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The weather—Fair tonight and probably Thursday; warmer.

Oregon Daily Journal

WITH HER OWN WINGS SHE FLIES

JOURNAL CIRCULATION
YESTERDAY WAS
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VOL. VIII. NO. 286. PORTLAND, OREGON, WEDNESDAY, FEBRUARY 2, 1910.—EIGHTEEN PAGES. PRICE TWO CENTS. ON TRAINS AND NEWS STANDS FIVE CENTS

...UFACTURERS ...AY PARTICIPATE IN PORTLAND FAIR

This Is Inference Drawn From Action of Their Association in Delaying Plans on the Proposition.

...RGANIZATION OF ...ROJECT NOW IN SIGHT

...ent of Streetcar Com-...y Promises 20 Second Service to Grounds.

...e Portland fair is to be an ex-...mity individuals rather than of ...into ...ns. When, contrary to ex-...ons, the Manufacturers' associa-...tion voted last night to delay adoption ...finite plans for combining exhibits ...the Portland Fair association com-...reorganization of the project was ...itated, and this on a more exten-...scale than was at first thought ...

...an, in short, is to make it worth ...le of every Oregon producer to ...that which distinguishes the ...from among other states. The ...nd Fair association today threw ...ors wide open to all comers, re-...g the fair the "Progress Exposi-...f 1910," and inviting popular aid ...king it an advertisement to the ...of the place Oregon has attained ...a leader among states.

Josselyn Will Assist.

...etus was given the reorganized ...this morning when President B. S. ...lyn, of the Portland Railway, Light ...wer company, promised the equiva-...of a 20-second street car service ...the Rose City line to the fair ...de during the time of the fair, ...mber 1-10.

...ill provide a three-car train to ...r grounds every minute," declared ...osselyn. "Equipment will be pro-...up to the second, and no stop ...ons made through a special corps ...spatchers and operators. I would ...ke to see the Greater Portland fair ...made an unqualified success, supported ...by the people, and representative of the ...ate and city. To this end I will help ...all I can.

"So soon as traffic prospects justify ...Rose City line will be double-...cked. Should the Reed Institute be ...ated in Rose City Park it would make ...possible to double-track the line much ...sooner than it now seems we can. If ...the Reed Institute should be located ...acres in this section it would be ...a...ndous development card for the ...locati...

...$5. ...ntinued on Page Five.)

...ON AND FIRE ...EAL DEATH TO FIVE OF FAMILY

...man and Child Dead in Burning House—3 Children Dying From Poison—Husband and Father Escapes.

(United Press Leased Wire.)

...ashburn, Wis., Feb. 2.—Poison and ...are believed to have been the ...ons used by unknown assassins ...attempt to destroy the family ...Behrants here. The Behrants ...is practically in ruins, three chil-...are dying of poison and Mrs. ...rants and another of her children ...dead. Behrants escaped with his ...e but is suffering from the effects ...the poison.

The Behrants home was discovered ...be on fire early this morning. Neigh-...who responded to an alarm found ...brants, clad in his night clothes, run-...g about the yard apparently crazed ...from pain.

Rescuers entered the burning home ...and found the body of Mrs. Behrants. ...In her arms was the dead body of ...her child. Neither had been touched ...the flames.

...Three other children were found in ...their bedroom unconscious and dying. ...An investigation by the authorities is ...under way. Behrants declared that he ...could not ascribe a motive for the ...supposed crime.

...EST PICTURES ARE WITHIN REACH OF JOURNAL READERS

...e Journal offers its readers ...togravure reproductions of ...of the world's best pictures ...a credit to any home. ...s includes "La Cigale," ...d Bisson; "The Horse ...a Bonheur; "The ...Samuel Fildes, and ...a," by Heywood ...pictures by four em-...ts that are of strik-...ferent appeal and which ...one with the highest ...

...ll of this issue tells ...these pictures can be ...how they can be secured ...where they can be framed at ...rates. Read this great

HERMANN ADMITS HE KNEW OF FRAUD

Binger Hermann, from sketch from life by Seed.

Francis J. Heney is having his innings today at the Binger Hermann trial. Beginning slowly yesterday afternoon in the cross-examination of Mr. Hermann, he took the defendant through his early career in Oregon and up to the time when he began his service as commissioner of the general land office.

Then he plunged sharply into his subject and during all of the morning session it has been a game of fence, thrust and parry, between the government prosecutor on the one side and the defendant on the other.

Heney Draws Blood.

Candor compels the statement that at different times during the contest Mr. Heney has passed the armor of the defense and drawn blood. Mr. Heney has forced two important points from Mr. Hermann; one that he had a general knowledge of the fact that school lands could be, and perhaps were being, used for fraudulent exchange under the lieu land act of 1901, the other that had he made temporary withdrawals of proposed reserves as soon as the investigations into the feasibility of the reserves was commenced that it would have served as an effectual bar against school land or other frauds.

These two points came into Heney's possession after much parrying between the witness and the prosecutor, many trips about various details of land office routine and back into the main question, always skillfully parried by the witness.

In Battle of Wit.

It is developing into a great battle of wits between the lawyer and the defendant. Heney knows what he wants, and Hermann does too. He has his theory of his defense, as mapped out in his direct testimony, where he denied any knowledge of the Blue Mountain conspiracy and contended that he did not know, specifically, of any school land frauds until the receipt of the Zabriskie letters in 1902.

He has contended that he knew of public land frauds, and had insisted that the lieu land act be changed or repealed to do away with these abuses, this being the main sylogism of his reasoning, that because of his insistent demand upon the secretary and congress for a change in the law, and his refusal to make reserves until that change had been made, it was evident that he had been faithful to his duty and had combatted to the best of his ability irregular practices in land acquisition.

Mr. Hermann, in his direct testimony, admitted that he knew of vast frauds in the timber lands of the west, and that it was because of these that he desired the repeal of the lieu land act.

It was because of these that he combatted the creation of reserves. Mr. Heney this morning has secured ground for argument from Mr. Hermann's cross examination that if Hermann knew of the vast frauds under the timber and stone act and the creation of reserves, that he must have suspected that these same land thieves would not be above using the school lands of the state to serve their purposes.

Heney has also gained cause for argument that Hermann could have stopped lieu land abuses very largely by making immediate withdrawals as soon as the creation of a reserve was contemplated.

Opens Cross-Examination.

Mr. Heney opened his cross-examination by asking Hermann how long he had practiced law. He asked him if, as receiver of the land office in 1873, he made himself familiar with the land laws of the nation.

Answering Heney's questions, Hermann said he did not have knowledge of extensive timber land claims taken under the homestead act, while he was receiver of the land office. He had held then that if a timbered section could be cleared and cultivated it could be taken as a homestead claim.

Cornelius N. Bliss of New York was secretary of the interior when he became commissioner of the land office, Hermann said. Bliss seemed to have knowledge of conditions of the west.

(Continued on Page Fourteen.)

MAYOR M'CARTHY IS THREATENED WITH RECALL

People Said to Have Already Tired of His "Rough Neck" Tactics in San Francisco—Reflection on Party.

UNION LABOR GIVEN BAD BLACK EYE

Leader Defies His Enemies and Declares That He Will Make Good.

(Special Dispatch to The Journal.)

San Francisco, Feb. 2.—The recall will probably be invoked in the case of Mayor McCarthy as the voters are showing restlessness under his "rough neck" tactics which are reflecting upon union labor all over the country. The city is in no humor to stand much nonsense. This view has been suppressed but it is the correct one.

(United Press Leased Wire.)

San Francisco, Feb. 2.—With a sweeping defi to the critics of his action in decapitating the city and county commissioners who were holdovers from the last administration, Mayor McCarthy, according to his declaration today, would be more than pleased should they invoke the charter provision for a recall.

The mayor is apparently confident of his strength and believes the city would set its seal of approval upon his radical course. In announcing his position concerning the threatened recall, he directed much sarcasm at the members of certain well known San Francisco clubs. He said:

"If the gentlemen who frequent the Bohemian and Pacific Union clubs, and the gentlemen in skirts who frequent another club in this city want a fight, I will give it to them, and to a finish. If they start the recall I will see that they get the necessary signers to their petition. We will find out where we stand with the people."

JOHNSON UNDER BAIL OF $2500

(United Press Leased Wire.)

New York, Feb. 2.—The court today fixed the bail of $2500 to assure the appearance in court of Jack Johnson, to answer charges growing out of his alleged attack upon Nathan Pinder, another negro, in a New York cafe.

Counsel for Pinder demanded that the bail be fixed at $10,000. The court refused to name this amount, declaring the pugilist had too much at stake to "jump" even the smaller amount.

Johnson was scheduled to leave New York for Detroit this afternoon. He refused to comment upon the attack he is charged with having made upon Pinder, which is said to have followed Pinder's refusal to buy him a bottle of wine.

UMATILLA MURDERER SENTENCED FOR LIFE

(Special Dispatch to The Journal.)

Pendleton, Or., Feb. 2.—Claude W. Arnold, alias George Tracey, convicted of murder in the second degree for the brutal killing of Andrew Rabeal near Umatilla, was sentenced to life imprisonment in the penitentiary by Judge Bean this morning.

HOUSE INSURGENTS HAVE NOT YET SURRENDERED

Norris of Nebraska Puts End to Inspired Rumor That Anti-Candidates Have Been Tamed by Speaker — Will Stand for Progressive Legislation.

(United Press Leased Wire.)

Washington, Feb. 2.—Representative Norris of Nebraska, today announced that reports to the effect that the house insurgents have retreated from their early position are without foundation and asserted that they propose to continue their original plan of campaign without modification.

"We have not been tamed and we have not 'laid down' in our insistence that the Republican party live up to the platform pledges," declared Norris. "We have been represented as having been opposed to the president's policies and having been just brought round to his support. This is misrepresentation.

"We have always been favorable to President Taft's policies insofar as they follow those of former President Roosevelt's."

Norris declared that the "machine" is trying to club the insurgents into line for Cannon by threatening to block legislation and put the blame for the delay upon the insurgents.

He declared that his colleagues would not go into caucus with the regulars because he believed that the machine would force vicious "jokers" into any progressive legislation.

The Nebraskan said that if the machine leaders want the insurgents to support certain measures, they must bring the bills to the floor of the house, where, if the insurgents consider them to be good legislation, they will support them and fight for them.

Norris said that insofar as the real object of their campaign is concerned, the insurgents have not wavered and that in supporting some of the proposals of President Taft which are indorsed by the regulars, they are carrying out their original intention to fight for all legislation which they consider progressive.

RAILROADS TRY TO GRAB STREETS WORTH $200,000

Harriman Lines and Northern Pacific Terminal Co. Sue for Location of Parts of Twelve East Side Streets.

Proceedings have been begun by the Harriman lines and the Northern Pacific Terminal company for the vacation by the city of streets which will, if the council passes favorably on the petition of the railway companies, mean the loss to the city of 150 feet of waterfront and nearly four acres of property in the vicinity of the East Portland station of the O. R. & N. company.

The most valuable city property sought by the corporations lies between Pacific avenue and East Irving street. These two thoroughfares and Oregon street run through to the river in the plat furnished by the railway companies to the city assessor and as each one is a 50 foot street the city therefore owns 150 feet of river frontage which is assessed at $300 a foot. Blocks 38 and 39 in that section of the city are assessed at $50,000.

Property Worth $200,000.

With this figure as a basis of calculation the land asked for by the corporations is worth $200,000. But on account of the fact that the property is cut up into strips 50 feet wide it probably should not be valued at that figure. Deputy Assessor North says, however, that $100,000 would be a very conservative estimate.

The city ordinances require notices of petitions to vacate public streets to be advertised 24 times in the city official paper before action is taken by the city council. The railway companies will have complied with these ordinances by the time the council meets on February 9, when a formal petition will be presented to that body by the corporations interested.

A strong fight will be made in the council by the United East Side Push clubs to prevent the streets being va-

(Continued on Page Five.)

SHORTAGE OF BIG BOXCARS CAUSES SHIPPERS WORRY

Coast Manufacturers Would Have Suffered If Harriman Lines Carried Out Policy to Keep All Cars in East.

For several days furniture, automobile and vehicle shippers have been up in arms against the Harriman system because of an order issued from headquarters in New York to rush every 50 foot box car back to the middle states, where manufacturers of furniture, automobiles and vehicles are making life burdensome for the traffic men because of a serious shortage of suitable cars in which to distribute their output.

The instructions read that none of the large cars carrying freight originating on the Pacific coast should be sent east beyond Cleveland, Ohio, nor to points west of Chicago, and that unless loaded for this comparatively narrow strip they should be rushed back to Chicago empty.

Dealers See Danger.

Local manufacturers and dealers immediately saw the danger of being deprived of facilities for making prompt shipments and for several days the offices of the system in this city were flooded with appeals that the ruling not be enforced. In this the applicants were not entirely successful, but the numerous complaints did result in a modification to the extent that until the congestion in the middle states has been relieved, 50 foot box cars now on the coast may be used only for shipment of furniture, automobiles and vehicles. Notice to this effect was received here today.

Heretofore it has been found expedient to use the large box cars in shipping hops from the Pacific coast across the continent.

Practical for Lumber.

They have also been found practical for lumber, in cases, for instance, where the shipper had more than enough to fill one 30-foot car, but no enough for two. But these practices will have

(Continued on Page Five.)

COMMISSIONER HAS THE POWER TO NAME INSPECTORS

Attorney General Crawford Says Law of 1905 Bailey's Authority to Name Deputies for Work in Portland.

STATE CANNOT PAY ADDITIONAL SALARIES

Latest Dilatory Objection of State Dairy Commissioner Falls Flat.

(Salem Bureau of The Journal.)

Salem, Or., Feb. 2.—Attorney General Crawford said today that when he gave it as his opinion that it was doubtful if the laws of the state gave Dairy and Food Commissioner Bailey authority to appoint more than three deputies, he overlooked the law of 1905, which authorizes the commissioner to appoint as many deputies as may be required from time to time, provided they serve without pay from the state.

"Until called to my attention I had overlooked the 1905 law completely," said Mr. Crawford today. "And it is very probable that the 1905 law is not repealed by the act of 1909, though I will have to examine both statutes carefully before making a positive statement. It may be that the 1905 enactment will make it possible for deputies to be appointed by the dairy and food commissioner, to act under authority delegated to them by the commissioner but receiving pay from a municipality."

Attorney General Crawford's changed view of the law leaves Commissioner Bailey without further excuse for refusing to cooperate with the city health board in its efforts to improve the milk supply of Portland. Prominent attorneys who have looked into the question, among them Mayor Simon, have never doubted the right of the dairy commissioner to appoint additional deputies, provided the state is not called on to pay their salaries. The authority conferred by the law of 1905 is still in full force and effect. There is nothing in the act of 1909 which repeals this provision of the earlier statute.

The importance of the question raised lies in the fact that unless the city milk inspectors are also appointed as deputies of the state dairy and food commissioner, they will have no authority to inspect dairies outside of the city limits. This authority Bailey at first agreed to give them, but he afterwards refused to do so on the pretext that he had no right to appoint more than three deputies, even though the additional deputies were to be paid by the city.

52 BODIES ARE REMOVED FROM WRECKED MINE

Search Is Continued for 24 Bodies Believed to Be in Tunnels—Careless Laborer May Have Caused Disaster.

(United Press Leased Wire.)

Primero, Colo., Feb. 2.—Fifty-two bodies have been removed from the wrecked mine of the Colorado Fuel & Iron Co., and the officials expect to explore today the ruined tunnel, where they believe at least 24 more bodies lie.

State Mine Inspector Jones and his assistants are trying to determine the cause of the disaster. This Inspector Jones declared was all but impossible.

Experienced miners who know every gallery and stope of the mine, are unanimous in the opinion that the company cannot be blamed for the accident. The mine, they say, was one of the safest in Colorado and the officials had taken every precaution for the safety of their men.

Three possible causes for the disaster are suggested. That one of the Korean employes disregarded one of the most strict of the mine's rules and lighted a cigarette while in the tunnel, is accepted as probable by many of the miners. Among them the fatalistic Korean beliefs are well known, and extreme care was exercised at all times to prevent them from breaking the mine rules. One of the Asiatics less than a week ago was surprised in the act of lighting a cigarette in one of the tunnels. He declared that if there were to be an explosion, it would occur regardless of what he did. He was discharged.

It was also deemed possible that one of the victims' lamps was overturned, allowing the fire to be communicated to a pocket of gas.

The third theory embraces a possible premature powder or dynamite explosion.

Preparations are being made for the funerals of the victims. The bodies of the Korean and Mexican miners will be buried here, while those of the 17 Slavonians will be taken to Trinidad. The bodies of 12 of the Slavonians have already been brought from the tunnel and other Slavs in the camp are urging the rescuers to bring the other dead to the surface so that the funeral trains may start for Trinidad this

Exclusive picture of President Taft and the governors of the various states recently assembled at Washington to discuss the feasibility of uniform legislation. From this initial conference in 1910 has come the determination to convene yearly and perhaps the establishment of what may be called a governors' college in which matters beneficial to all the states will be discussed. In the picture besides President Taft are the following: Seated, left to right, are Frank B. Weeks, Connecticut; John Franklin Fort, New Jersey; Joseph M. Brown, Georgia; Almon S. Pennewill, Delaware; President Taft; Augustus E. Willson, Kentucky; Herbert S. Hadley, Missouri; Martin F. Ansel, South Carolina; Bryant B. Brooks, Wyoming; John F. Shafroth, Colorado. Standing, left to right, are Edwin L. Norris, Montana; Richard E. Sloan, Arizona; A. J. Pothier, Rhode Island; W. W. Kitchin, North Carolina; William E. Glasscock, West Virginia; James O. Davidson, Wisconsin; Secretary Wilson; James B. Brady, Idaho; Judson Harmon, Ohio; Beryl F. Carroll, Iowa; Ashton Shallenberger, Nebraska; Secretary Hitchcock; Adolph O. Eberhart, Minnesota; George Curry, New Mexico; R. S. Vessey, South Dakota; John Benke, North Dakota.