



### SENATE FOLLOWS HOUSE ACTION ON BALINGER AFFAIR

Adopts the House Resolution Calling for Election of Members of Ballinger-Pinchot Investigating Committee.

### PINCHOT PREPARING STATEMENT OF CASE

Former Forester Overwhelmed With Congratulations and Besieged With Callers.

Washington, Jan. 10.—The senate today adopted the joint resolution, which was amended in the house so as to take from Speaker Cannon and the vice president the power to appoint the house members of the Ballinger investigation committee.

The resolution was changed slightly as to wording and for this reason it must go back to the house.

Senator Newlands of Nevada offered an amendment providing that any "official or former official of the government involved in the investigation" should have the right to appear before the committee in person or by counsel.

This was clearly in behalf of former Chief Forester Pinchot, but it was defeated when Nelson made the objection that it was not necessary and that no counsel was needed.

Washington, Jan. 10.—Gifford Pinchot is preparing a statement which will be designed to vindicate his position in the controversy which led to his dismissal as chief forester by President Taft.

Stories that Pinchot had been in communication with Colonel Roosevelt since the former president went to Africa are not denied by Pinchot's friends today.

The Taft administration supporters appear to be much concerned over the possible contents of the forthcoming Pinchot statement.

Pinchot is preparing the statement in his capacity as a private citizen. The work so far has been slow, as he has been constantly interrupted by a stream of sympathetic visitors, who have called to express their regret that he has left the government service.

Pinchot's friends declare he is sure of the position he has taken, and has not acted without careful consideration of the results.

The former chief forester spent most of today with former Associate Forester Price and former Assistant Law Officer Shaw, who were dismissed at the same time as Pinchot.

### BINGER HERMANN SWEARS HE IS NOT GUILTY OF CHARGE

Former Congressman From Oregon Accused of Conspiracy to Defraud Government Out of Land, Enters Plea.

### WORK OF GETTING JURY STARTED THIS MORNING

Many Prospective Jurors Give Various Excuses to Evade Service—Court Strict.

Binger Hermann, in the United States court before Judge Wolverton, at 10 o'clock this morning, faced the opening of his trial for conspiracy to defraud the government out of public lands.

Up to noon the court was busy with hearing the excuses of the veniremen called to form the jury to try the case.

This afternoon at 2 o'clock the work of selecting the trial jury was begun, and it was expected that a day or more will be filled in this work, though the attorneys hope against hope that the box may be filled out of the first few names called.

It is evident that the trial will be a long one, and tedious. Arrangements have been made between the prosecution and the defense by which a portion of the evidence given at the Hermann trial in Washington, when Hermann was accused of having destroyed public records of the land office, will be read into the record here.

Speakers were shut out of the courtroom this morning in order that the veniremen would be let in, and even then standing room was at a premium.

Hermann, the defendant, came first into the room, alone, and took his place at one end of the long table. He was followed in a few minutes by John M. Geerin, who is Hermann's attorney.

A few ex-parte matters disposed of, and Judge Wolverton opened the Hermann case. Mr. Heney asked that the case be postponed.

### CALHOUN CASE IS AGAIN POSTPONED

Set for Today, but Notation Is Not on Docket—Will Open January 31.

San Francisco, Jan. 10.—On motion of Charles M. Fickert, the new district attorney, the trial of Patrick Calhoun, millionaire traction magnate, charged with bribery, was postponed today.

The second trial of Calhoun was begun last summer by Special Prosecutor Francis J. Heney, but only a few temporary jurors were obtained before the election drew near, and as the case was the main issue in the campaign for the district attorneyship, it was postponed by agreement to November.

Calhoun appeared in court today with his usual formidable array of counsel, though Earl Rogers, the Los Angeles attorney who furnished so much trouble for Heney at the last trial, was not on hand.

### FORMER OFFICERS OF OREGON TRUST MUST GO TO TRIAL

Judge Gantenbein Overrules Demurrers Growing Out of Bank Failure and Rules They Must Account to Claimants.

### SUIT TO RECOVER MONEY BROUGHT BY RECEIVER

Court Reads Decisions Saying Bank Directors Should Be More Than Ornaments.

Walter H. Moore, Henry A. Moore, Elmer E. Lytle, W. Cooper Morris, Leo Friede, W. H. Copeland, L. O. Ralston and Albert T. Smith, former officers and directors of the Oregon Trust & Savings bank, must go to trial in the civil suits brought in the name of Thomas C. Devlin as receiver to recover over \$200,000 alleged to have been lost to the claimants through alleged gross negligence and reckless methods on the part of the bankers.

Circuit Judge Gantenbein, before whom demurrers in the case were argued, this morning handed down an opinion upholding the complaint filed by A. E. Clark as attorney for the claimants and rejecting each of the seven grounds on which the demurrers were based.

Judge Gantenbein, in his opinion, quoted liberally from decisions of the courts in similar cases, devoting practically all of his attention to the degree of care required of a board of directors in managing the affairs of a bank.

It is held that directors must exercise ordinary care and prudence in the administration of the affairs of a bank, and that this includes something more than officiating as a figurehead.

"It does not meet the requirements that directors may confide the management of the operation of the bank to trusted officers, and then repose upon their confidence in his right conduct, without making examinations themselves, or relying upon his answers to general questions put to him with regard to the status of the affairs of the bank."

Directors as ornaments. "The bankers themselves are prone to state and to hold out to the public, who compose their boards of directors, that they are discharging a duty of duty of directors to the institution, to enhance its attractiveness, or that their reputation should be used as a lure to customers."

What the public suppose, and have the right to suppose, is that those who have been selected by reason of their character for integrity, their sound judgment, and their capacity for conducting the affairs of the bank safely and securely.

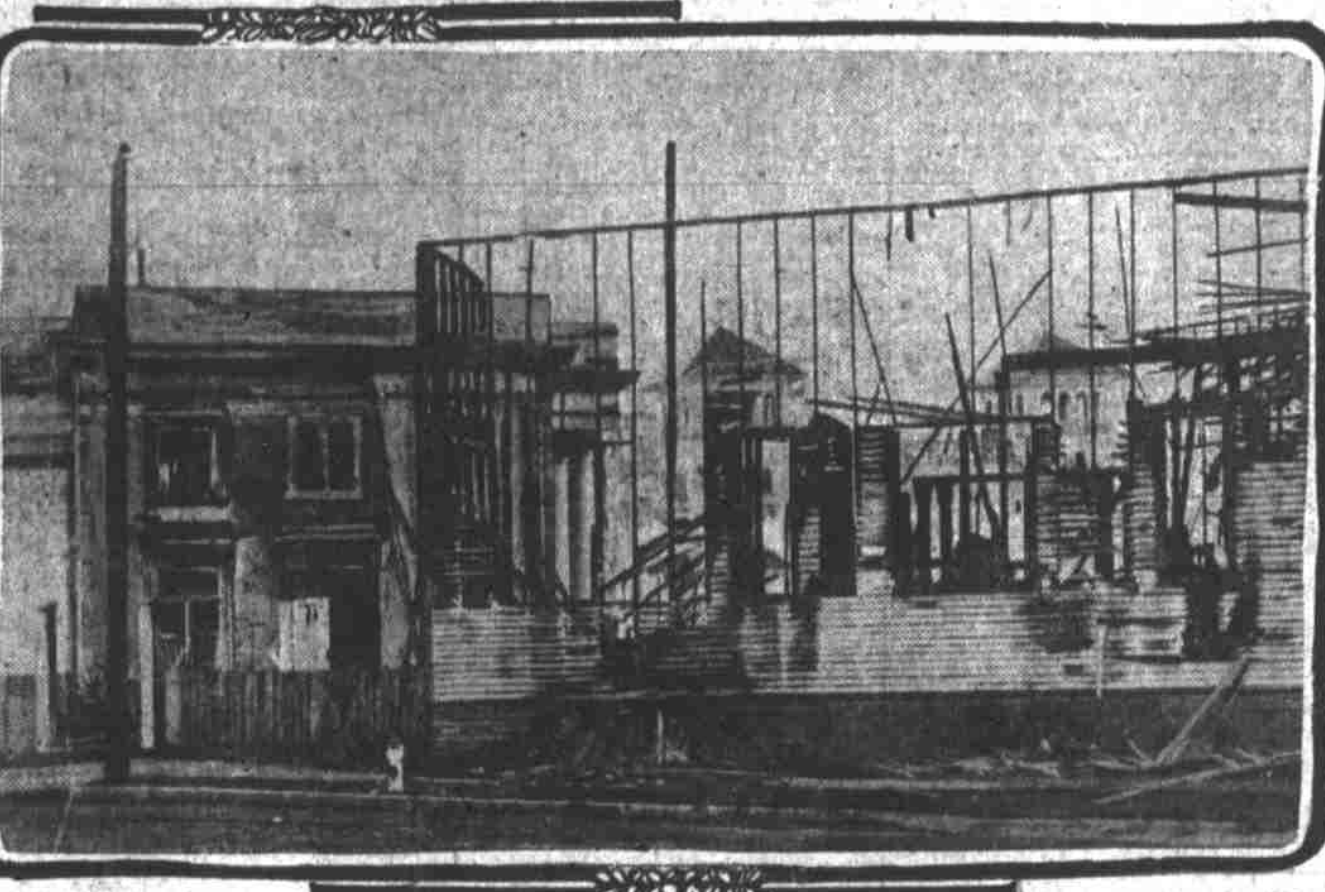
Concluding his review of authorities, Judge Gantenbein said: "I am unable to agree with the defendants, and must find that the complaint states facts sufficient to constitute a cause of suit."

"These so-called gentlemen," he continued, "are the advocates of long hours, poor wages and hypocrisy. We must help ourselves in spite of them."

Mr. Madson told us he was not a speechmaker, said President Will Daley, who is presiding over the convention at the close of the Portland meeting.

Notarial Commissions. (Special Dispatch to the Journal.) St. Louis, Mo., Jan. 10.—Notarial commissions have been issued to C. B. Hysan Jr., Oregon City; M. A. Mather, Clackamas; Charles F. Romig, Canby; F. I. Dunbar, M. S. Moore, George A. Smith Jr., and A. W. Lambert, Astoria; C. E. Lafollette, Portland; and W. H. Canon, Willamette.

### FIERCE FLAMES ATTACK BUILDINGS AT THE LEWIS AND CLARK FAIR GROUNDS



Wreck of the Coos Bay Building at the Fair Grounds.

### LABOR LEADERS TAKE A RAP AT ASSEMBLY PLAN

Opening of Oregon State Federation of Labor This Morning Marked by Bitter Attack on Political Bosses' Scheme.

Sheltered by the Stars and Stripes and artistically draped, the Oregon State Federation of Labor swung into its seventh annual session this morning with a business like earnestness that promised much in the way of results.

"I hope resolutions will be drafted endorsing the direct primary, opposed to the assembly, assuring the cooperation of grange and labor federation in supporting men who will support us," said Eugene Palmer, fraternal delegate from the state grange.

"The assemblies would have us to believe that it is simply a time for us to get together and make expression of our feelings, and not an opportunity for the bosses to dictate and rule," continued Mr. Palmer.

Mr. Palmer was roundly cheered. He was preceded by J. Andy Madson, president of Portland labor organizations.

These are in sympathy with and under the influence of labor organizations, of which the state grange is a part. Your members, according to statistics in my office are sufficient to make your power a surprising thing.

Organization Can Win. Labor Commissioner O. P. Hoff told the members of the organization that they could win anything in the way of legislation upon which they might unite.

Washington, Jan. 10.—President Taft today stamped with his indorsement the plan of Senator Elkins for the investigation of the high cost of living prevailing in the country today.

Kills Former Wife and Himself. (United Press Leased Wire.) Martinsburg, W. Va., Jan. 10.—Louis Lincoln, a plumber, last evening shot and killed his divorced wife in the presence of their three small children, and then shot himself, dying instantly.

O'Neil Is in Charge. (Special Dispatch to the Journal.) Wallawa, Or., Jan. 8.—A subdivision of the freight and passenger departments of the O. R. & N. has been established at La Grande. J. H. O'Neil is in charge.

### PICTURE FILMS IGNITE, MAKING INTENSE HEAT

Two of the old buildings at the Lewis and Clark fair grounds were practically destroyed by fire early this morning and a third one was badly scorched.

The fire was discovered by Joan Ferring, the occupant of the building which was occupied by the old Administration restaurant.

Within 20 minutes after the flames were first seen breaking from the old Coos county building, this structure was a total loss, the Oregon building, standing just north of it, was badly burned, and the old Administration restaurant building was badly scorched.

The losses, as figured up this morning, will come to close to \$50,000. The World's Film Manufacturing company suffered the largest individual loss, their stock of moving picture films being valued at close to \$40,000, with little insurance.

Ships 2400 Tons of Hay. (Special Dispatch to the Journal.) Wallawa, Or., Jan. 10.—Mr. Townley, who purchased a large amount of hay from this county last fall, has begun shipping it. Three cars will be shipped daily until the entire lot is marketed.

### ODDS IN FAVOR OF CONSERVATIVE ENGLISH PARTY

London, Jan. 10.—Odds of five to four that the conservatives will be successful in the coming national elections are offered on the stock exchange today.

Prior to the Christmas holidays, the liberals were seven to four favorites. This radical change in public opinion is apparently the result of the activities of the conservative campaign orators, who have urged incessantly the efficacy of protection to diminish the number of the unemployed.

During his time in the air Curtiss had absolute control over the car and appeared to have no difficulty in sending it up down or sideways at will.

Only a few minutes after Curtiss alighted and before his machine had been taken back to the shed, Charles P. Willard's Curtiss biplane No. 1 was shoved upon the grounds.

### SKULL SHATTERED BY LEAD, GRANTS PASS MAN FALLS

Unknown Assailant Escapes After Firing Bullet Into Harvey Crump's Head—Peculiar Rumor.

Robbery is said to have been the motive. Crump had \$105 on his person when shot. Afterwards his empty purse was found with a few loose coins.

Crump is a young man of good character. Intense feeling exists here. No clue to the criminal has been obtained. Numerous rumors have been circulated in regard to the affair.

Ships 2400 Tons of Hay. (Special Dispatch to the Journal.) Wallawa, Or., Jan. 10.—Mr. Townley, who purchased a large amount of hay from this county last fall, has begun shipping it.

### CURTISS MAKES INITIAL FLIGHT AT LOS ANGELES

Famed Aviator Skims Around Course, Inaugurating International Meet, in Voyage That Should Be Happy Omen

### RENOWNED NAVIGATORS OF AIR ARE PRESENT

Curtiss Has Two Biplanes Ready—Toy Aeroplane—Gas Bags Are First.

Los Angeles, Jan. 10.—The Los Angeles aviation meet officially began today at noon when the balloon New York, piloted by Clifford Harmon, the New York millionaire aeronaut, shot up from her moorings at Huntington Park.

A few seconds after the New York had been loosed the Florida, piloted by F. J. Kenna of Peoria, Ill., followed the New York. Both spheres rose rapidly, and after attaining an altitude of about 300 feet they were borne toward the northwest by the breeze.

Aviation Field, Cal., Jan. 10.—Glenn H. Curtiss, the American champion aviator of the world, was the first to fly in the Los Angeles aviation meet which began here today.

In a brand new biplane that had never been tested before, Curtiss left the ground at exactly 3:25 o'clock this afternoon. The machine rose as gracefully as a gull and soared around his aerodrome at an altitude of about 25 feet, while thousands of spectators in the grand stand cheered wildly.

Shortly before leaving the ground Curtiss declared the weather conditions ideal for the flight. Clouds partly obscured the sun, but the indications were that the weather would continue fair.

After the machine had been brought out in front of the grandstand, Curtiss gave his appearance, and after carefully testing the engine and the every section of the biplane, took his seat in the car. The engine suddenly started, and with the propeller going at a terrific pace the machine suddenly began to move.

During his time in the air Curtiss had absolute control over the car and appeared to have no difficulty in sending it up down or sideways at will.

Only a few minutes after Curtiss alighted and before his machine had been taken back to the shed, Charles P. Willard's Curtiss biplane No. 1 was shoved upon the grounds.

Not a first car ever built by Glenn Curtiss, the inventor of the Wright brothers have sued Curtiss for infringement on their patents.

Judge Martin Scores Prisoners for Not Making Clean Breast of Scandal. (United Press Leased Wire.) New York, Jan. 10.—Federal Judge Martin today sentenced Thomas Kehoe, Patrick J. Hennessy, John R. Boyle and Edward A. Coyle, formerly checkers on the Williamsburg docks of the sugar trust, to one year's imprisonment on Blackwell's island. They were convicted December 17, 1909, of manipulating the scales on the Williamsburg docks in the interest of the importers.

Oliver Spitzer, another checker, who was convicted with the above four, will be sentenced on February 1. He is in a hospital recovering from an operation performed yesterday. Prior to the pronouncing of sentence Judge Martin scored the prisoners for refusing to take advantage of a brief he dropped during their trial in the effect that should they make a clean breast of their part in the sugar scandal they would be treated leniently.

SCALE FIXERS GET 1 YEAR EACH. Judge Martin Scores Prisoners for Not Making Clean Breast of Scandal. (United Press Leased Wire.) New York, Jan. 10.—Federal Judge Martin today sentenced Thomas Kehoe, Patrick J. Hennessy, John R. Boyle and Edward A. Coyle, formerly checkers on the Williamsburg docks of the sugar trust, to one year's imprisonment on Blackwell's island. They were convicted December 17, 1909, of manipulating the scales on the Williamsburg docks in the interest of the importers.

### COOK'S BOOKS TO FICTION SHELF

Boston Public Library Gives Explorer Gentle Thrust—Removed From Shelf.

Boston, Jan. 10.—Discredit at home and abroad because of the adverse findings of the University of Copenhagen consistency that examined his polar records, Dr. Frederick A. Cook may not feel the thrust made at him by the board of directors of the Boston public library.

Under orders issued by the directors, library attendants today transferred three of Dr. Cook's books from the "travel" shelves to the "fiction" section of the library.

The action of the library board is regarded here as a tacit and quiet endorsement of the verdict of the Danish consistency. On the special shelf, to which Cook's works were relegated, are three other books. They are "Through Unexplored Asia," by William Jameson Field; "The Adventures of Louis de Rougemont," as told by himself; and "The Historical and Geographical Formation of Formosa," by George Psalmanazar.