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BALLINGER FINALLY COMMITTS HIMSELF TO STATE CONTROL

Outlines Plan for Handling of Power on Public Domain—Theory That Congress, Not President, Is "Steward."

WANTS ALASKA CASES TRANSFERRED TO COURT

Recommends Provisions for Coal and Oil Leases and Administering Alaska.

By John B. Lathrop, Washington, Dec. 9.—Secretary Ballinger, of the Interior department, in his annual report, made public today, comes out squarely in favor of state conservation against federal conservation, especially with reference to water-power sites.

"There is now withdrawn from disposition, pending legislation concerning water-power sites approximately 1,460,000 acres of the public domain.

"In the various public land states and territories containing water-power resources, in so far as there is present market for those powers, the title to areas greater in extent than that remaining in the government has long since passed into private ownership, and it must be realized that any radical or burdensome restriction imposed by the federal government upon these resources will operate as a servitude on the public lands and discourage their development and use.

"Ballinger's Plan of State Control. "Taking into consideration the facts that the states own the waters in the streams and have police power to supervise and control public utilities, it would seem a direct and effective method of control would be to trustee the power sites to the states in some manner as proposed by a bill now pending in congress.

"I earnestly advise the adoption of some legislation which will in any event retain the fee title to the lands in the people and effectively vest the power of regulation and control in the state or in the federal government, and which will not result in limiting permit and economic development or prompt monopolization or extortion."

"Upon still another phase of the conservation question the secretary's report takes the anti-Roosevelt position, namely: The question of the authority of the president over public lands. President Roosevelt, Secretary Gifford and Forester Pinchot maintained that the president had supervisory power over the national domain; that while congress had absolutely no restriction placed upon it by the constitution, the president is the steward of the public domain, and in the discharge of that stewardship may act in the public interest to protect the people's property from those who improperly seek it.

"The significant sentence in Secretary Ballinger's report is: "By the constitution the congress is made the steward of the public domain and for its stewardship it is responsible to the people."

FRENCH AVIATOR UP IN BLERIOT MACHINE ASCENDS 10,400 FT.

(United Press Leased Wire.) Paul Frenet, Dec. 9.—Aviator Le Gaigneur, in a Bleriot monoplane, today broke the record for altitude, according to an unofficial announcement. His barograph showed that he ascended 10,400 feet. The instrument has not been verified, but it is believed the barograph was accurate and that the record will stand.

WOODROW WILSON STANDS PAT ON PEOPLE'S CHOICE FOR U. S. SENATOR; DEFIES PARTY LEADERS

Trenton, N. J., Dec. 9.—Governor-elect Woodrow Wilson is preparing to begin his administration with a hand to hand struggle with the newly elected New Jersey legislature. James Smith Jr., leader of the Democratic state organization that put Wilson in office, wants to go to the United States senate, to succeed Senator John Keane.

TACOMA GAINS 771 IN CENSUS RECOUNT; POPULATION IS 83,743

(United Press Leased Wire.) Tacoma, Dec. 9.—The correct population of Tacoma, as announced by Chief Statistician Hunt of the census bureau today, following a complete reenumeration of the city, is 83,743. The original announcement given out by Director Durand at Washington, which was responsible for the protest by the local commercial organizations, that brought about a recount, gave Tacoma a population of 82,972, or an increase of 120 per cent. This was a reduction of more than 33,000 names from the enumeration turned in by the original enumerators, the census officials declaring that number of names to be fictitious after having rechecked the city. A protest immediately followed and a committee of Tacoma business men went to Washington and made formal request for a complete recount, which was granted. This committee checked up the figures of the latest recount today, and were greatly disappointed with the result. One of the committee men said: "While I feel certain that Mr. Hunt did his duty conscientiously, still I believe that had Tacoma been enumerated as other cities were, we would have shown from 15 to 17 per cent more."

Tacoma's increase is 45,025, or 123 per cent.

Spokane's population, announced last night, is 104,402, against 83,743 in 1900, an increase of 67,554, or 183.3 per cent.

The census of the state of New Jersey is 2,335,167. This is an increase of 34.7 per cent. The new figures entitle New Jersey to three additional congressmen.

NEW PASSENGER LINE TO TAP WEST SIDE OF PORTLAND

Mount Hood Railway & Power Co. Will Ask for Franchise to Bring Passengers Across Bridge.

That the Mount Hood Railway & Power company will ask for a franchise to bring its passenger cars into Portland over the Barr road from Montaville is the latest development in the history of the new electric road that will tap a large territory east of the city to the very foot of majestic Mount Hood.

It is further reported on what appears good authority that the franchise to be sought from the council will seek permission to bring the cars to the west side over the Broadway bridge.

Chairman R. C. Gillis of the company's board of directors who has been in the city since Tuesday of this week, says it has not been definitely decided whether a franchise will be asked to cross the Broadway or the new rail road bridge. But it is the object of the company to bring the line to the west side, which he considers the logical location for terminal facilities.

To Handle Freight. "We have more ways than one in mind in getting into the city, but we will probably ask for a franchise over the Barr road," said Mr. Gillis this morning, when told that rumors to this effect were in circulation. "As to crossing the river, it is impossible for me to say at this time, and I cannot say whether we will ask for a franchise over the new railroad bridge or the Broadway bridge."

Mr. Gillis will this afternoon appear before the street committee of the city council and ask for a revocable permit to cross Villa avenue near the city limits, where the company desires and has planned to make direct connection with the O. R. & N. line entering the city by way of Sullivan's gulch. This connection, however, will be used solely for freight business and the crossing

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MAYOR DECLARES REBATES WILL BE GIVEN ON MAINS

Only Condition Is That Income on the Cost Shall Be 6 Per Cent, He Assures Property Owners.

ASSESSMENTS SHOULD BE BONDED, IS SUGGESTION

Simon Issues Statement to Correct Misapprehensions of Many.

"There seems to be a misapprehension," said Mayor Simon today, "about the refunding of moneys paid by abutting property owners on account of the installation of water mains during the past two years and as to the proper course to be pursued by property owners whose property has been assessed and payments not yet made, as well as property owners whose property is yet to be assessed on account of mains already authorized and only partially completed."

"In my judgment the charter amendment adopted by the people on the 8th of November, 1910, contemplates refunding to property owners the moneys that may hereafter be paid as well as the moneys already paid during the past two years, on account of laying water mains, provided only that the annual income from such mains equals 6 per cent of the original cost thereof."

"It is shown that the amendment of 1910 that all water mains that have been laid or are in process of being laid under the provision of the act of 1907 shall be made a charge against the water fund of the city, and where property owners have paid or shall hereafter pay assessments for laying such water mains, the money so paid or to be paid shall be refunded to such property owners, if the income from such mains equals 6 per cent of the original cost."

"It was not intended to refund the money to property owners who have paid or shall hereafter pay for water mains, where there is no substantial income from the water mains, and where the water mains have been laid simply to enable the owner or owners of real estate to sell their property, and to guard against this contingency a provision was inserted in the charter restricting the refund to such water mains as pay an income of 6 per cent per annum of the original cost."

"The matter of refunding to property owners moneys so paid for laying water mains is under consideration by the water board, and the necessary data is being secured to enable the board to ascertain the names of parties entitled

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CHIEF CLERK OF WELLS FARGO OUT; OTHERS TREMBLE

Shakeup May Follow Discovery of Clique, Disturbing Discipline in Local Express Offices.

A shakeup is in progress in the Wells-Fargo offices here, which has resulted in the resignation of Norman F. Titus, chief clerk to Harvey Beckwith, general agent of the company, and that probably will involve more employees of the company.

According to Mr. Beckwith, the resignation of Mr. Titus was requested for the good of the company's service. Mr. Titus has been succeeded by J. B. Burch, for 30 years connected with the Pacific Express company, over 20 years of that time in Portland.

"I have been very busy for the past year," said Mr. Beckwith today, "in work that has taken my close attention outside of the express office. Several of my employees took advantage of this to form a clique which tended to disturb discipline in the office. There has been absolutely no suspicion of financial wrongdoing in the matter, and it includes no question of honesty, save perhaps that of attitude toward me personally. At no time has there been any packages or any money missing, and no secret agents of the company have been called in to make an investigation. Rumors to that effect are untrue."

Superintendent Stephenson of the Wells Fargo company at Seattle was in Portland yesterday and the day before. Mr. Beckwith said his visit had no connection with the resignation of the chief clerk, though he was informed of the trouble within the office, and it is said, approved of the change.

Mr. Titus is the son of former General Agent Titus of the Wells Fargo company at San Francisco. The elder Titus was general agent there for more than 30 years. Titus has been in the Portland office for five years and has been chief clerk for two years.

MISS JUANITA MILLER



Miss Juanita Miller, daughter of Joaquin Miller, the famous poet of California, who is living like a hermit in the heart of New York. Like her father, the famous "poet of the Sierras," she has renounced the world for the sake of the muse. She lives in a small room and pays only \$2 a week for her food. She is trying to rival her father in writing poetry. Her motto, which is a part of one of her poems, is "You Must Resist Red Roses; You Must Remain a Lilly-White Star," which means, she must keep away from the allurements of New York's society and Bohemian life. Miss Miller's father lives in a cabin he has built on the heights of Oakland, California.

AMBASSADORS TO BANKS OF OREGON BE TRANSFERRED SHOW WONDERFUL GROWTH IN YEAR

Shifts Predicted, With Fairbanks Added to Corps and Sent to Tokio. Correct Figures Show Gain in Deposits Since Nov. 10, '09, of \$14,221,550.68; Capital Now \$15,162,025.

(United Press Leased Wire.) Washington, Dec. 9.—Many changes in the American diplomatic corps are predicted today, among them being the transfer of Ambassador Thomas J. O'Brien from Tokio to a European post. Charles W. Fairbanks, former vice president, is suggested as O'Brien's successor in Japan.

W. W. Rockhill, ambassador to Russia, also is slated for a new post, according to the rumors. Among the names mentioned in connection with an assignment to St. Petersburg is that of J. S. Schmitt of Cincinnati.

M'KENZIE MUST FACE LAND FRAUD CHARGE

(United Press Leased Wire.) Washington, Dec. 9.—Preparations are under way for the extradition of Donald McKenzie, wanted at Spokane to answer an indictment charging him with conspiracy to defraud the government of Alaskan coal lands. McKenzie was arrested here last night and released on bail.

YEAR'S END EDITION OF THE JOURNAL

Portland's Realty and Building Record for 1910 Makes a Remarkable Showing. PUBLICATION DATE SATURDAY, DECEMBER 31

HIRAM JOHNSON SAYS CALIFORNIA IS PEOPLE'S STATE

Day of Corporation Rule Past, Says Governor-Elect, and People Will Henceforth Rule the Corporations.

LEGISLATURE EXPECTED TO ENACT POPULAR LAWS

Johnson Reports Excellent Results of Fair Boosting—Meets Roosevelt.

(United Press Leased Wire.) New York, Dec. 9.—The individual and not the corporation will benefit by the revivified government in California, was the assertion today of Hiram W. Johnson, governor-elect of California, as he sat in the office of the Outlook awaiting Colonel Theodore Roosevelt.

"For 10 years," said Johnson, "we seemed to have gone crazy over protecting the property of corporations. The individual has been a minus quantity. This will be changed. Hereafter, in California at least, the individual will be considered and not the 'machine.' Other states will soon follow our lead."

Johnson then discussed radical legislation that the California legislature is expected to enact at the coming session. "The initiative and referendum, the recall, absolute control of public service corporations and a comprehensive employers' liability law, abolishing the fellow servant clause, will be among the measures considered," he said, "and undoubtedly they will be enacted."

Not Confession, But Regulation. "We do not mean to pass confiscatory legislation. Large property owners and corporations will be protected. We are simply going back to the original plan of the founders of the nation—that the people shall rule. We shall compel corporations to respect the rights of individuals. California intends to take a progressive stand and really regulate corporations."

"We will give the people the initiative and recall, so that if they are dissatisfied with my conduct or the conduct of any other officer, they can put any of us out of office. We must get closer to the people."

"Corporation control is passing, and we Californians realize that. During the recent campaign every big corporation fought me because I expressed my confidence that the people could rule themselves."

Results of Efforts for Fair. Johnson smiled when asked regarding the result of his trip to Washington to urge legislation favorable to San Francisco as the site of the Panama Exposition in 1915. "It was stated here that many of the San Francisco boosters were unfavorable to Johnson, and that he refused to accompany the committee on its journey eastward. Johnson came alone and paid his own expenses."

"On arriving at Washington," said the governor elect, "the committee, with a generosity that I certainly appreciated, gave me the entire insurgent membership in congress to get into line for San Francisco. I found some pledged partially to New Orleans and others to San Francisco. I found that San Francisco was the right city to be entrusted with a world's fair. But finally I was able to report to the committee that I had secured the promise of the insurgents to support San Francisco. Then I came here, leaving the committee to take care of the standstuffers."

Meets Roosevelt. Johnson met Roosevelt for the first time today and discussed the recent elections with him, but he made no comment afterward on his interview with the colonel. Johnson praised Roosevelt most enthusiastically, saying: "Roosevelt is the most popular man among Californians today. Californians appreciate him. He and men like him made the battle against corporation control possible. When he comes to the Pacific coast next March we will show him what we think of him."

BILLS FOR FREELISTING LUMBER AND ETABLES

Washington, Dec. 9.—A bill for the repeal of the present tariff on lumber and the placing on the free list of sawed lumber was introduced in the house yesterday by Representative Smith of Texas. Representative Clark of Florida introduced a bill providing for the free listing of every article used by human beings for food.

CHARGES FRAUD IN DAMAGE SUITS FOR \$1,400,000

Dr. H. W. Coe Plaintiff in Action Against W. J. Furnish, and Irrigation Co., Alleging Conspiracy in Land Deal.

AVERS THEY SOUGHT TO DEFAME HIS CHARACTER

Alleges Defendants Circulated Story He Was Defaulter; Cancelled Contract.

(United Press Leased Wire.) Dr. Henry Waldo Coe has brought suit against W. J. Furnish in the circuit court for \$300,000 actual and \$300,000 punitive damages for an alleged conspiracy to defraud, defame and injure Coe in his handling of the affairs of the Inland Irrigation company and the Furnish Ditch company.

Coe has also filed suit against the Inland Irrigation company, the Furnish Ditch company, Furnish and H. L. Moody, for \$300,000 damages because of the cancellation of the contract held by him for the handling and the sale of the lands of the two companies. He also asks costs and disbursements.

"The two suits, in which Coe asks aggregate damages of \$1,400,000, have grown out of the dispute between Coe and Furnish over the transaction of the business of marketing the Furnish lands near Pendleton in Umatilla county."

Sensational Charges. In the complaints filed Coe makes sensational allegations against Furnish, owner of the lands, J. H. Raley of Pendleton, attorney for the companies, and H. L. Moody, president of the irrigation companies.

It is set out in the complaints that up to July 2, 1910, the business and social relations of the plaintiff and Furnish were pleasant, and that Coe had every confidence in the friendship and integrity of Furnish. He did not believe, he says, that Furnish would enter into any plan, or scheme to injure the plaintiff, damage his reputation, defraud or defame him. Furnish took advantage of this trustfulness, Coe alleges, and conspired to wrong and defraud him.

Coe alleges that he entered into a contract with Furnish February 25, 1909, to handle the lands of the two irrigation companies. When he entered into the fulfillment of the contract, Coe says, he found that the project was in a badly tangled and disorganized condition. Furnish had been unsuccessfully trying to market the lands. The project was greatly indebted, sales were at a standstill and the property apparently had no market value.

Sold Much Land. No provisions had been made by Furnish for the construction of dams or reservoirs; the system of ditches was defective and inadequate, and things were in a bad state generally. However, Coe sets out, between the date of the contract and July 1, 1910, he had sold upwards of \$500,000 worth of land, for which \$175,000 had been paid as a part of the purchase price on the contracts of sale.

Reservoir sites had been purchased, dams had nearly been completed, ditches had been reconstructed, and the price of the land had jumped

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POPULATION OF TEXAS 3,896,542; SEEMS TO MAKE STATE NO. 5

(United Press Leased Wire.) Washington, Dec. 9.—The population of the state of Texas is 3,896,542, according to a census bureau bulletin. This shows an increase of 247,832, or 6.4 per cent in the last decade. Texas passes Missouri in the list of the most populous states, assuming fifth place.

STEWARD ASSAULTED ABOARD SHIP BY MATE MAY CARRY CASE TO HIGH ENGLISH COURT

That charges of brutality on the part of Captain Parry and Chief Mate Hoskins of the British ship Scottish Moor, which arrived here November 25 from Antwerp, will be pushed to the highest authorities, is the assertion of Luther D. Mahone, a lawyer in the Henry Building, who has taken up the case of the sailors.

Articles of five sailors have been taken by Mahone, all of which allege that on or about November 1, while the ship was at sea on her passage to this port, Captain Parry and the mate beat the steward, C. O. Anderson, in such a manner that he was confined to his berth for several days, suffering from severe cuts and bruises on the face and body. Charges were preferred with the British consul here, but at the conclusion of a hearing held in his office yesterday, both the mate and the steward were fined 5 shillings for fighting and the sailors do not believe that their side of the question has been fairly dealt with, says Mr. Mahone.

Anderson, the steward, took out his