

YOUTHS ARRESTED IN PLOT TO "SAND BAG"

Two Detectives Nip Plans in
Bud; Cripple Was to Have
Been Victim.

An hour before two youths intended to sandbag a crippled man for his money, Detectives Hellyer and Howell took them into custody Tuesday evening. This morning in the municipal court the story of the crime as planned by the boys was told.

Charles Smith, known also as Harry Walker, was sentenced to serve 75 days on the rockpile for planning the crime, while the second youth is held in jail for future action.

Smith is a deck hand on the steamer Iowa. He became acquainted with a young woman living in Sellwood. She introduced Smith to Frank Horn, a crippled bachelor living at Eightieth street and Fiftieth avenue, southeast. Horn lives alone, is reputed to keep considerable money around his place, and is the man the two young men were to rob.

Smith's plan was to go to the Horn home at night with a telegram, call the crippled man to the door, then his partner would hit the cripple on the head with a sandbag.

The plans were worked out to minute details. The telegram was written, the sandbag prepared, and the date set. This date was Tuesday evening at 9 o'clock. At 8 o'clock they were arrested on information furnished the detectives. Smith, who confessed, had nothing to say this morning when before Judge Stevenson.

A few weeks ago, Smith was arrested for planning to hold up the depot at St. Johns.

**DOCK COMMISSION
HAS NO POWER TO
SELL ANY BONDS**

(Continued From Page One.)

entire street, without a deficit of more than \$30,000, unless the council at once can ratify the proposed sale, bids for which were to be opened September 1. Purchase of additional land for dock No. 1 from the terminal company and the Northern Pacific railroad will also be delayed.

Another angle which added to the mass of complications was the discovery that the dock commission has no power to buy the Bridgeport property. An option for \$8 acres of land was taken some time ago. The purchase price was to be about \$240,000.

It is ascertained that the charter does not authorize the sale of bonds for purchase of land lying outside the city limits.

Boston Lawyers Discover Flaw.

The telegram from the Boston legal firm follows:

"Boston, Mass., Aug. 27.—Chairman Mulkey of the dock commission:

"Has court construed section 92 of charter amendment submitted May 2 being section 120 of auditor's compilation. If not construed it unsafe to approve dock bonds without vote of people. Words heretofore authorized may include authorization by dock commission. Nor does section 92 seem to overcome difficulty.

"Storey, Thorndike, Palmer and Dodge." The foregoing telegram was read to the commission by Clerk Randall when the dock commission met in adjourned session in its offices in the Worcester block at 10 o'clock this forenoon.

Following a brief silence Chairman Mulkey declared: "The public dock commission has no authority to sell public bonds. A fatal error has been made. When the dock commission was re-created it was not vested with authority to sell bonds.

Turn of Affairs Disappointing. "This sudden turn of affairs is most disappointing," declared Chairman Mulkey. "Personally I was not in favor in the first place of the vote of people of the dock commission. Now that it is held to be powerless in the matter of selling bonds, I fall to see why there is any need of continuing it in existence. The charter should be amended so as to give the commission power to go ahead and make contracts, or it should be abolished altogether."

Charles B. Moore, Dan Kellaher and J. H. Burgard, other members of the commission, declare that they will remain on the commission until some definite disposal of the board is made. "The situation looks disappointing," said Commissioner Burgard, "but we will have to make the best of it."

Speaking of the legal aspects of the case, Chairman Mulkey said: "There is no question in my mind that the contention of the Boston attorneys is correct. If the charter amendment vests the authority to sell bonds in the city council through vote of the people, that settles it, apparently."

"The dock commission therefore has no authority to go ahead and make contracts involving expenditure of great sums of money. I had been too busy with other details of the dock commission's business to study carefully the legal angle in the present case."

"I had supposed that there was no

O'SHAUGHNESSY'S RETENTION ASKED



Nelson O'Shaughnessy, his wife and their little girl, who are with him in Mexico City. President Huerta has withdrawn his request that an ambassador be sent from the United States but would like to see O'Shaughnessy remain as charge d'affaires until after the October election.

question of our authority. But to be sure that there should be no hitch in the proceedings, the legal phase of the issue was submitted to the eastern experts. The law firm whose opinion we have received is one of the ablest in the country. Their opinion is undoubtedly correct. After going over the charter clause I fully coincide with their views in the matter.

"Personally, this entire public dock affair has taken a great deal of my time, and I had, with the other members of the commission, worked faithfully to hasten work on the building of the public docks which the people of Portland need so much."

What action William Reid, owner of proposed dock site No. 2, will take, now that the dock commission declines to go ahead with the purchase of his land, the east side, remains to be seen. When he called at the rooms of the commission today to turn over his deed, through his attorney, J. E. Booth, he was plainly disappointed.

"You are up against two stone walls now," declared Mr. Reid's attorney. "My client has gone ahead with this matter and we are now ready to give you a warranty deed to the property. Here is the deed."

Attorney Booth waved the document toward the commissioners, but no member seemed willing to accept it. The lawyer put the deed in his pocket, and the owner and the attorney left the room rather unceremoniously.

**ALLEGED VICTIMS OF
CAMINETTI READY IF
TESTIMONY IS NEEDED**

(Continued From Page One.)

from Judge Van Fleet when court began. Special Prosecutor Matt I. Sullivan, as soon as court opened, called the attention of Judge Van Fleet to a statement printed by a local newspaper yesterday in which Woodworth was quoted as saying that the Mann act was on trial in the Caminetti case, and that it was never intended to cover such actions as his. Sullivan declared this statement by Woodworth was most improper, and was designed to affect the jury.

Counsel Is Rebuked. "I cannot imagine such a statement coming from counsel," said Judge Van Fleet. "It is entirely improper and if repeated will be considered a serious contempt of court. This case will be tried in this court only, not in the newspapers. The jury is instructed to entirely disregard this statement and any similar ones of which they may be informed."

At the conclusion of Woodworth's castigation the case was proceeded with, F. A. Linder, clerk of the Riverside hotel at Reno, taking up the story of the adventures of the eloping quartet.

FIVE MEET DEATH AS BUILDING COLLAPSES

Seventy Persons Go Down as
as Department Store Falls
in Peterboro, Ont.

(United Press Local Wire.) Peterboro, Ontario, Aug. 28.—Five persons are known to be dead and eight others, seriously injured, have been taken from the ruins caused by the collapse here today of the Turnbull Dry-goods store. It is feared that more dead and injured are buried in the debris. About 70 clerks, employees and customers were inside the building when it collapsed.

The walls of the Turnbull store were weakened by the erection of a building adjoining. The ground suddenly creaked and bent and 30 feet of masonry collapsed. The whole fire department and scores of citizen volunteers are searching the ruins. The property loss will exceed \$50,000.

**PUBLIC MONEY CAN'T
BUILD A PLAYHOUSE
ON PUBLIC DOCK ROOF**

(Continued From Page One.)

the sole purpose of constructing public docks and such structures as are germane thereto. The rule of law is that, where special funds are created they cannot be used for any other purpose unless special provision is made therefor and no such provision is made in the charter," said Grant.

"All the property required by the dock commission was condemned for dock purposes and the courts have repeatedly held that such sites cannot be used for construction of buildings not germane to the special purpose for which a site is set aside. A playground certainly is foreign to a public wharf or dock."

Legalized Uses of the Money. "The act creating the department of public docks specifically provides that the proceeds from the sale of bonds shall be expended by the commission, first, in the payment of the issuance of said bonds; second, for the preparation of the plans provided for by section 3 of the act; namely, to cause to be prepared a plan for the reconstruction of the harbor front of the city of Portland, and make provision for the needs of commerce and shipping, and to construct wharves and piers; third, for the purchase of land for the docks, or the purchase of lands and docks; fourth, in the construction and maintenance and management of the same."

Also Must Be Consistent. "Utilizing the money raised by the sale of dock bonds for the purpose of constructing a dance pavilion or a recreation pier is foreign to the purposes of the act creating the dock commission, and wholly illegal. The law is that lands taken for public dock use cannot lawfully be diverted to inconsistent uses of a public nature, that is to say, where property is taken, for illustration, for park purposes it has been repeatedly decided by the courts that such property cannot be used for the construction thereon of a court-house, school house, or police station, but it has been held that buildings in aid of the purpose for which parks are constructed, such as conservatory, museum, or library, may be constructed in such parks."

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It build a bridge across the Willamette river."

"Those sections of the charter which govern the dock commission, plainly restrict the commission to making provisions for commerce and shipping," said Attorney George S. Shepherd.

Voters Likely to Regret It. "As I understand it, the city commissioners plan to do one of two things to raise the money. The plans are: An appropriation from the park fund, or a special bond election next November. If the matter were submitted to the voters I do not think there would be much doubt but that it would be beaten overwhelmingly. The second plan, that of using park funds, is clearly illegal under the city charter."

"Section 116 of the charter, in reference to the park fund, clearly states that the moneys shall be used for the preservation of parks and the beautifying of them and the public boulevards. A park is defined as a tract of land, and the section is not broad enough to allow any of the park funds to be diverted for the purpose of purchasing or constructing a playground on the top of a dock roof."

"The section of the charter relative to the department of public docks contains a provision which restricts the power of the commission to the reconstruction of such docks, piers, slips, wharves, basins, cranes and dock apparatus as they may deem necessary for the convenient and economical accommodation and handling of waterfront craft of all kinds and of goods and passengers."

Favors Business Before Play. "With the public funds at low ebb and a great and crying need for docking facilities and other aids to navigation, it seems to me ill advised to undertake to divert funds to purposes of recreation when we are so far behind with maritime matters. If we do not settle down to business and get a forty foot channel on the bar and docking facilities to meet the needs of our water commerce instead of listening to demands for roof gardens and dance halls, then we might just as well divert all the dock funds for recreation piers, for we will not need the docks, as Seattle and San Francisco have been preparing for the opening of the canal for several years and they will get the business while we dally."

**STORES WILL AID
MINOR EMPLOYEES
GET EDUCATIONS**

(Continued From Page One.)

result is certainly worth the investment."

Employers Will Help. Julius Meier of the Meier & Frank company expressed a willingness to help in the cooperative work, but he favored night schools rather than special hours at the day schools. Mr. Meier contended

ed that to take an employee away from business and attempt to occupy his mind with two duties at the same time would result in unsatisfactory conditions in the store and among the employees.

Father O'Hare of the welfare commission expressed the opinion that night school attendance would work a hardship on young people living in the suburbs, and on girls especially.

Dr. Sommer, member of the board of education, suggested that the night schools be established in the suburbs. If need be to get results. O. M. Plummer, school board member, suggested that the plan of day instruction be given a trial, employers agreeing to arrange so that some of their minor employees might attend.

A. Holtz of the Holtz store said that the day school plan has been tried in the east and found unsuccessful. Mr. Holtz said that he is doing away with minor employees in his business.

Store Schools Unsatisfactory. W. P. Olds of the Olds, Wortman & King company, said that his company had spent some \$2000 a year ago in trying out the store school plan, and that it had been found unsatisfactory. He said that the general knowledge required of employees is learned by experience rather than by instruction.

Mr. Olds spoke of the need of improved penmanship and better knowledge of arithmetic among minor employees, and expressed himself in favor of an educational apprenticeship plan if such can be worked out.

Thomas Roberts Jr., for the Roberts Brothers establishment, expressed a willing desire to improve the lot of the minor employees in whatever way feasible.

Father O'Hare for the commission expressed himself as well pleased with the result of the meeting, especially as further conferences on the question indicate that efforts towards cooperation will be successful.

**CITY WILL PROVIDE
TEMPORARY WALL
FOR VISTA AVENUE**

A temporary bulkhead is to be constructed within a few weeks along Vista avenue to take the place of the concrete retaining wall which collapsed last year.

An ordinance authorizing the building of the timber bulkhead was passed by the council in an adjourned meeting this morning. The estimated cost is \$1800 and will be paid out of the street repair fund.

The action is in response to instant requests from the people of the Portland Heights district. Shortage of funds at this time makes it impossible to expend \$25,000, the estimated cost of a permanent wall.

**Buyers' Week
at the
Hotel Multnomah**

Every merchant visiting Portland Buyers' week will certainly take advantage of the Special Rates made for that week only:

A fine outside room for One Dollar.
Room with bath, Two Dollars.
Add One Dollar more for two in a room.

The Arcadian Garden
of course, will be the center of attraction in Portland during Lunch, Dinner and Supper and after the theatres.

The Soc Merchants' Lunch will be continued during Buyers' week.

**The Hotel Multnomah
Revue Follies 1913**

Under the Direction of Miss Nancy O'Neil.

Miss O'Neil
Miss Wells
Miss Hamilton
Miss Howard

Miss Jean Howard
Miss Jamel
Miss Martell
Miss Martineau
Miss Grant

Most Spectacular, Original and Attractive Entertainment
also
The Popular Hotel Multnomah Orchestra
Under the Direction of Herman S. Heller
Entertainment During Lunch, 11:30 Until 2 P. M.
Dinner Hour Entertainment Commences 7 P. M.
Evenings 11 P. M.
H. C. BOWERS, Manager.
GAINER THIGPEN, Asst. Manager.

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**Baseball
RECREATION PARK
Corner Vaughn and 24th Sts.**

**Sacramento
vs.
Portland**

August 28, 29, 30, 31, and Two Games Monday (Labor Day).
Games begin at 2:30 p. m. Sunday at 2:30 p. m.

LADIES' DAY FRIDAY
Boys under 12 free to bleachers Wednesday.

Fairs and Festivals

**Attend The Oregon
State Fair**

Salem, September, 29 to October 4, 1913
REDUCED RATES ON ALL LINES

For Information Address
FRANK MEREDITH, Secretary

**Clarke County
FOURTH ANNUAL
Fair and Harvest Show**

Vancouver, Wash.
SEPT. 8 TO 14, INCLUSIVE
Horse Racing—Band Concerts
Agricultural Features
A Tri-County Event of Unusual Interest

WILL R. KING HERE FOR A BRIEF VISIT

Will R. King, chief counsel for the United States reclamation service and former member of Oregon supreme court, arrived in the city this forenoon, and spent the first hours looking up old friends.

Mr. King has been in the west for about a month for the purpose of making an investigation of irrigation projects. He spent yesterday in Salem.

Thus far he has visited projects in Nebraska, Utah, Colorado and Nevada, and is planning to visit projects in Oregon and Idaho among others on his way back to Washington.

AMUSEMENTS

HEILIG THEATRE
Phonograph Main 1 and A-1122
**TONIGHT TOMORROW
SPECIAL PRICE MATINEE FRIDAY**
THE COMEDY
"Ready Money"

Evenings: Lower floor, 10 rows, \$2.00; 8 rows \$1.00; 4 rows \$1.00; Balcony, \$1.75, 50c. Special price Friday: matinee, 10 rows, \$1.50; 8 rows, \$1.00; 4 rows, \$1.00; Balcony, 75c, 50c.

**NEXT SUNDAY, AUG. 31
MONDAY, SEPT. 1**
(AT POPULAR PRICES)
STETSON'S BIG PRODUCTION
"UNCLE TOM'S CABIN"

Evenings—Lower floor 75c, 50c, Balcony 50c, 25c; 4 rows 35c; 10 rows 25c. Matinee—Lower floor 50c, 25c. Balcony 25c.

Baker Players
SEASON SEAT SALE
OPENS WEDNESDAY AT 9 A. M.

Price: evening, 50c, 35c, 25c; matinee, 25c, 15c. Monday bargain night and Wednesday bargain matinee, all seats 25c. Opening performance next Sunday matinee.

THE FORTUNE HUNTER
(First Time in Stock.)

QUANTAGES
Broadway and Alder Streets
WEEK AUG. 28—"Security Days," large cast; Marshall & Trimble, Carmen & Clifton, The Merry Gals, Thomas H. Davis, Orchestra, etc.

Special attraction, "Destiny," greatest dramatic sensation. Popular prices. Box office open from 12 to 5 p. m. Phone A-2238, Main 4936. Curtain 2:30, 7:15 and 9:10.

LYRIC
4th and Stark Sts.
WEEK AUG. 28—A NIGHT OUT, a high class musical comedy success. Tuesday night, athletic contest. Friday night, chorus girls' contest. Prices, nights, 15c, 25c, Matinee, any seat, 10c.

COLUMBIA THEATRE
SIXTH AND MORRISON STREETS
Open 11 A. M. to 11 P. M.

Program Wednesday to Sunday: Pathé Weekly, "A Doll for the Bell" (VistaGram Drama); "Mutual Understanding" (Edison Drama); "Her Wooden Leg" and "On the Dumb Waiter" (Lubin Comedy). Matt Dennis, baritone, and Karp's Orchestra.

10c—ADMISSION—10c

THE OAKS
BIG FREE BILL AT PORTLAND'S
AMUSEMENT PARK

Russ's Orchestra, afternoon and night. "Tiny" Snyder, wonderful baritone. Montgomery Duo, violin and instrumentalists. Gaumont Weekly, free moving pictures. All seats 25c. Open from 12 to 5 p. m. 2:30 and 8 P. M.

ALL FREE
Admission to Park 10c. Ladies' Day Monday. Open First and Alder.

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