PRICE TWO CENTS. ON TRAINS AND NEWS

SENATE FOLLOWS HOUSE ACTION ON BALLINGER AFFAIR

VOL. VIII. NO. 266

Adopts the House Resolution Former Congressman From Judge Gantenbein Overrules 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 hot se 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. It was reported favorably today by Senator Nelon, chairman of the public lands com-

Senator Newlands of Nevada offered an ameridment providing that any "offi-cial or former official o the governinvolved in the 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 de-feated when Nelson made the objection that it was not necessary and that no counsel was needed.

Washington, Jan. 16 .- Gifford Pinchet is preparing a statement which will be designed to vindicate his position in the controyersy which led to his dismissal as chief forester by President Taft. Stories that Pinchot had been in com

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 cused of having destroyed public

work so far has been slow, as he has

been constantly interrupted by a stream | ting the case to the jury. of sympathetic visitors, who have called to express their regret that he has left the government service. He is almost buried under an avalanche of letters and telegrams from friends and sympathizers throughout the country.

To justify his action in calling public attention to the Cunningham coal lands cases, Pinchot will take the position that President Taft's letter to Secretary Ballinger last September closed all avenues of official remedy for the situation and made an appeal to the people necessary. The president's letter was made public while he was on his western tour, and L. R. Glavis.

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

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. They were busily engaged in going over papers, when not interrupted by visitors.

CHICAGO TRIBUNE SAYS THE COUNTRY

Chicago, Jan. 10 .- The country will stand by Gifford Pinchot, dismissed chief forester, right or wrong, according to the Tribune, which says editorially: "Without inquiring into the technical

(Continued on Page Three.

COOK'S BOOKS TO FICTION SHELF

Boston Public Library Gives Francis J. Heney, but only a few temporary Jurors were obtained before the Explorer Gentle Thrust-Removed From Shelf.

(United Press Lessed Wire.)
Boston, Jan. 10.—Discredit at home and abroad because of the adverse find ings of the University of Copenhagen consistory 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

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. These books are "Through the First Antarctic Night,"

"Daily Work of an Arctic Explorer" and "To the Top of the Continent." The action of the library board is regarded here as a tack and quiet endorsement of the verdict of the Danish On the special shelf, to which Cook's works were relegated, are three other books. They are "Trough

GUILIY OF CHARGE

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

WORK OF GETTING JURY STARTED THIS MORNING

Many Prospective Jurors Give Court Reads Decisions Saying Various Excuses to Evade Service-Court Strict.

Binger Hermann, in the United States the government out of public lands. hearing the excuses of the veniremen dividuals brought in the name of called to form the jury to try the case. Thomas C. Devlin as receiver to recover This afternoon the attorneys will begin over \$50,000 alleged to have been lost the task of selecting 12 men out of the remainder left from the original 301 men called to form the petit jury to

hear the evidence of the case.

When Clerk Marsh had finished calling the long list of names this morning, it was found that 105 of the num-ber had falled to put in an appearance before the court. Fifty-five more were excused by Judge Wolverton for reaons of iliness and business.

Work Begins at 2 o'Clock.

attorneys hope against ope that the others, involving the famous bond deal box may be filled out of the first few, with the Pacific & Eastern railway. box may be filled out of the first few with the Pacific & Eastern railway, names called, in order that the Intro- better known as the rater Lake road. duction of evidence may be commenced as soon as possible.

It is evident that the trial will be a fong one, and tedious. Arrangements nunication with Colonel Roosevelt since 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 acpossible contents of the forthcoming ords of the land office, will be read into Pinchot statement. They expect it will the record here. This has been done to point out in strong terms what Pinchot considers the dangers of the attitude of the transcript will be the transcript will be the transcript will be the transcript will be Pinchot is preparing the statement in depend upon the course of the trial as his capacity as a private citizen. The it develops. It is expected, however, that a month will be consumed in get-

Spectators Shut Out.

Spectators were shut out of the courtroom this morning in order that the veniremen could be let in, and even then standing room was at a premium. Hermann, the defendant, came first into tne room, alone, and took his place at one end of the long table. He was followed in a few minutes by John M. Gearin, while A. S. Worthington, his other attorney, followed close behind. Mr. Heney and Judge Becker came into the room just prior to the entrance of the judge.

A few ex-parte matters disposed of, cleared Ballinger of charges brought by and Judge Wolverton opened the Hermann case. Mr. Heney asked that the (Continued on Page Three.)

AGAIN POSTPONED

Not on Docket-Will Open January 31.

(United Press Leased Wire.) 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 to January 31. Fickert asked the postponement on the ground that he was not familiar with the record in the case. Attorney Stanley Moore, for Calhoun, asked that the trial be set at the earlest possible date, saying Calhoun de-

sired an immediate hearing. The second trial of Calhoun was be 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. Hency was which to file answers to the complaint defeated in a hot campaign for the office of prosecutor. He charged that Fickert had been put forward as the personal candidate of Calhoun and one of the hottest political fights this city ever saw centered about this issue. With Heney passing out of office January 1 and Fickert coming in, the case was postponed, as it was clearly impossible to obtain a jury just before the

several months to obtain the jury that The trial was supposed to have been set for today, but Fickers announced yesterday that he found there was no notation to that effect on the bourt He also said no stenographic record had been kept of the proceedings in the case when it was before the grand jury and this made it necessary for him to review the whole record of

holidays. In the first trial it took

testimony, consisting of about 7000 pages. Some called a court today with Jr., Oregon City; M. A. Mather, Clacka-Unexplored Asia," by William Jameson his usual formidable array of counsel, Reld; "The Adventures of Louis De though Earl Rogers, the Los Angeles Dunbar, M. C. Magee, George A. Smith Rougemont," as told by himself, and "The Historical and Geographical for Hency at the last trial, was not on Formation of Formosa," by George hand. It is understood Rogers will William B. Jackson and H. C. Maltby, Paslmanasar. not appear in the present case.

OF OREGON TRUS MUST GO TO TRIAL

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

SUIT TO RECOVER MONEY BROUGHT BY RECEIVER

Bank Directors Should Be More Than Ornaments.

court before Judge Wolverton, at 10 Elmer E. Lytle, W. Cooper Morris, Leo o'clock this morning, faced the opening Friede, W. H. Copeland, L. O. Ralston of his trial for conspiracy to defraud and Albert T. Smith, former officers and directors of the Oregon Trust & Up to noon the court wan busy with savings bank, must go to trial in the over \$500,000 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 seven grounds on which the demurrers were based. Ex-Senator C. W. Fulton, John H. Hall, J. E. Long and Raphael This afternoon at 2 o'clock the work Citron made the chief arguments in of selecting the trial jury was begun, and it is expected that a day or more also overruled in the twin case of Devwill be filled in this work, though the lin as receiver against J. F. Reddy and Judge Quotes Decisions.

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 had been argued by the attorneys for the accused men require the director to be an expert bookkeeper as well as a spy and detecperfect , confidence. Answering this

by Chief Lustice Fuller in the supreme court, in which it was said: else ordinary care and prudence in the paign during the next year was made ring, the occupant of the building which liberals were seven to four favorites, administration of the affairs of a bank, apparent. The first addresses of the was occupied by the old Administration. This radical change in public opinion and this includes something more than

officiating as figureheads." Judge Gantenbein also quoted with aplibbons against Anderson:

"It does not meet the requirements that directors may confide the management of the operation of the bank to a trusted officer, and then repose upon their confidence in his right conduct, without making examinations them selves, or relying upon his answers to general questions put to him with regard to the status of the affairs of the bank. It is the right and duty of the directors to maintain a supervision over the affairs of the bank, to have a general knowledge of the manner in which the business is conducted, and of the character of that business, and to have at a story. least such a degree of intimacy with out and its affairs as to know to whom, and ugon what authority, its large lines of credit are given.

Directors as Ornaments.

"The banks themselves are prone to state and to hold out to the public, who compose their boards of directors. The idea is not to be toler 'c' that the di-IS WITH PINCHOT Set for Today, but Notation Is rectors serve as merely gilded ornaments of the institution, to enhance Its attractiveness, or that their reputation it's a 'skunk' in spite of all representashould be used as a lure to customers. What the public suppose, and have the right to suppose, is .At those men have been selected by re-son of their char- dent of Portland labor organizations acter for integrity, their sound judg-ment, and their capacity for conducting the affairs of the bank safely and se-curely. The public act on this presumption, and trust their property with the bank in confidence that the crectors will discharge a substantial duty. Concluding his review of authorities, Judge Gantenbein said:

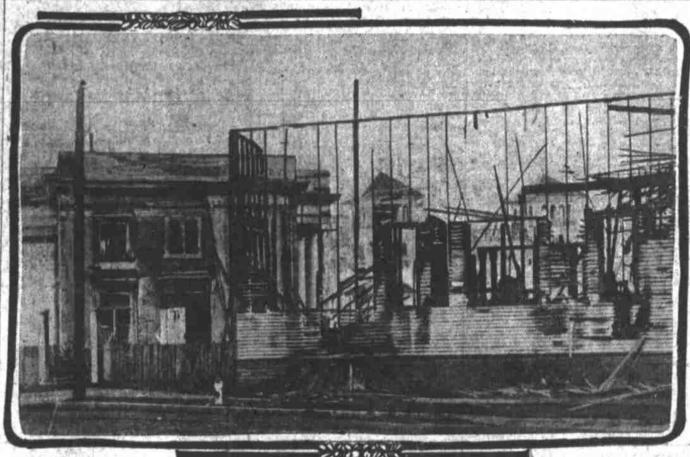
"I am unable to agree with the defendants, and must find that the complaint states facts sufficient, to constitute a cause of suit. For the purpose of passing on these demurrers the court must presume the facts alleged in the complaint to be true. Whether these facts can be proved is another question, which must be passed upon at the time of trial of the case on its merits.

Let the demurrers be overruled. Hall and Fulton asked for 30 days in quired by the experts now at work on the books to prepare the record of the transactions. Clark objected to such a long time, saying that the suits have been pending for several months, and the defendants have already consumed much time in motions and demurrers. Judge Gantenbein pointed out that in checking over the complaint he had found that it names 11 transactions, and

he thought the facts might be gleaned less time than 30 days. He allowed 20 days, with the understanding that if the defendants do not answer and decide to file a plea in abatement or ap-

Notarial Commissions. Salem Bureau of The Journal.)
Salem, Or., Jan. 10.—Notarial commis sions have been issued to C, B, Hyson

FIERCE FLAMES ATTACK BUILDINGS AT THE LEWIS AND CLARK FAIR GROUNDS



Wreck of the Coos Bay Building at the Fair Grounds

ABOR LEADERS TAKE A RAP AT **ASSEMBLY PLAN**

eration of Labor This Morning Marked by Bitter Attack on Political Bosses' Scheme.

heltered by the Stars and Stripes tive and requires him to spy in an of- State Federation of Labor swung into destroyed by fire early this morning fensive manner over the conduct of per- its seventh annual session this morning and a third one was badly scorched. The contention, the court quoted a decision That the federation, combined in purpose with the state grange, intends an blaze has not as yet been disclosed. agressive entrance into the state camday were made occasions for raps on Mayor Simon's "business administration" and for denunctation of the efprovale the decision in a Michigan case, forts made to reestablish the assembly

"I hope resolutions will be drafted. indorsing 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.

Palmer Tells Story.

"The assemblyites 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," contimued Mr. Palmer. "It reminds me of A coon left his hole, went out and toured the farmer's hen coops. When he returned another was in his "Who are you?" questioned the hole. coon, 'I am a coon,' came the answer. 'If you don't believe it, look at me; reach in your paw and feel of me.' The coon did this, then said, 'You look a little like a coon and you feel a little like a coon, but you smell like a skunk and I believe you are one."

"So with the assembly. It may represent itself as any other thing, but

tions. Mr. Palmer was roundly cheered. He was preceded by J. Andy Madsen, presi-President Madsen's address, formally styled, "A welcome on behalf of Portland to the visiting delegates," was confined largely to an excoriation of the Citizens' Alliance. The speaker pointed out that while unlone have put on the statute books all laws favoring labor, that it had been done in opposition to and in defiance of the "\$30,000,000 or-

Say They Are Hypocrits.

"These so-called gentlemen," he continued, "are the advocates of long hours, poor wages and hypocrisy. We must help ourselves in spite of them. Join the Oregon State Grange and the Oregon State Federation of Labor and you have the most powerful organization in the state. Such an organization will bring proportional division for the masses against the classes, and will win for the masses the protection we need and deserve.

"Mr. Madsen told us he was not a speechmaker," said President Will Daley, who is presiding over the convention at the close of the Portland man's address. "But," he continued, man's address. we thought it better to listen to an address from a working man with a union card in his pocket than from the most flowery tongued official we might have called upon."

Organization Can Win.

Labor Commissioner O. P. Hoff told the members of the organization that they could win anything in the way of peal from the decision on demurrer, elegislation upon which they might unite, they must take that action within 10 "I find," he said, "that two thirds of the voters in Oregon are wage earn-These are in sympathy with and under the influence of labor organiza-Your members, according to sta- for the murder and suicide. tistics in my office are sufficient to make your power a surprising thing. You can win what you want, if you stand together.

Commissioner Hoff complimented the federation upon achievements and prog-ress. Unions, he said, have benefited (Continued on Page Three

IGNITE, MAKING

Opening of Oregon State Fed- Sleepers in Oregon and Other Stock Exchange of London **Buildings Are Aroused From** Slumbers and Escape in the Early Morning.

and artistically draped, the Oregon and Clark fair grounds were practically promised much in the way of results. ture films and burned with a rapidity ning of the campaign that the conservathat was surprising. The cause of the tives have ruled favorites in the bet-The fire was discovered by Joan Ferring, the occupant of the building which liberals were seven to four favorites. restaurant. When he looked out of the is apparently the result of the activi-

window of his sleeping room the flames ties of the conservative campaign orawere breaking from the front of the tors, who have urged incessantly the efbuilding and the interior was a mass of fleacy of protection to diminish the flames. He and L. H. Moomaw, mana-number of the unemployed. ger of the World's Film Manufacturing The king today signed the formal company, in whose stock the fire start-decree dissolving paritiment. Immediawaken the occupants of surrounding tion that may establish an epoch in Enbuildings.

managed to escape with most of ticipated. their belongings. 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 Oregon building, while not badly burned on the outside, was considerably damaged inside,

The staff or plaster on the outside protected the building considerably, the fire being able to break through only the doors and windows. Once inside, the fire found the flimsy structure easy prey. It was only after a hard struggle that the firemen finally subdued the

The losses, as figured up this morning, will come sto close to \$50,000. The World's Film Manufacturing company suffered the largest individual loss, their stock of moving picture films being val ued at close to \$40,000, with little insurance. Mrs. Florence Chase Currier had a studio in the Oregon building Most of her material was badly dam The buildings, valued at \$5000, aged. are said to be fully insured.

TAFT FAVORS INQUIRY INTO COST OF LIVING

(United Press Leased Wire.) 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. The president told Senator Elkins that he hoped the investigation would get at the root of the evil so that it could be removed.

Kills Former Wife and Himself. (United Press Leased Wire.)
Martinez, Cal., Jan. 10.—Louis Lin-

oln, a plumber, last evening shot and killed his divorced wife in the pres-ence of their three small children, and then shot himself, dying instantly. He recently served a term in the county jail here, following his conviction on a charge of battery, brought by Mrs. Lincoln. While he was in prison Mrs. Lincoln secured a divorce. tions, of which the state grange is a is supposed to have been responsible

O'Neil Is in Charge.

(Special Dispatch to The Journal.) Wallows, Or., Jan. 8.—A subdivision of the freight and passenger depart-ments of the O. R. & N. has been estab-

Sees Victory in Air for the Opponents of the Liberal

that the conservatives will be success- the grand stand cheered wildly, ful in the coming national elections are This is the first time since the beginting.

Prior to the Christmas holidays, the

turned in an alarm, and started to ately afferward, the writs for the elecglish history were issued. In several In the Oregon building, only a few boroughs the elections that will decide feet away from the burning building, the fate of the house of lords will be several people were asleep. Mrs. Flor- held next Friday. In the majority of nce Chase Currier, Miss Denny and places, however, the voters will go to Miss Osborne, sleeping on the second the polis on Saturday. The heaviest floor, were awakened with difficulty, vote in the history of the nation is an-

BY LEAD, GRANTS PASS MAN FALLS

Unknown Assailant Escapes After Firing Bullet Into Har-Vey Crump's Head-Peculiar Rumor.

(Special Dispatch to The Journal.)
Grants Pass, Or., Jan. 10.— Harvey
Crump, 25 years old, was shot through the right temple Sunday night by an unknown man with a revolver. Crump is in the Southern Pacific hospital. He says he was walking along the street when a man stepped from behind a post at the side of the walk and shot him at close range, his face and hair being powder burned. The ball entered the right temple and lodged near the eye to the bony structure of the skull. About an hour after he had been shot Crump regained consciousness and made his way to the home of Joseph Roach. Roach took Crump to the Southern Pacific hospital. He may recover. Robbery is said to have been the motive. Crump had \$102 on his person when shot. Afterwards his empty purse

revolver with which Crump was shot was found near by. 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. One is that the injured man knows who did the shooting, but will not divulge the name. Crump's relatives live in Jacksonville

was found with a few loose coins.

Ships 2400 Tons of Hay. (Special Dispatch to The Journal.) Wallowa, Or., Jan. 10 .- Mr. Townley,

who purchased a large amount of hay this county last fall, shipping it. Three cars will be shippe daily until the entire lot is marketed. ments of the O. R. & N. has been established at La Grande, J. H. O'Nell is equal amount at Lostine awaiting ship-in charge.

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 while thousands of spectators cheered. Besides Harmon, the basket was occupled by Mrs. Dick Perris, wife of the general manager of the aviation meet; John Off and Mrs. Off, George Druessler and George B. Harrison. A few seconds after the New York

had been loosed the Peoria, piloted by P. J. Kanne of Peoris, Ill., followed the New York. Both sphericals rose rapidly, and after attaining an altitude of about 300 feet they were borne toward the northwest by the breeze. Marmon announced previously that he

intended to remain aloft until about 4 o'clock. Kanne likewise will remain in flight until late this afternoon

Aviation Field, Cal., Jan. 10,-Glenn H. Curtiss, the American champion avi-ator 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 ground at exactly 1:25 o'clock this af-The machine rose as grace fully as a gull and soared around the aerodrome at an altitude of about feet, while thousands of spectators in

Weather Ideal. before leaving t Curtiss declared the weather conditions ideal for aeroplane flights. 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, Curties, made his appearance, and after care fully testing every wire, the engine and 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. Up the starting grade it went, and when just on the brow of the hill, Curtiss suddenly reshifted his tipping planes and the biplane rose from the earth. The crowd let out an ear splitting roar as the first flight was made.

ing a distance of five eighths of a mile in one winute and 28 3-5 seconds. He alighted easily and gracefully and the car rolled forward but a few feet But few knew Curtiss and not until he took the seat in the car did anyone realize that the quiet man in the around the machine was the noted avia

Curtiss shot around the field, cover

During his time in the air Curties had absolute control over the car and appeared to have no difficulty in sending it up, down or sideways at will. Curtiss' average speed during the trip vas about 35 miles an hour.

Willard's Biplane in Action. Only a few minptes after Curtisa lighted and before his machine had been taken back to the shed. Charles P. Willard's Curtiss biplane No. 1 was shoved upon the grounds. No. 1 is the first car ever built by Glenn Curtiss and is the cause of all the

brothers have sued Curtiss for infringenent on their patents. Just in front of the grandstand he (Continued on Page Two.)

litigation in the courts where

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 to one year's imprisonment Blackwell's island. They were convicted December 17, 1969, of manipusting 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 Februar, 1. He is in a hospital recovering from an operation performed yesterday. Prior to the pronouncing of sentence Judge Martin scored the prisoners for refus-ing to take advantage of a hint he dropped during their trial to the effect that should they make a close breast of their part in the sugar scandals trop

would be treated lenfently.

It is expected that the men will ap-