

SILZER LAWYERS AT LAST DITCH OF CLIENT'S DEFENSE

If This Fails, Technical Objections to Impeachment Procedure Will Be Swept Aside and Trial Begin.

Albany, N. Y., Sept. 23.—Driven to their last line of defense by the Silzer impeachment court's vote last night against the governor's contention that the state assembly acted unlawfully in starting proceedings against him, the New York executive's lawyers today called in question the sufficiency of the charges against their client.

Attorney Herrick made the argument for the defense. Neither he nor his associates, he said, desired to shield the governor. "But," he continued, "our position is this: "Our government is one of laws, not of men. The assembly and the impeachment court both are governed by the laws of the state, and the law says that a public official may be impeached only for willful and corrupt misconduct of his office."

Hamilton speaks of the power of impeachment as an 'awful power,' if unlimited. "The court should so interpret the law as to confine impeachable offenses to willful and corrupt misconduct in office. It should not extend its interpretation further than it has been extended before, either in America or in England. In more than 200 years, so far as we know, no one has been impeached for a private citizen before becoming a public official."

"To so extend it would, indeed, be to make the power of impeachment truly an 'awful power.' The constitution of limitations would run against it. An upright, honest official might have an unfortunate post, known to corrupt, unscrupulous political leaders, who, having placed him in office, could threaten him with exposure in the endeavor to compel him to abuse his power, and if he did not yield, cause his impeachment."

Such an impeachment would be, in form, for offenses committed out of office. In fact, it would be for refusal to commit crimes in office. "I do not believe this court will place an honest public official who may have erred at the mercy of blackmailers and scandal mongers. I believe it will confine the power of impeachment to its own primary purpose."

Judge Alton B. Parker, for the prosecution, hopes to complete his case by the end of the week. Witnesses already were arriving in Albany today. Big New York financiers, it is reported, have supplied Governor Silzer with ample funds to conduct his defense.

Legality is in doubt. Last night's vote against the governor's attack on the legality of the assembly's impeachment proceedings resulted 51 to 1. The sole ballot in the accused executive's favor was cast by Senator Gottfried H. Nydegger, a Democrat from Buffalo, and an ardent supporter of the governor. Seven members of the court were absent.

The court listened with deepest attention to Attorney Herrick's argument, and Chief Justice Cullen of the court of appeals took voluminous notes. Before opening fire on the articles of impeachment, Herrick had admitted that Acting Governor Martin G. Glavin was exercising gubernatorial power, which will make it impossible for Silzer's advisers to make good further charges that he is usurping authority.

Calls Actions Criminal. With the conclusion of Attorney Herrick's argument, former Senator Brackett opened for the prosecution. He insisted that Silzer's actions, as outlined in the articles of impeachment, were criminal. "It was the general impression that Silzer will lose in his effort to establish the invalidity of the impeachment articles, as he lost in his earlier effort to show that the assembly acted illegally in impeaching him and his still earlier one in which several Tennessee members of the senate from the impeachment court."

In the event of this third failure there will be nothing left for him but to plead to the accusations against him.

Trinidad Coal Miners Strike. Trinidad, Colo., Sept. 23.—Responding to strike call by union officials, thousands of southern Colorado coal miners quit work today. At noon it was estimated that 90 per cent of 12,000 miners are out and all the big mines have closed.

Twelve small independent mines signed a new wage scale and these are still operating. The operators of the struck mines are evicting strikers from company owned houses and the miners are moving into tents. The union has provided at various points.

LOCAL LUMBER MEN OBJECT TO PROPOSED CHANGES IN TARIFF

Change Would Shut Mills Out of California Market North of San Francisco.

Portland lumber manufacturers are preparing to protest vigorously if the Southern Pacific company places into effect a proposed change in the tariff on green rough lumber and weather dried rough lumber from points in the Willamette valley, outside of Portland to destinations in California north of San Francisco Bay. The protest will be filed with the interstate commerce commission.

The Portland lumber manufacturers do not begrudge their brethren in the Willamette valley any reduction in freight rates that may be granted them by the Southern Pacific or any other transportation company. It is pointed out, but they strenuously object to being discriminated against, which they assert will be the effect of the proposed reduction. They contend it would give the Portland lumber men the Portland market, north of San Francisco Bay, into which much of the lumber shipped from here goes by rail, while water transportation takes care of the bulk of lumber going to points on the bay.

Discrimination Is Denied. G. W. Luce, freight traffic manager of the Southern Pacific, with headquarters in San Francisco, who has been in Portland for several days with other prominent Southern Pacific officials, has been interviewed on the subject by some of the large lumber manufacturers here. It is said, and it is understood that he has intimated that the proposed change in the tariff will not work discrimination against the Portland manufacturers.

Frank H. Ransom, manager treasurer of the Eastern & Western Lumber company, is one of the Portland manufacturers who sees great injustice in the proposed readjustment. He declares it will practically bar Portland sawmills from shipping into the California territory north of San Francisco Bay by way of the Southern Pacific.

"We are not placing ourselves in the position of wishing to oppose reductions in rates from the Willamette valley," said Mr. Ransom, "but we do want an equal chance with the valley mills in competing for business that we have helped create. As I understand it, the Southern Pacific proposed to make effective some time before the first of the year a tariff that will give valley mills south of Oregon City and Hillsboro a cent and a half lower per hundred pounds than the rates from Portland on rough green and rough weather dried lumber."

Local Manufacturers Hit. "This, I contend, will mean a discrimination of approximately \$1.35 per hundred feet against Portland mills, and one that we cannot afford to absorb," he said. "The tariff terminates in California, so it will be easy to see how it is going to affect us, and all other Portland mills."

H. B. Van Duzer, manager of the Tinnam, Poulsen Lumber company, is equally emphatic in his declaration that the proposed rate adjustment will leave the Portland manufacturers out in the cold.

"This proposed readjustment, if made effective, would establish Southern Pacific terminals for lumber shipments at Oregon City and Hillsboro, and leave Portland lumber manufacturers out of competition in the markets in California, north of San Francisco Bay," he explained. "Stumpage on the Columbia river is higher than in the Willamette valley, and the valley mills there already have an advantage over the Portland mills in that respect, and it will therefore be a serious discrimination against the Portland manufacturers if this readjustment does not include the mills north of Oregon City and Hillsboro."

CHURCH CONFERENCE OPENS AT EUGENE. Eugene, Sept. 23.—Delegates began to arrive this morning for the sixty-first annual conference of the Methodist Episcopal church of Oregon, which convenes at the First Methodist church tonight. Examination of ministerial candidates is being held today, about 20 young preachers being examined upon special subjects. The results of the examination will be given out after the papers are looked over, and the grading will be finished before the conference is closed.

PORTLAND LOSES MAYS AND McLEARY IN DRAW. Judge W. W. McCredie of the Portland baseball club received a wire from secretary Farrell of the National association, informing him that his draft on Western Mays of the Portland Northwestern league club, whom he tried to protect by a Coast League draft, had been rejected. Also he had been put out in the draft of infielder McLeary of the Topeka club of the Western league.

Portland won title to Pitcher Brown and Outfielder Malignan of the Cedar Rapids club of the Central association and Catcher Kofron of Butte of the Union association.

Judge McCredie expressed regret this morning that he had lost Mays and McLeary, whom Portland particularly desired.

Fresh ink stains can be removed from linen with milk.

8 STORY POSTOFFICE IS FAVORED BY EAST SIDE BUSINESS MEN'S CLUB

Organization Declares All U. S. Bureaus Should Be Grouped Instead of Scattered.

Resolutions endorsing the change in plans of the proposed new postoffice building to provide an eight story instead of a two story structure and allow the housing of all branches of the federal government were unanimously adopted by the East Side Business Men's association yesterday. The resolutions were presented by L. M. Lepper, vice president of the association, and seconded by C. Bigelow, a member of the board of directors.

The resolutions read: "Whereas: One million dollars is to be expended in construction of a new postoffice building for city of Portland, and "Whereas: over \$30,000 is now being paid out annually by the federal government for rentals in the city of Portland, for offices for the various departments, i. e.: Forestry service, geological survey, biological survey, food and drug inspection, special agent United States department justice, public health service, United States navy recruiting office, and annual rental for the Fifth and Gilsan mailing division, and "Whereas: it would prove a great economy to the federal government if the proposed new postoffice building be changed in the plans so as to erect an eight or ten story building above the postoffice proper for the centralization and housing of all departments of these various governmental activities, as well as others which should and will come to Portland in the near future owing to Portland's central and strategic location—that is if proper quarters can be provided for the state highway in the near future will demand large quarters; also the interstate commerce division for physical valuation of railroads for Portland district, will need rooms for a period of years.

"With these considerations before us, and with \$1,000,000 to be spent on federal postoffice building; It is the sense of the East Side Business Men's club here assembled that we heartily favor the erection of an eight or ten story building, instead of a two story building as first proposed. This in order that all of these federal functions, utilities and departments, may be centralized and housed in one building, for the great convenience of the public, which they serve, instead of being scattered all over the city in 11 different buildings as at present, so that the citizens never know where to look for any branch of the public service. By centralization every citizen would know just where to look for any one of the 15 branches of the federal government in Portland, and have a decided economy in saving of rents, and no taxes.

"Resolved, further, that our senators, congressmen and postmaster general, be and they be asked to do their utmost to aid us in having the plans changed and give us this much needed practical federal building, erected at a central and convenient location in the city of Portland."

CHURCH CONGREGATION WILL VOTE UPON PLAN FOR NEW STRUCTURE. Board of Trustees of First M. E. Church Ratifies Action of Quarterly Conference.

At a meeting of the board of trustees of the First Methodist Episcopal church held at the Portland hotel this afternoon the action of the quarterly conference last night in authorizing the submission of proposed amendments to the articles of incorporation to a special election, was ratified.

This means that the congregation of the church will have an opportunity to vote at a special election to be held October 7, whether the site at Third and Taylor streets will be used "perpetually" for church purposes or whether the church will move to Twelfth and Taylor streets and erect the proposed \$150,000 church on that site. It is estimated that three-fourths vote of the members of the congregation attending the election to amend the articles of incorporation, and under the ruling laid down at the meeting of the quarterly conference last night, children will be considered as members of the congregation.

At the conference last night a vote of 29 to 3 authorized the submission of the amendments to the congregation. The conference considered two propositions last night—one, to submit the amendments which would make other disposition of the Taylor street site possible; to the congregation; two, to postpone indefinitely the whole building project. After several ballots had been taken the first proposition was adopted.

In view of the fact that many of the older members of the Taylor street church are opposed to leaving that site the result of a congregational vote cannot be forecasted.

The action of the trustees this afternoon is merely an official confirmation of the conference's work last night. The technical details of the forthcoming election were also arranged this afternoon.

GOOD ROADS BOOSTERS EXPECTED TO ATTEND FAIR AT ST. HELENS. Impetus Can Be Given to the Lower Columbia Highway by Portland Men.

For the purpose of giving impetus to the movement for a scenic highway along the lower Columbia and encouraging the citizens of Columbia county in their campaign for a bond issue a large number of enthusiasts of this city are preparing to attend the county fair at St. Helens next Friday afternoon.

The day will be "good roads" day and will be featured by addresses by Samuel Hill and Colonel C. W. Thatcher, the apostle of good roads.

SEWER INSPECTOR IS DISMISSED ON CHARGE OF INSUBORDINATION

City Employee Had Refused to Obey Orders, It Is Declared.

Charged with insubordination by the alleged refusal to obey orders given him by J. C. Sharp, head of the city bureau of sewers, Harry Gurr, formerly chief inspector of sewers but now an inspector, was this morning dismissed from service by City Commissioner Dieck and charges were filed with the civil service board.

Gurr, it is alleged, has been in trouble before, having been warned that charges would be filed against him on August 25. At that time it is stated Gurr refused to take orders from Sharp and refused to do what was requested by Charles H. Smith, chief inspector. In a letter sent to Gurr a few days later Commissioner Dieck agreed not to file charges providing that Gurr agreed to obey orders.

Later, according to Mr. Dieck, the same trouble arose, resulting in the dismissal of Gurr and the filing of charges this morning.

When Commissioner Dieck took office there were two chief inspectors of sewers, Gurr and Smith. When Commissioner Dieck put his reorganization system into effect Sharp was made head of the sewer division and Smith was made chief inspector while Gurr took up the position under Smith.

In a letter filed with the civil service commissioner Gurr states that he had been chief sewer inspector for four years and it had been the duty for all inspectors to report to him. He says that he understood that Smith had been appointed as an assistant to him.

"I am of the opinion," says the letter, "that to make me a subordinate of Smith is an indirect removal of myself from the office of chief inspector, and this I am advised cannot be done under the civil service regulations of the charter."

NEW CHARTER IS AT FAULT. Civil Service Rules Not Equitable in Matter of Reinstatement. An amendment may be necessary to the charter to provide a fairer way of reinstating old employees who have been laid off temporarily, according to City Attorney La Roche.

The civil service rules provide that when employees are to be laid off the last man to be appointed shall be the first to be laid off. When employees are to be reinstated the first laid off is the first man to be put back at work. This system works a hardship on the old employee, who, according to Mr. La Roche, is far more entitled to the position than one appointed later.

ORDINANCE NOT FAVORED. Drivers Using Suburban Streets Oppose Proposed Headlight Law. City Commissioner Daly's ordinance requiring the shielding of all headlights on automobiles, motorcycles, streetcars and other vehicles will come before the city council at its meeting tomorrow. Although no definite announcement has been made it is stated that automobile owners using streets in suburban districts are in opposition to the proposed ordinance. Other owners are in favor of the ordinance, it is said.

CITY MAY EVEN PAY LICENSE. Ordinance Planned Would Hit Proposed Municipal Concerts. Concerts and musical entertainments not given in regularly licensed theatres are to be licensed according to the admission charged, if an ordinance to be introduced before the city council tomorrow by Commissioner Bigelow passes. The ordinance becomes effective immediately if passed tomorrow.

For all musical entertainments where an admission fee of not more than 25 cents is charged the license will be fixed at \$5 a week, \$15 a month or \$35 for three months; where admission is not more than 50 cents, \$10 a week, \$25 a month or \$50 for three months; where admission is not more than \$1, \$20 a week, \$50 a month or \$100 for three months.

No provision is made for musical entertainments which Commissioner Brewster plans to hold in the Gipsy Smith auditorium. If the ordinance passes in its present form the city, if concerts are held in the auditorium, will be paying itself a license.

Whether the ordinance will apply to recitals and church musical entertainments has not been determined.

PRESIDENT WILSON AT PRINCETON TO VOTE

Casts Ballot in Primaries at Fire House; Sees New College Buildings.

(United Press Special Wire.) Princeton, N. J., Sept. 23.—President Wilson and townsfolk followed President Wilson to the Mercer fire barn, where he cast ballot No. 26 this afternoon. Secret service men had difficulty in making room for the president on account of the crowds.

The president arrived here today to vote in the New Jersey primaries. He remained in the booth two minutes, later posing for newspaper photographers. Later he strolled into the Princeton bank and chatted with Cashier Howe. Then he walked through the university grounds and saw the new buildings. Secretary of War Garrison and Senator Hughes left the president at Princeton Junction, going to Jersey City to cast their votes. While en route to Princeton the president and Secretary Garrison discussed reports that slavery existed in the Philippines islands.

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PANTAGES Broadway and Alder Streets. WEEK SEPT. 22—"Heart Throbs of a Great City." Rapoll, Irving Roth, Allen and Lewis, The Connelly Sisters, Chas. Reilly & Co., Pantagescope.

Columbia Theatre Sixth and Washington. Open 11 A. M. to 11 P. M. Perfect Ventilation—Fireproof. Program Sunday to Wednesday: "Secret by the Enemy" (Edison Drama); "For the Son of the House" (Biograph Drama); "The Turn of the Tables" (Pathé Comedy); "The Kissed Falls of the Northwest" (Pathé Scenic); Matt Dennis, Bartone, Karp's Orchestra. 10c—ADMISSION—10c.

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Attend The Oregon State Fair Salem, September, 29 to October 4, 1913 REDUCED RATES ON ALL LINES For Information Address FRANK MEREDITH, Secretary

POWER WILL BE DETERMINED

Dock Commission Wants Its Scope of Authority Decided at Election.

To determine just what are the powers of the Public Dock commission and whether it is to be given the right to acquire property for dock purposes outside of the city limits was the purpose of a conference held this morning between Dan Kellaher of the commission, Will H. Daly, commissioner of public utilities, and City Attorney La Roche.

ASSESSMENTS ARE DISCUSSED. Commissioners Informally Take Up Subject but Reach No Decision. Several new plans for changing the methods of handling street assessments and improvements were discussed by the city commissioners meeting informally yesterday afternoon in Mayor Albee's office. One plan that met with favor was assessing the owners of property abutting the street improved one third of the cost, the entire district benefited a third and the city to pay the remainder. No definite action was taken.

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