while the Standard is a combination of previously similar interests."

MODJESKA'S LIFE IN THE BALANCE

Shows Wonderful Vitality but Little Chance for Recovery.

(United Press Leased Wire.)

Santa Ana, Cal., April 6.—Scarcely breathing, Madame Helena Modjeska, the tragedienne, lingered during the night and her physicians today said if she survived the day her case will be one of the marvels of medicine.

The patient's condition is the same as when she relapsed into stupor nearly a week ago. Her breathing has become shorter and more labored.