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FINCH MUST PAY PENALTY FOR HIS CRIME

WATER POWER TRUST IS GRABBING ALL THE STREAMS OF THE NORTHWEST

EXPOSES SCHEMES OF TRUST

Roosevelt's Last Act Was to Withdraw Vast Tract in Order to Protect Water Rights.

ROASTS BALLINGER

SAYS THERE ARE TWO OPINIONS OF HIM, ONE "THAT HE WAS FOOLED"—TRUST PERPETUAL AND WILL LEVY TAX ON PEOPLE FOR ALL TIME TO COME.

[United Press Leased Wire.]
Spokane, Aug. 10.—The Spokane Press today, the second day of the National Irrigation congress, publishes the following special from Helena, Mont.:

(By Samuel M. Evans, staff correspondent.)
Helena, Mont., Aug. 10.—This is the true story of how the big fight of a great state has been taken to round out the greatest American trust.

The state is Montana.
The trust is the water power monopoly, the youngest and destined to be the greatest of all the brood of American monopolies.

There is proof at hand that one of the first official acts of President Taft's secretary of interior, Richard A. Ballinger, was knowingly to turn over to the water power monopoly millions of dollars' worth of power sites along Montana rivers.

Water power will succeed steam, and "white coal," as the water power is called, will run the railroads of the future. Not only that, the electric power generated by mountain torrents will be sent across the plains to operate the mills and factories of many states of the nation and most important of all, this wonderful new power will pump endless floods of water upon millions of acres of arid lands, and so make new homes for millions of Americans.

But the water power trust will be in a position to exact tribute from every settler and from his children forever.

It was in the closing days of his administration that President Roosevelt learned of the wholesale seizing of water powers by the then forming trust. The grab was at its height. The president sent surveyors and experts from half a dozen government bureaus into the field to find out what was going on. The first and unanimous report was that the woods and hills were full of the engineers and surveyors of the trust, and that the trust had better maps of public lands than the government had.

So Roosevelt had Secretary Garfield end the grabbing, resuming government control of public lands containing power sites.

It was generally supposed that Garfield was to remain in Taft's cabinet, but on February 15 he was asked by Taft to resign on March 4.

Not knowing who the new secretary would be, President Roosevelt and Garfield decided to lock all the doors so that the new administration would find everything snug.

Day and night the engineers worked on their plans, and the last thing President Roosevelt did at midnight on March 4 was to withdraw more land, to the extent of 135,000,000 acres, from the reach of land grabbers.

And the first thing Ballinger did after he was sworn into Taft's cabinet on March 5 was to begin to turn that land over to the half entrenched trust.

The throwing open of these lands had progressed for a month when a rising tide of popular protest was heard at the white house, and the

clamor increasing, Taft called Ballinger in to explain.

By one excuse and another, Ballinger secured delay, and meantime kept throwing land open to entry, and was again called to the white house and this time the public was given to understand that the lands had been again withdrawn.

But it was too late—the trust had had warning and had had time.

The power sites, scores of them, were grabbed.

Right here it might be well to remark that a water power site has to be a mighty small one not to be worth a million dollars.

A political explosion will come with the public knowledge that it was after President Taft had ordered Ballinger to withdraw the Montana lands, which he had quietly re-opened a few weeks before, that the Amalgamated Copper company, owned by Senator Guggenheim and brothers, together with the General Electric company, had swallowed thousands of acres of these important Montana lands, holding power sites of untold wealth.

The relation of the dates of strenuous transactions in which the government and the trusts agents figure are being urged as proper matter for an official investigation.

Such an inquiry may well produce a scandal of the first magnitude, involving United States senators and other men of great official and financial prominence.

Here in Helena, in fact, wherever power sites and grabs are talked of in this western country, it is agreed that Tom Carter and Jerry Collins are "smart" men.

There are two opinions about Dick Ballinger: One is that Ballinger has been fooled.

Carter is a republican United States senator from Montana.

(Continued on page 4.)

WITNESS FAINTED ON STAND

Legislative Investigating Committee Begins Inquiry Into Supreme Court Bribery Case
NOT A FIGURE HEAD

MRS. BROWN DENIES THAT SHE WAS A FIGURE-HEAD FOR DR. J. EUGENE JORDAN IN SUIT AGAINST SULLIVAN ESTATE, BUT IS POOR WITNESS.

[United Press Leased Wire.]
Seattle, Aug. 10.—The efforts of the legislative investigating committee to obtain the testimony of Mrs. Sarah L. Brown, who yesterday was declared by P. W. Morrow, an attorney, with being a "go-between" in a plot to influence decisions of the supreme court of the state, were brought to an abrupt termination this morning when Mrs. Brown fainted on the witness stand.

In his evidence before the committee yesterday, Morrow testified that Mrs. Brown was alleged to have interviewed E. B. Palmer, now a member of the investigating committee on several occasions, in pursuance of the alleged scheme of "framing up" a decision which it was desired to have the supreme court pass.

The woman made a very poor witness during her occupancy of the witness chair. Mr. Brown denied emphatically that she was a figure-head for Dr. J. Eugene Jordan in the fight for possession of the Ballard property of the Sullivan estate, in which the bribery of the state judiciary is alleged.

Has a Live on \$120 a Week.

[United Press Leased Wire.]
New York, Aug. 10.—Evelyn Thaw today denied that she is contemplating suing the Thaw family for half a million dollars. She said:

"It is unjust to make me live on \$70 per week with only an extra \$200 per month, but I don't know what I can do. I won't sue."

NEW TRIAL IS DENIED TO FINCH

Justice McBride Writes Exhaustive Opinion Covering Minutely Every Contention.

LAST HOPE IS GONE

FINCH'S CONTENTION THAT CAPITAL PUNISHMENT CONTRAVENES CONSTITUTION IN BEING CRUEL AND INHUMAN, IS SCARCELY CONSIDERED.

In an opinion handed down by the supreme court today, written by Justice McBride, James A. Finch, who appealed from the circuit court of Multnomah county, where he was convicted of murder in the first degree and sentenced to hang for the killing of Ralph Fisher in Portland, the last thread of hope was severed, the supreme court affirming the judgment of the lower court, and Finch will now be compelled to pay the penalty for the crime.

Justice McBride, in writing the opinion, covered every exception taken by Finch's counsel during the trial and the 14-page article is considered one of the most able opinions handed down by the Oregon supreme court.

The first assignment of error was the court erred in compelling the defendant to go to trial within eight days from the findings in the indictment. Justice McBride in covering this exception held that the killing of Fisher and the subsequent arrest of Finch occurred on the 28th of November, 1908. A short time subsequent to this the coroner's inquest was held and the principal counsel for the defendant was present, including several other counsel who acted for Finch in the preliminary examination which was held a week after the killing, so, though it may have been true that they had not been formally retained until the defendant was indicted, it was evident they were active theretofore in the case.

The exception taken regarding the refusal of the lower court to grant a continuance of the case on the grounds of the absence of some material witnesses was answered by Justice McBride as being a question addressed to the sound discretion of the court. It appears that the witnesses desired by the defendant were all actually present but two, they being Mrs. May Finch and W. C. Piggett, and the testimony of Mrs. Finch was taken by deposition by the consent of the state, leaving Piggett's as the only testimony not available in the trial. Mrs. Finch and the defendant both testified to the same state of facts that the defense claimed could be established by Piggett, and they were not contradicted by any other witnesses. Justice McBride also holds that the affidavit pertaining to the probable return of Piggett, who was said to be in California and would not return under six weeks, was not sufficient to enable the court to ascertain any definite time when Piggett would be available, and further, no subpoena was issued for Piggett.

In spite of the fact that the testimony of Piggett would possibly have been relevant, the court could not know this before the trial unless the affidavit set forth enough of the theory of defense to enable the court to judge from the affidavit itself as to the probable materiality of the testimony.

The statement in the affidavit as to the excited state of the public mind and prejudice against the defendant by reason of inflammatory articles and cartoons appearing in the newspapers, contained nothing further than the mere statement of fact of any attachments tending to show that the alleged conditions existed. The fact that no exception was taken to any ruling of the court upon acceptance or rejection of any juror, indicates that a jury believed by both parties to have been fair and impartial was secured in the case.

(Continued on page 5.)

TODD SAW SUTTON MURDERED

He Was Corporal of the Guard Night of the Tragedy and Witnessed the Shooting.

FOUR SHOTS FIRED

SUTTON WAS RUNNING AWAY, WHEN TWO BULLETS STRUCK HIM IN HEAD, KILLING HIM INSTANTLY—STATEMENT POINTS TO ADAMS AND OSTERMAN.

[United Press Leased Wire.]
Boston, Aug. 10.—Declaring that he saw Lieutenant Sutton shot, Sergeant Archie Todd, for whom search has been carried on since the opening of the investigation into Sutton's death, today declared that he is ready to testify before the board of inquiry at Annapolis and remove the blot of suicide against Lieutenant Sutton's name.

According to Todd, who was corporal of the guard the night of the tragedy, Sutton was running away, while Lieutenants Osterman and Adams were standing to the rear and not far from each other.

A voice shouted, "Halt or I shoot," and when Sutton continued on his way unheeding the order, four shots were fired. Todd said the young man dropped with a bullet through his forehead and one behind the ear. Todd refused to state whether the flash of the revolver came from where Osterman was standing or from Adams' position.

"That I'll tell on the stand," he said emphatically.

Todd was found at the state rifle range and when told that his testimony was needed he said he would leave immediately for Annapolis to testify.

"I was on duty that night and was going the rounds when I saw a man in shirt sleeves," he said. "I didn't know who he was. At the same time I saw Adams and Osterman near me and recognized them."

"Then the man in the shirt sleeves started to run and I heard a voice cry out sharply, 'Stop running; you are under arrest.'"

"The man continued again and 'he same voice' shouted, 'Stop running or I'll shoot.' The next moment I saw a flash, as a gun was fired. This was followed by three other shots and the runner dropped to the ground. I ran up to him and recognized Sutton."

"There were two holes in his head. One through the forehead and the other back of the ear. I couldn't identify the voice that called 'Stop' but it came from the direction where Adams and Osterman stood."

"Did the flash and report seem to come from the same spot?" was asked.

"That I'll tell on the stand," replied the sergeant again.

Did Not Consult Medium.
Annapolis, Aug. 10.—A general impression here today is that the introduction of the Schwartz letters into the investigation of Lieut. Jas. N. Sutton's death will not prove as helpful to the defense as was expected.

Although Mrs. Sutton's charges are more sensational than she has ever made in calmer moments, much sympathy is being expressed for her.

Her belief in the occult continues to be the striking feature of the case. Attorney Birney today asked: "Have you ever consulted a medium?"

"I did not need a vision," she replied; "my son came himself and told me he'd been killed. I felt the blows that killed him."

Chicago May Avoid Car Strike.

[United Press Leased Wire.]

Chicago, Aug. 10.—Conferees between the car officials and the union officers were resumed today. It was said that it probably would be ten days before a final settlement could be reached.

AEROPLANES WILL CARRY THE MAILS

[United Press Leased Wire.]
New York, Aug. 10.—Before sailing for Europe today, Orville Wright, the aviator, announced that he has perfected a device for carrying fuel which will make it possible to drive his aeroplane 1000 miles without stopping.

He said that he is confident that the aeroplane will be used very soon for carrying mails, as it will be able to exceed in swiftness and directness of route the fastest trains that can possibly be operated on railroads. He said that the aeroplane for use in carrying freight is still in the distant future.

With the new fuel carrying device he expects to be able to keep the aeroplane in the air 28 hours without landing.

The aviator was accompanied by his sister, Miss Catherine Wright. He said he would not try for any more records, but would devote his time to perfecting the machine.

SUSPECTED OF MURDER HE GIVES HIMSELF UP

[United Press Leased Wire.]
Detroit, Mich., Aug. 10.—Gus Oblazer surrendered himself today when he heard that he was being sought in connection with the murder of Mrs. Martha Calahan, whose body was found Saturday at Ham-track, near here, and identified yesterday. He refused to make a statement and was put in jail. Oblazer was suspected as the result of the statements of the murdered woman's husband, who charged that Oblazer had threatened her because she had repulsed his advances.

DANGER LURKS IN SWEDEN

Serious Rioting Reported in the Country Districts—Troops Are Rushed to Scene of Trouble.

KING IS IN DANGER

SEVERAL HAVE BEEN KILLED AND EXCITEMENT IS RUNNING HIGH—SYMPATHY FOR STRIKERS OPENLY EXPRESSED AND THEIR NUMBERS INCREASING.

[United Press Leased Wire.]
Stockholm, Aug. 10.—Serious rioting is reported from the country districts today where the strikers are trying to get the farmers to join in the strike. Troops have been rushed to the scene and trouble may be expected.

A strict news censorship is being kept by the government regarding the strike and the newspapers are suppressed.

From information to be regarded as reliable, it is stated that several have already been killed and that the excitement is running high. Sympathy for the strikers is openly expressed on all sides and their ranks are steadily being augmented by sympathizers joining in the movement.

Strikers are receiving strong financial assistance from various parts of the country and it does not look as though they could be starved into submission.

Much apprehension is felt for the safety of King Gustavus.

The reports today offset those of yesterday, which stated that the strike was nearing an end. Owing to the suppression of the newspapers it is difficult to procure information regarding the true status of the strike.

Oh, happiness, how far we flee thine own sweet paths when the bill collector heaves in sight!

TERRIFIC HEAT IN NEW YORK

Bodies of 40 Babies Lie in the Morgue Dead From the Sweltering, Stifling Atmosphere.

MILLIONS SWELTER

SUFFERING AMONG CHILDREN IN EAST SIDE IS TERRIFIC—TENEMENT DISTRICT POURS POPULATION INTO STREETS, SEEKING RELIEF FROM HEAT.

[United Press Leased Wire.]
New York, Aug. 10.—In the parks throughout Manhattan last night the benches were prized more highly than rooms in a high priced hotel. Thousands slept in the parks. The suffering among the children on the east side is the worst feature of the situation. In the stifling tenement districts fire escapes have been turned into outside sleeping rooms, but with little escape from the awful heat.

The subway is almost unbearable, but the great crowds, lingering as long as possible from work, came down town in it as usual.

Everyone who could get away from town has gone, but the sweltering millions are here and those who are fortunate enough to have escaped to the seaside are not missed.

The bodies of forty babies, the greatest number since the Slocum disaster, lie in the morgues this morning, the result of yesterday's awful heat wave.

Chicago Also Hot.
Chicago, Aug. 10.—Three deaths were reported this morning as the result of the terrific heat here last night. It is slightly cooler this morning, but the weather bureau predicts that it will be hotter.

ANOTHER MISSING AND MURDER IS FEARED

[United Press Leased Wire.]
Rochester, N. Y., Aug. 10.—Following the discovery of the body of Annie Schumacher, who was murdered upon her father's grave, the police were notified today that Katherine Kennedy, 17 years old (the same age as Miss Schumacher), also has been missing from home since Saturday. She started shopping and disappeared. The brutal murder of Miss Schumacher, who was beaten to death with stones, coupled with the disappearance of Miss Kennedy, has aroused the community and there is intense interest in the search being conducted by the police and volunteer detectives.

NOVELIST'S WIFE IS MISSING

[United Press Leased Wire.]
Glennville, N. Y., Aug. 10.—Parties of citizens are scouring the hills near Broad Albion today in hopes of finding Mrs. Robert W. Chambers, wife of the novelist, who has been missing since yesterday afternoon. Mrs. Chambers, according to news brought to this city, left her husband's summer camp mounted on a spirited horse. An hour later the animal returned without its rider. It was feared that Mrs. Chambers had fallen and had been seriously injured.

Held to Grand Jury.

[United Press Leased Wire.]
New York, Aug. 10.—Mrs. Neville Castle, formerly of San Francisco, was released today under bonds of \$5000, when presented in court on the charge of shooting Attorney Wm. B. Craig. She was bound over to the grand jury. The magistrate denied that the case will be dropped, though there is a widely circulated report to that effect.