THE DAILY JOURNAL IS
Two Cents a Copy
Sunday Journal 5 cents; or 15 cents a week, for Daily and Sunday Journal, by carrier, delivered.

The weather—Fair tonight and Tuesday; light west wind.

Oregon Daily Journal

WITH HER OWN WINGS SHE FLIES

JOURNAL CIRCULATION YESTERDAY WAS **36,365**

VOL. VIII. NO. 242. PORTLAND, OREGON, MONDAY EVENING, DECEMBER 13, 1909—SIXTEEN PAGES. PRICE TWO CENTS. ON TRAINS AND NEWS STANDS FIVE CENTS

MAGUIRE CASE DISMISSED BY BENNETT

Court Declines to Hold for Trial Special Agent Arrested by Detective Joe Day—Bronaugh to Probe Charge Against Newsboy.

Robert J. Maguire, arrested by Detective Joe Day for interfering with an officer, was dismissed by Judge Bennett in the municipal court this morning. Evidently the police authorities do not believe there is enough in the charge to merit further investigation, for Judge Bennett told Maguire and United States District Attorney McCourt, who represented him, that if Day desired to push the charge when he returned he could file a complaint, but that at the present time no action would be taken and the charge filed would be dismissed.

Maguire is the government special agent arrested last week by Joe Day for interfering with him as an officer, while Day was beating up Harry Adler, a 15 year old newsboy, who was being held by the neck by the detective. Not knowing that Day was an officer, Maguire asked him why he was mistreating the boy whereupon the detective abused him roundly, called him vile names, and wound up by taking him to the police station for interfering with him.

Advised Boy to Go.

This was done in the face of the fact that Maguire advised the boy to go quietly with Day and to offer no resistance. Almost immediately following the arrest Chief Cox stated that the police authorities would not push the case against Maguire, practically admitting that Day had made a mistake in his hasty action.

It is probable that the case against Maguire will never be revived. It is not believed that Day will file a complaint against the special agent upon the detective's return from Wisconsin, where he was sent after a prisoner. Unless he does file a complaint the case will lapse, for Maguire will not bring charges against Day, it is believed, owing primarily to the fact that his work takes him away from the city so frequently.

Evidence in Hand.

Should Day see fit to file a complaint against Maguire, however, and bring him to trial there would be something doing from the start, as Maguire and McCourt, his attorney, have been gathering evidence regarding the assault on the boy, Harry Adler, and the language hurled at Maguire that would not make things look good for the detective.

As it is, Day is not yet out of the woods, for Judge Bronaugh, in charge of the juvenile court work, has put the hearing of the charges against Harry Adler, the newsboy, off until December 24, which will give Day a chance to return to the city and make his appearance as complaining witness against the boy.

While the police have decided not to press the charges against the boy, Judge Bronaugh, who saw the cut and swollen face of the prisoner soon after his arrest, has determined to go to the bottom of the matter.

Maguire to Defend Boy.

Maguire, who is an attorney, will defend the boy when he is given a hearing before the juvenile court.

It has been ascertained that Thomas Reed, an attorney in the Oregonian building, was the person who visited the city attorney's office to get a complaint against Day for obscene and abusive language. Reed saw the attack on the newsboy, and told Day not to beat the boy. For this he was cursed in the real Joe Day style, and so thoroughly that he asked City Attorney Kavanaugh for a complaint from the district attorney's office, inasmuch as it would fall upon the city attorney to represent Day in any proceedings which he might be connected with. Reed did not secure the complaint from the district attorney, and it is believed that he does not intend to take further steps.

"Day has been roasted enough to show up the incident," said Mr. Reed this morning, "and I do not want to discuss what further steps I may take. I have been too busy to give the matter further thought."

BLAMES WIFE FOR HIS DEATH

Charles J. Paine of Spokane a Suicide—Says His Wife Frivolous.

(United Press Leased Wire.)

Spokane, Wash., Dec. 13.—Charles J. Paine, a wealthy hardware man of this city, committed suicide as he lay in bed this morning by shooting himself through the head.

In a note found in an overcoat pocket Paine declared his wife was his murderer because of her inconstancy, and had wrecked his life with her frivolities.

Paine and his wife had lived apart for some time, but recently a reconciliation was effected.

Mrs. Paine was dressing in an adjoining room this morning when she heard a shot. Rushing into her husband's room, she found him dying.

The woman was taken to the police station in a hysterical condition, the police fearing she would take her life if released.

KING LEOPOLD DYING

This picture of King Leopold and Thomas F. Ryan was taken during the time the traction magnate was entertained by the rubber king.

(United Press Leased Wire.)

Brussels, Dec. 13.—King Leopold is dying, according to an announcement made by one of his physicians early today. It was stated that the end was approaching rapidly, and that the aged monarch's death was a matter of but a few hours.

Cardinal Mercier shortly before noon administered extreme unction to the dying king. According to news coming from the palace, Leopold realizes that the end is near. Prince Albert of Flanders, heir apparent, is at the palace, and is prepared to assume immediately the duties of administration that will fall to him on the death of his royal uncle.

According to Prince Albert, as the end approaches the king's usual cynicism has disappeared completely. His entire thought seems to be centered upon the future welfare of his country. This change in his mental attitude is regarded as significant.

Doctors Thirfer and Stieson are in constant attendance. They announce that tomorrow, if the king lives until then, they will operate for strangulated hernia. The acute recurrence of the monarch's chronic trouble, followed by the paralytic stroke that compelled him to take to his bed, has so weakened him that the result of the operation is feared, even by the physicians.

The only apparent interest shown by the public in the king's condition lies in the fear its effect will have on the market. There is no noticeable personal grief among his subjects.

The Belgian cabinet is in practically continuous session today.

CLAIM BUYER HAD AID OF PIERCE

H. V. Winchell Tells at Cunningham Hearing How He Advised With Assistant Secretary—Says He Is Not Guggenheim Agent.

(United Press Leased Wire.)

Spokane, Wash., Dec. 13.—The most important witness heard since the Cunningham coal inquiry began was called this morning. He was H. V. Winchell, a coal mining engineer of Minneapolis who, in one year, purchased six Cunningham locations for a total of $99,000. Winchell denied that he represented Guggenheim or interests allied with that syndicate. He said the money represented the individual investment of himself, C. H. Davis of Saginaw, Mich., and R. M. Bennett and Fred B. Snyder of Minneapolis. Winchell testified that he made the purchase of one claim after a conference with Frank Pierce, assistant secretary of the interior at Washington.

Winchell had grown anxious about his patents, having heard that the claims were held up to permit the passage of new legislation by congress, to take the claims off the entry list. He asked Pierce about this. Pierce responded that the claims had a standing in court that subsequent legislation could not affect. Pierce said the delay in patenting was due to charges filed, but that the department was not disposed toward further unnecessary delay. Pierce said he would inquire into the charges at once, and instead of going to Juneau, Alaska, the land office where it belonged, Pierce said the inquiry would be independent, the commissioner to sit where he chose.

"Pierce told me charges would be formulated and filed at once," said Winchell, "and the matter would be rushed to trial. After this assurance I purchased the last claim from J. H. Neill."

Winchell had heard of the Kayak coal district six years ago. He learned the lands were open to claimants four years later, but only to find Cunningham's friends had taken the group. He visited that region last summer. He pronounced the Kayak field the "most attractive opportunity for mining high-grade coal on the Pacific ocean."

Today's session will probably close the Spokane hearings in the Cunningham case. The sittings in Minneapolis and New York after the holidays will conclude the hearings.

FOUR DROWN IN COLUMBIA RIVER

Launch Carrying Young People Overturns at Burton's Slip, Near Rainier.

(Special Dispatch to The Journal.)

Rainier, Or., Dec. 13.—Four persons were drowned early Sunday morning, when a launch in which they were returning from Rainier to Maygers, Or., turned turtle. The dead:

Miss Selma Hendrickson, 17 years of age.
Anna Hendrickson, 19.
Grace Waud, 16.
Led Barber, 20.

A party of young people, all residents of Maygers, came to Rainier Saturday night to spend the evening at the skating rink. The rink closed at 10 o'clock, and seven persons boarded the launch Hendrickson to return to Maygers. The launch struck an obstruction at Burton's landing, near Rainier, overturning and spilling the party in the river.

The three who were rescued clung to the overturned launch for seven hours, when the tugboat Burton picked them up. The names of the rescued are Pearl Proctor, 20 years of age; Frank Kaspear, 20; Amos Card, 19. Card was running the launch.

TO MEDIATE IN LABOR TROUBLES

Commissioner Neill Appears at Conference at Chicago.

(United Press Leased Wire.)

Chicago, Dec. 13.—Charles P. Neill, commissioner of labor, arrived here today and went into conference with the committees representing the Order of Railway Telegraphers and the Illinois Central railroad. He is acting as mediator. The railroad has agreed to improve working conditions but has refused a demand for a 10 per cent increase in wages.

At the same time the Switchmen's union began negotiations with the general managers' committee of the railroads entering Chicago. It is expected that the switchmen on these roads will strike unless their demands are granted soon.

I. W. W. ATTORNEY UP FOR TEN DAYS

Bruce Rogers Convicted of Unlawful Communication With Prisoners.

(United Press Leased Wire.)

Spokane, Wash., Dec. 13.—The first arrest in over a week in connection with the free speech movement in this city was made today, when Bruce Rogers, one of the attorneys in the employ of the Industrialists, was arrested and sentenced to serve 10 days in jail for "unlawful communication with prisoners."

Rogers delivered a letter to one of the I. W. W. prisoners confined in the Franklin school.

TOKIO POLITICIANS HANKER FOR KOREA

(United Press Leased Wire.)

Tokio, Dec. 11.—More than 1500 Tokio politicians and journalists met today to discuss the Korean problem. The spirit of the assembly was dissent from the accepted government policy, which was branded as "lukewarm." Resolutions were adopted urging the necessity of the union of Japan and Korea and advocating that such action be taken at once.

A message from the Ilchin society of Seoul, the Korean capital, begged the sympathy and cooperation of the meeting in the society's efforts to bring about union. Its reading was followed by manifestations of approval.

It was suggested at the meeting that the union project be urged upon the members of the diet, which will convene shortly.

2 CARS OF PAPER FOR OREGON'S NEW CODE

(Salem Bureau of The Journal.)

Salem, Or., Dec. 13.—It will require two carloads of paper to print Oregon's new code. The code will consist of two volumes and there will be printed 5000 sets, or a total of 10,000 volumes, a respectably large library. State Printer Duniway estimates that the printing will take 70,000 pounds of book paper.

The first volume has already been compiled and the copy is being placed in the hands of the printer rapidly. William P. Lord, James B. Montague, James Godfrey and William P. Lord Jr. compose the commission created by the last legislature for compiling a new code. It will be ready for distribution in November, 1910.

Dairies Not Up to Standard.

(Special Dispatch to The Journal.)

Colfax, Wash., Dec. 13.—None of the five dairies supplying Colfax residents with milk is up to the legal standard of requirements, according to a statement made public last night by F. H. Bothell of Spokane, deputy state dairy inspector, who yesterday made a thorough inspection of all the plants, and unless there is a decided improvement in existing conditions when he comes again the first of the year, he intends to put the delinquents out of business.

NO AUTHORITY FOR GIVEN OPINION

Health Board, Auditor and Mayor Simon Surprised at the Stand Taken by City Health Officer Wheeler on Milk Ordinance Question.

The published announcement by Dr. C. H. Wheeler, city health officer, that pending revision of the new milk ordinance Portland is without any legal regulation of the milk supply seems to be unauthorized and mistaken.

That in making such an announcement Dr. Wheeler not only acted unwisely, but without reason and without authority, is the opinion of Mayor Simon, Dr. Alan Welch Smith, president of the city board of health, and of City Auditor Barbur.

"Our hands are tied; we can do nothing," said Dr. Wheeler.

This he said referring to a request that he made of Chief of Police Cox that milkmen be allowed to deliver milk as they desired without being molested, and further in regard to his attitude that no licenses for the sale of milk can be issued until revisions are made, the whole ordinance being, therefore, in his view, void and of no effect.

Changes Incidental.

The incidental change of license issuance from the auditor's office to the health office, under supervision of the health board, was agreed to recently by the police and health committee and the health board. An amendment of Councilman Belding including inspection of butter and cheese was considered desirable. The necessity for making immediate appointment of additional inspectors or else continuing the life of the office held by Dr. D. W. Mack, present city milk inspector, was also conceded. These changes, Mayor Simon and the health board and the councilmen agreed, were incidental, and related only to office convenience, and not to the relation of dairymen to the law or the officials.

"The health and police committee must act," said Dr. Wheeler. "We must wait on their action. The ordinance cut Dr. Mack off without anything and at the time his salary was overdrawn. No appropriation has been made for the new inspectors."

Dr. Wheeler's Letter.

The letter which Dr. Wheeler sent Chief Cox reads thus:

"The present status of the milk ordinance is such that I would suggest temporarily the non-interference with the milkmen. The ordinance is at present before the council and the police and health committee for revision which will probably be done at the next council meeting. I think this is but just to the milk people."

"Dr. Wheeler did not act upon any authority of the board of health in sending such a letter or in making an announcement of such character," asserted Dr. Alan Welch Smith. "We have the law. It has been adopted by the council. We have no reason or right to advertise that we have no law or that we cannot control the supply of milk."

Mayor Not Informed.

"This is a serious matter," said Mayor Simon. "I will say frankly that I knew nothing about it. We must have an enforcement of the law. We must not let any motive of politics or any motive but to protect the people of this city against impure milk actuate us. Nor must we be too hard on the dairymen. I desire above all things to be reasonable, but I do not think it wise to let the general impression get out that we are without law. We are not without law. We must enforce the law we have."

Old Law Remains.

"Law enforcement is the thing we need," declared City Auditor Barbur. "I had no idea, in recommending incidental revisions that until those revisions were accomplished the law would go off the books. I do think it natural and proper that the health board should issue the license, because I know nothing about the milk supply. But I do believe in enforcement. This is too serious a matter to dally over, and entirely too serious to let wrong impressions or incorrect announcements gain publicity."

Immediate Action.

Dr. Smith stated this morning, as did Mayor Simon, that the status of the milk ordinance will be seriously looked into at once, and action extraordinary taken, if necessary, to continue protecting the people of Portland against the evils of bad milk.

STORMY DAYS IN JAPANESE DIET

(United Press Leased Wire.)

Tokio, Dec. 13.—That the coming session of the Japanese diet will be one of the most important in the history of the nation is generally accepted among those conversant with national policies and problems. That the session will be stormy and marked with much debate is considered a certainty. Among the matters that will come before the diet are the proposed decrease of the land tax and the enactment of a new labor law. The proposed readjustment of the tariff and of the commercial laws under which business is transacted here may be effected.

Reform promises to play an unusual part in the deliberations of the diet. Among the institutions which may be affected are the present educational system, and the accepted plan of railway extension and harbor improvement will be enlarged.

Notarial Commissions.

Salem, Or., Dec. 13.—Notarial commissions have been issued to Charles Hood, Half Way; W. E. G. Steele, Knappa; and E. P. Markey and C. B. Belknord, Portland.

MINISTERS DO NOT ALTER POSITION

Reiterate Report Supporting Firemen's Request for Improvement of Quarters and Better Hours — Differ With Views of Mayor.

The Baptist ministers opined this morning that the firemen's quarters matter has come to a question of veracity between the ministers and the mayor. In consequence, Mr. Schwedler reiterated all he told last week to the General Ministers' association and added a little more to substantiate his statements.

Mr. Thurston and Mr. Cook, who were both on the original committee appointed to investigate, apologized for their inability on account of the weather, to be present at the investigation, but confessed to a little private investigation on their own account, which had shown conditions to be as the committee had reported—cold, cheerless, unsanitary rooms and long hours.

Blind or Prejudiced.

Schwedler declared the mayor is either blind or prejudiced since he had followed the ministers' agitation with the statement that there was no complaint among the firemen and conditions were all right. Mr. Schwedler said some few had not signed the petition because they were afraid of losing their heads, but that since the mayor's stand almost all who formerly refused have signed.

Nearly All Sign.

E. G. Hays who has been circulating the petitions, made a statement and showed the petition with some 200 signatures. All but seven firemen have signed; eight lieutenants refused and 1o signed; six captains refused and 13 signed. Most of those who did not sign already have more hours off than is asked in the petition.

Dr. Leonard reported on the meeting yesterday at the Highland church that $1130.85 was raised on the $1300 debt and the church officers have assumed the burden of the remainder. Dr. Jordan read a paper on "The Millennium."

DUEL BETWEEN MAN AND DOG

Terrible Battle in Closed Room Lasts Half Hour —Man Is Killed.

(United Press Leased Wire.)

New York, Dec. 13.—The horrible story of a battle to the death between a man and a huge bulldog, in which the man was killed and left lying in a pool of his own blood, was told today at the coroner's inquest into the death of Carl Limpert.

The dog that figured in the unique tragedy was the property of Limpert's sister, Mrs. Schuerman. It developed an intense hatred for Limpert and on several occasions attacked him savagely. Despite Limpert's advice, the woman refused to part with her pet.

Early yesterday, when Limpert entered his sister's flat, he found the dog in sole possession. Ferociously the brute flung himself upon the man and for nearly half an hour the combatants rolled about on the floor in a deadly struggle, Limpert unable to gain the door.

Later in the day Limpert's dead body was found lying on the floor beside an overturned table. His throat was torn into shreds and his head and shoulders lay in a pool of blood. The dog, his muzzle stained and his head and body bleeding from gashes received when he had been hurled against the furniture by his human antagonist, cowered in a corner.

HUIE SAM MUST PAY FOR BRIBE

Chinaman Who Attempted to Buy Consideration Sentenced by Federal Court.

Huie Sam, prominent in Chinese mercantile circles in Portland, and well known as the proprietor of a novelty store at Sixth and Oak streets, was sentenced to serve 60 days in the county jail and pay a fine of $101 by Federal Judge C. E. Wolverton, in United States district court today.

Sam was found guilty of a charge of attempted bribery by a jury in the United States district court last week. Interested in securing the readmission of a Chinaman alleged to be a business associate, into the United States, he offered Immigrant Inspector Henry Gee $50 and then $80. Warned not to attempt bribery he, several weeks later, attempted to bribe Immigrant Inspector John Sawyer, who had been placed in charge of the case.

"I am inclined to be lenient in this case," declared Judge Wolverton while sentencing the Chinaman, "for I do not believe this man fully realizes the seriousness of his crime. Chinese ideas of right and wrong are different from those of white people. I do not think he really understood how wrong

WICKERSHAM ON ALASKAN AFFAIRS

Delegate Dissents From Plan of Government by Council.

(United Press Leased Wire.)

Seattle, Dec. 13.—Judge James Wickersham, delegate to congress from Alaska, is in Seattle today, having arrived on the steamer Yucatan Sunday. He will remain here a week or 10 days. Asked what he thought of President Taft's proposal to give Alaska an executive council, he said he did not agree with the president that an executive council would be desirable, for Alaska, or be responsive to the needs of that great country.

"If the Alaskans deserve a local legislative body," said Wickersham, "they be empowered to vote for the men they want for that purpose. President Taft's plan makes the council appointive by the president, and of course the council would be responsible to the president and its members would be removable by him. I have no doubt that President Taft is really desirous of responding, in a way, to the wishes of Alaskans to have a body with authority to make the laws that will sympathetically meet conditions they believe should be corrected. Only Alaskans acquainted with authority to make laws that will sympathetically meet conditions they believe should be corrected. Only Alaskans acquainted with the situation can do this properly.

"I am first, last and all the time for giving Alaska full territorial powers, with a legislature of its own selecting. To be sure, Alaska has no county organizations, but that is not essential. For all practical purposes the present four judicial divisions could be considered so many counties."

Wickersham says he has not yet decided whether he will be a candidate for reelection.

CALIFORNIANS FIGHT WHITE SLAVE TRADE

(United Press Leased Wire.)

Berkeley, Cal., Dec. 13.—The executive committee of the California Suffrage association today instituted a campaign against the evils of the "white slave traffic," which it believes is reaching unprecedented proportions in San Francisco.

At a meeting of the committee the evil was discussed and resolutions condemning the conditions of affairs in San Francisco were passed. A subcommittee was appointed to investigate further the conditions in San Francisco and other California cities and make a report upon which the society will base further action.

ULTIMATUM TO THE RAILROADS

Satisfactory Settlement, or Spread of Strike Will Follow.

(United Press Leased Wire.)

Minneapolis, Dec. 13.—President Hawley of the Switchmen's union of North America delivered an ultimatum to the railroads today in the shape of a public announcement that unless the striking members of his organization were back at work before Christmas, under conditions satisfactory to them, every switchman west of Buffalo would strike before January 1.

Hawley refused to make public what passed between him and President Samuel Gompers of the American Federation of Labor at their recent conference. The results of their deliberations, he said, would be given out within three days. Before the proper time arrived, he declared, he would not discuss the matter.

Butte, Mont., Dec. 13.—The situation resulting from the strike of the switchmen on all roads penetrating the Pacific northwest, is little changed today. At a meeting last night, the strikers failed to agree upon a tentative proposition advanced that provided for their return to their post until an amicable settlement of the differences with their employers could be reached. The attitude of other bodies of organized labor here, it is stated, has exerted an irritating influence and has had much to do with the failure of the switchmen to accede to the wishes of their members who advocated a temporary return to work.

STRIKEBREAKERS IN YARDS AT SPOKANE

(United Press Leased Wire.)

Spokane, Wash., Dec. 13.—The Northern Pacific railroad is rapidly filling its yards with nonunion men to take the places of striking switchmen. The officials believe they will be in a position to run all trains by the last of this week, without inconvenience, even if a settlement of the strike is not effected.

The officials also declare the strikers will never be given back their old positions.

W. U. at Klamath Falls.

Klamath Falls, Or., Dec. 13.—The Western Union Telegraph company has been granted permission to enter the city of Klamath Falls. It is the intention of the company to open an office at once so as to handle the business of the city.

LATE EVENING TRAIN CUT OFF

Salem Electric Gives More Attention to Service in Morning.

After Thursday or Friday of this week the Oregon Electric company will abandon its late night train service between Portland and Salem and in place of it will run additional early morning service between Wilsonville and Portland to accommodate those people who live between here and Wilsonville and who have to reach the city early in the morning for their work.

The additional morning service between Wilsonville and Portland has been needed for some time. It is planned to run two new early morning trains from Wilsonville to Portland which, it is believed, will accommodate the commuters who reside along the Oregon Electric between this city and the junction of the Forest Grove and Salem lines.

The late night trains between Portland and Salem have been found not to pay, according to officials of the road. The train that now leaves Portland at 11 p. m. and arrives in Salem at 1 a. m. is too late for the convenience of most passengers. In its place a train will leave here at 8:40 p. m. and arrive in Salem at 10:40 p. m. A Forest Grove train for the accommodation of the theatregoers and late shoppers will be operated out of Portland Saturday nights only.

The officials of the road hope to have the new time card out by Thursday, but it is possible it will not go into effect until later in the week.

LURTON TO SUCCEED PECKHAM IN U. S. SUPREME COURT

Washington, Dec. 13.—The nomination of Judge Horace H. Lurton of Nashville, Tenn., to succeed the late Rufus W. Peckham as associate justice of the United States supreme court was sent to the senate today by President Taft.

Judge Lurton was formerly chief justice of the supreme court of Tennessee, and at the time of his recommendation by the president was judge of the United States circuit court of the Sixth judicial district, to which he was appointed in 1892. He is 66 years of age, and for many years has been a warm personal friend of the president.