

PRESIDENT TAFT ASKS FOR RILES IN CONNECTION OF ALLEGED GRAFT IN NORTHERN COAL LANDS

HIGHER COURT FINDS PORT ACT VALID

In Opinion on Case Appealed From Circuit Court for Coos County, Justice King Legalizes Measure Enacted February 12, 1909.

(Salem Bureau of The Journal.) Salem, Or., Aug. 24.—The act of the legislature, approved February 12, 1909, authorizing the incorporation of municipalities for the improvement of navigable bays, ports and inlets from the sea, is found constitutional by the supreme court today in an opinion written by Associate Justice Will R. King.

The case involving the validity of the special port act is that of E. E. Straw vs. W. C. Harris, J. C. Gray, E. Mingus, W. P. Evans and Henry Sengstacken, constituting the board of commissioners of the newly created port of Coos Bay. The case was appealed from the circuit court for Coos county and was heard before Judge J. S. Coke. Judge Coke's decree is affirmed.

The decision is important in as much as a number of other ports are undergoing a process of incorporation similar to that of the port of Coos Bay, and the legality of the incorporation of the first port has a direct bearing on the validity of the formation of all the others. The principles involved in the case go back to state rights. It was contended by the plaintiff that by the creation of the port of Coos Bay the powers of the several small towns and municipalities that were included in the larger corporation would be curtailed beyond the privileges conferred on them by the legislative body of the state. Judge King holds, however, that the principles become established. Oregon would soon be a conglomerate of small states instead of being one state.

Whether the district is likely to abuse the privilege in this respect, says the justice upon the merits of the case. It is not for the courts to say whether legislation is wise or unwise, reasonable or unreasonable, just, unjust or oppressive; that function is for the legislative department alone.

For the courts to assume this prerogative would be to change the manner in which the law is made, and the framers of the law. It is the duty of the judiciary to enforce the law, and not what it should be. According to this opinion, then, the cities of Marshfield, Harshfield, and the cities of the Port of Coos Bay beyond the limitation fixed by the legislature when those smaller municipalities now within another municipality were first created.

HILL INTERESTS WIN VICTORY A BATTLE FOR RIGHT OF WAY



E. H. Harriman, against whom Justice Bean's decision was rendered.

FAMOUS CASE DECIDED TODAY

Western Jobbers Gain Victory Over Eastern Competitors by Decision.

(United Press Leased Wire.) Washington, Aug. 24.—The circuit court today made a permanent injunction restraining the interstate commerce commission from enforcing the order to compel the railroads to give proportional through rates from the Atlantic seaboard to Missouri river points. This famous Missouri river case decision is a distinct victory of the western jobbers over their eastern competitors. It will affect the jobbing centers west of the Missouri river controlled particularly by St. Louis, Chicago, Denver and Kansas City.

GOLDMAN BACK OF CAR PLANT RIOTS?

Pittsburg Police Search for Noted Agitator—Troops Subdue Strikers.

(United Press Leased Wire.) Pittsburg, Aug. 24.—The police charge Emma Goldman, the noted anarchist, with the responsibility for Sunday night's riotous rioting at the McKee Hook plant of the Pressed Steel Car company.

HARRIMAN HOME; IS FEELING GOOD

Railroad Wizard Refuses to Make Any Statement to Reporters. (United Press Leased Wire.) New York, Aug. 24.—The steamship Kaiser Wilhelm II, with Edward H. Harriman on board, arrived at quarantine at 2:05 this afternoon. The railroad wizard told the reporters that he was "feeling pretty good," but refused to make any statement.

COTTON WILL FIGHT TO FINISH

WHAT VICTORY FOR OREGON TRUNK MEANS

Hill given year's start over Harriman in race for central Oregon by injunction granted by Judge R. S. Bean in federal court. Harriman interests immediately demand order keeping Hill off all Deschutes property not now held by him. Deschutes Railroad company (Harriman) declared to have no rights in upper 60 miles in 12 miles of conflicting surveys. Consequently have no right to question validity of Oregon Trunk's Nevada incorporation, question of survey having been made before incorporation, and alleged deception of the secretary of the interior.

Enjoining, temporarily, Harriman interests from occupancy of disputed right-of-way in Deschutes canyon, Judge Robert S. Bean in federal court this morning proclaimed victory for the Oregon Trunk Railroad company, or Hill interests, and recognized every right contended for by Carey & Kerr, giving Hill at least a year's start in the race for Central Oregon.

W. W. Cotton, chief counsel for Harriman in the northwest, listened to the reading of the decision, with the stunned manner of a man who has been struck a crushing blow. Then, with characteristic quick recovery he sprang to his feet and in the face of protests from Judge Carey, boldly demanded an injunction against the Oregon Trunk Railroad company, preventing the latter from occupying other than the 200 foot strip, their absolute title to which was recognized by the court.

The temporary injunction as granted in favor of the Oregon Trunk by Judge Bean will have in its provisions decisive influence in every other phase of litigation yet pending or yet to be brought between the rival railroad companies.

When Mr. Cotton makes appearance before the court this afternoon or tomorrow to plead for a second injunction in accordance with his demands of this morning there will be certain matters relating to the organization of the Oregon Trunk that he will not be allowed to mention. These are:

That the Oregon Trunk railroad is a Nevada corporation and as such has no right to construct in Oregon, having been vested with no such right in Nevada. That the survey of the line delineated on the Oregon Trunk map is not in compliance with the provisions of the incorporating act of 1875 and the secretary of the interior had, for that reason no power or authority to approve the map. That the statement on the face of the map that the survey was made after the organization of the Oregon Trunk railroad is false and untrue as the survey was, in fact, made prior to such organization and therefore the secretary of the interior was deceived and



J. J. Hill, who is reported to be back of Porter Brothers.

TRAINED NURSE REPORTED LOST

Katheline Prise Goes Shopping and Fails to Return—Foul Play Feared.

(United Press Leased Wire.) San Francisco, Aug. 24.—The mysterious disappearance of Mrs. Katheline Prise, a trained nurse, who arrived from Manila Saturday, is causing much worry on the part of her friends and today the police were asked to find the young woman. Miss Prise is a stranger in the city and it is feared that she may have met with foul play.

PALOUSE FIELDS SWEEPED BY FIRE

Heading and Threshing Crews Fight Flames—Grain Destroyed.

(Special Dispatch to The Journal.) Colfax, Wash., Aug. 24.—The most disastrous grain field fire in the Palouse country this year occurred Saturday morning. Three miles north of Diamond, when 3000 bushels of wheat belonging to John Kirkman and 1500 bushels of stacked grain belonging to Jack Stuart was destroyed. The fire originated on the Kirkman place from embers left at the setting by the threshing engine, which left the field nearly 48 hours before and when discovered had gained such headway that it spread to Stuart's farm adjoining despite the efforts of over 100 men from nearby heading and threshing crews and it required several hours hard work to get it under control. The grain was insured.

OUTING MAGAZINE SOLD BY COURT

(United Press Leased Wire.) Depoit, N. Y., Aug. 24.—The extensive magazine publishing plant of the Outing Publishing company will be sold at public auction today by order of the federal court. The Outing magazine, the Bohemian and several other periodicals were published by the company.

In the Want Ad Section of The Journal Today

- 63 Advertisements for help
- 23 Advertisements for situations
- 51 Advertisements furnished rooms for rent
- 115 Advertisements real estate for sale
- 47 Advertisements business chances
- 43 Advertisements houses for rent
- 15 Advertisements flats for rent
- 33 Advertisements housekeeping rooms for rent

The Journal "Want Ad" Department maintains a free bureau to assist the public in the recovery of lost articles.

FACTORY SITE SELECTED AT KENTON

Gas Traction Company Selects Portland as Most Suitable Place for Location for Large Machine Building Establishment.

One hundred thousand dollars expended in factory buildings and warehouses on eight acres at Kenton, 150 of the highest skilled workmen to be obtained, with homes near the factory site; the manufacture of a gasoline traction engine which is "destined to change the farming system of the Pacific coast and Portland as the home of this company—this is the announcement made by D. P. Conger, at his office, 20 Washington building, this morning.

Mr. Conger is representing the Gas Traction company of Minneapolis. For some time he has been investigating the advantages of various cities of the Pacific coast and has at last determined that Portland offers the greater number of facilities for the conduct of his business. Accordingly, the Pacific Gas Traction company is now in course of formation.

It is estimated that the main factory building will cover 30,000 square feet on the Kenton place. In addition to this main building will be paint shops, storehouses and other needed buildings, which will occupy as much or more space. Plans are being drawn for these buildings and it is expected to commence their construction within a month from the present time.

The engine stands on driving wheels eight feet in diameter with rims a foot or more in width. It is equipped with a 60 horsepower power four cylinder gasoline engine of the automobile type. These engines are connected close to the axle which gives great driving power, so that the maximum of power from the engine can be utilized in the work it has to do.

Will Revolutionize Farming. Mechanically the engines are complete. (Continued on Page Four.)

Uncle Joe Snorts Defy; There'll Be "Doings" Next Dec.



Joseph Cannon.

(United Press Leased Wire.) Mackinac Island, Mich., Aug. 24.—"Why in hell should I notice Fowler?" asked Cannon today, referring to Fowler's open letter of yesterday in which he attacked "Cannonism." Cannon read every word of the letter and then said:

"Get a pencil, and take this: 'I've glanced at Fowler's letter. To those having the patience to read it, if there are any such, it will appear when in the exercise of the duties of speaker I failed to make him chairman of the committee on currency and banking, to his mind I became thoroughly selfish and generally a bad citizen.'"

Cannon then added that he is willing for his colleagues of the house of representatives to judge his action in refusing to appoint Fowler.

WHY SHE LOVES INCUBATOR BABY

Mrs. Barclay Tells Why She Kidnaped Child From Kindergarten.

(United Press Leased Wire.) Kansas City, Aug. 24.—Mrs. Barclay, who through Attorney John Gentry has petitioned for a habeas corpus to release her 7-year-old daughter, Marian, the "incubator baby" who it is alleged she kidnaped Saturday, today discussed the alleged kidnaping of the child.

"I wonder why I love the baby," she said. "If you had seen her clinging her tiny fists and gasping for breath in the incubator at St. Louis exposition, you would wonder why Marian is alive today. I say without boasting that almost my care and love saved the child her life."

"It is remarkable that she is not afraid of me today though I do not know all that Mrs. Bleakley has said to poison her mind."

"When you picked her up the other night didn't Marian ask you if you were going to kill her?" Mrs. Barclay was asked.

BALLINGER IS CALLED TO COUNCIL

Special Agent Puts Facts Before Government and Morgan-Guggenheim Interests Will Be Put Under Fire—Scandal Brewing.

(By John E. Lathrop.) Washington, Aug. 24.—Morgan-Hammond-Guggenheim interests are to be investigated in connection with the Ballinger scandal.

Washington, Aug. 24.—The president has ordered Ballinger, Pierce, Schwartz and Bennett to report in full in the Glavis charges which were filed recently in connection with the Cunningham coal cases. This opens what is certain to be a remarkable investigation.

It is said to be certain that the attorney general will uphold the Glavis charge, thereby defending the position taken by the interior department. The Glavis protest seems to be fully borne out by records in his possession, as follows: July 18, 1905, A. C. Shaw, acting law officer of the forest service, received a telegram from Glavis from the field division land office at Seattle, inquiring about the coal claims covering an enormous valuable coal of which half these claims were in Chugach national forest reserve, known as the Cunningham group, were about to proceed to hearing. Glavis requested the cooperation of the forest service to secure the postponement of the action until the government's case was complete. Postponement was then secured by the forest service, of which Pinchot was the head.

Send Expert. The district forester at Portland was advised of the situation and instructed to take the matter up with Glavis as a safeguard of the National forest interests.

ELLIS FAVORS SHIP SUBSIDY

Oregon's Congressional Representative Says He Will Vote for Measure.

(United Press Leased Wire.) San Francisco, Aug. 24.—At a banquet tendered the members of the congressional party en route to Honolulu last night in the colonial ballroom at the St. Francis hotel, a number of congressmen assured the people of the Pacific coast that a ship subsidy bill to build up the American merchant marine would be passed by the house at the next session of the 61st congress. Congressman A. J. Braichfeld of Pennsylvania said:

"We are a positive joke among the nations of the world in maritime matters. My suggestion is to add eight or nine millions to the expenses of running the government for the purpose of encouraging congress by subsidizing merchant lines between our ports and those of South America and the orient."

W. R. Ellis, representative for District No. 5 of Oregon, stated that he had voted for the ship subsidy at the last congress when it was defeated by only three votes and that he intended to vote the same way when the bill comes before the next session. A number of other congressmen said they favored the passage of the bill.

CABMEN PRACTICE HIGH FINANCE WITH SERIOUS RESULTS (United Press Leased Wire.) Cabmen were sentenced to various terms of imprisonment today on conviction of having made their taxicab register false returns. Three of the convicted men had discovered a method of using a thread to make the register run twice as fast as it should and a fourth was caught turning the rear wheel of his "taxi" like a whirlwind. He had jacked up the cab for the purpose. The frauds were in every case committed while the cabs had temporarily left the city.

PET MONKEY WILL ENTERTAIN A FEW OF ITS FRIENDS (United Press Leased Wire.) Lenox, Mass., Aug. 24.—A party for her pet monkey will be given some time this week by Mme. Zeglio of Florence, Italy, a daughter of Mrs. Charles T. Robinson of New York. Mme. Zeglio arrived at the Asplawall hotel yesterday carrying her monkey, a tiny South American specimen, in a gold case. The marmoset is scarcely six inches in height, and Mme. Zeglio places its value at \$5000. The gold case in which the monkey is carried is worth half that sum. The monkey was caught near the headwaters of the Amazon river. Mme. Zeglio employs a special attendant to look after the simian.

HIGH PRICES FOR ROGUE RIVER PEARS (Special Dispatch to The Journal.) Medford, Or., Aug. 24.—Rogue river valley pears sold in New York Monday for \$1.50 per box and in Boston for \$2.70. Indications are for \$4. Market and fruit growers in the valley are jubilant, for this year's crop is not only heavy, but record prices are in sight. Up to Monday evening 58 cars of Bartlett's were shipped east. The price is heavier than was expected.

VALUABLE MINES SOLD AT AUCTION Copper Company's Properties in Montana Disposed of at Trustee's Sale. (United Press Leased Wire.) Pittsburg, Aug. 24.—All the properties of the Pittsburg and Montana Copper company in the vicinity of Butte will be sold at auction at a trustee's sale here today. The properties include lands, mines and smelters. There are 650 acres of land in Jefferson county, Montana, and 23 lode claims in Lewis and Clark counties. A number of letters patent and patent rights, foreign and domestic also are to be sold.