

The Daily Capital Journal

SALEM OREGON, TUESDAY, OCTOBER 1, 1912.

VOL. XXII.

NO. 206.

AN ARTICLE IN STATESMAN CAUSES MR. LAFKY TO BRING SUIT FOR LIBEL

ARTICLE SIGNED BY BANKER ALBERT, AND AGAINST HIM THE BIG SUIT IS BROUGHT

Councilman Lafky Objects to the Statements Made in the Article, Which He Says, Attacks His Motives in Connection With the Paving of South Twelfth Street--While Not Mentioned by Name, the Article Speaks of "the Chairman of the Street Committee, Which Position He Holds.

F. J. Lafky, councilman from the third ward and chairman of the street committee of the city council, today filed a damage suit against J. H. Albert, president of the Capital National Bank and a prominent citizen of Salem, for \$25,000 damages alleged due on account of the publication over his signature of an article attacking his motives in connection with the pavement of South Twelfth street in this city. The complaint alleges that on the 8th day of August, 1912, the defendant, at Salem, Marion county, Oregon, caused to be published over his signature in the Daily Oregon Statesman, a daily newspaper of general circulation, published at Salem, the following words concerning the plaintiff, to-wit:

Situation on Twelfth Street.
Editor Statesman:
The enclosed clipping from the Portland Evening Telegram of the 6th inst., shows up the successful bidder for the improvement of South Twelfth street, namely, the Clark-Henry Co., as a member of the paving trust. A number of this trust acting in complicity with members of the common council of Forest Grove succeeded in having the remonstrance against the improvement of Second avenue, in that city, ignored, and the contract let for the improvement. Upon suit being brought by certain citizens to restrain the city from making the improvement, upon the grounds of it being an "unlawful combination," the trust con-

tractors and the city council threw up their hands and stopped the improvement.
In our proposed South Twelfth street improvement, the trust seems to have found willing accomplices in the persons of certain city officials, including the chairman of the street committee, who in a "verbal report," hoodwinked the council into awarding the contract for that improvement to this member of the trust, ignoring the overwhelming remonstrance against it.
J. H. ALBERT.

Following this in the same issue of the Statesman is a long "clipping," presumably that referred to by Mr. Albert, the whole nearly filling a column, and all bearing upon a suit of P. R. Littlehales and others against the city of Forest Grove to restrain that city from improving Second avenue from First to Fifth streets.
Grant Corby is attorney for Mr. Lafky.

HIGH SCHOOL TEAM IS DOING FINE PRACTICE WORK
The high school team is working hard and late each day and are fast knocking off the rough edges and corners that too often lose a game.
The coach is much pleased with the work being done but would like more of the boys out as there is not enough competition for places on the team.
A good schedule is being fixed for the second team and if the boys come out even though they do not make the first squad, there will be several games for them to play when the first team is out of town. The new suits will be here some time this week and all can be accommodated who will come out.
The field was greatly benefited by the showers yesterday which helped to pack down the loose dirt on top, so that already an improvement can be noticed in both the speed and activity of the team.
The boys are doing lots of signal practice, forward passing and punting in order that by Saturday they will be pretty well hardened down and ready for the alumni game which will be a hard one for them on account of the weight and experience which the old has-beens have. Yet when the time comes the lads will show them that it is not beef that counts, but speed and head work.

POSSE IS READY TO LYNCH NEGRO
[UNITED PRESS LEASED WIRE.]
Rawlins, Wyo., Oct. 1.—Posse today prepared to lynch Frank Wigfall, a negro, who is alleged to have assaulted Mrs. Esther Higgins, aged 71 years, if he is captured.
Wigfall is alleged to have chopped down the door of the Higgins home, and overcome the woman, after a fierce struggle. He then took to the hills and is reported to be located near Cherokee.
Their First Offense.
[UNITED PRESS LEASED WIRE.]
Alameda, Cal., Oct. 1.—To our dear neighbors: We are just married so treat us good. It's our first offense. This as the big sign found tacked over their front door by Mr. and Mrs. C. C. Brockhage here upon returning from their honeymoon.

Roosevelt Ends Tour.
Ashville, N. C., Oct. 1.—Theodore Roosevelt, progressive candidate for president, is here today, greatly pleased at his reception in the South. His voice is so hoarse he can hardly speak on this, his final day of campaigning.
Roosevelt expects a big progressive vote in the South.

Hands Down Number of Decisions.
SUPREME COURT SUSTAINS APPEAL OF STATE AGAINST WELLS FARGO EXPRESS, AND CASE WILL BE TRIED ON MERITS.
In an opinion rendered today the supreme court denied the motion of the defense to dismiss the appeal of the state in the case brought by it against the Wells Fargo Express company to collect gross earnings tax due from it since the year 1908, and the case will now be tried out on its merits.
The corporation now contends that the gross earnings law has been repealed by implication, and, sitting as circuit judge in the case, Judge Burnett, now a member of the supreme court, upheld the contention. Should the supreme court hold the contrary, then, not only this corporation, but a number of others, must pay taxes from the year 1908, and it would mean that thousands of dollars would flow into the state treasury.
Other cases decided were:
Donart Brothers vs. C. P. Stewart, Klamath; motion to correct mandate allowed.
Hyram Tyree vs. Crystal District Improvement Irrigation company, Malheur; affirmed.
T. K. Anderson vs. Emma Robinson, et al., Josephine; reversed.
Van Dusen Investment company vs. Western Fishing company, Clatsop; motion for rehearing denied.
Mutual Benefit Insurance company vs. Evelyn Cummings, motion to strike out additional abstract sustained. This case was from Multnomah.
M. J. Walsh company vs. M. Nelson, et al., Multnomah; judgment modified.
E. J. Rehfild vs. L. S. Winters, Multnomah; motion to strike out petition for rehearing allowed.
C. E. Mason vs. W. H. Wilson, Marion; motion to dismiss appeal allowed.

MANY IMMIGRANTS POUR INTO CANADA
[UNITED PRESS LEASED WIRE.]
Ottawa, Ont., Oct. 1.—During the five months, April 1 to September 1, of the current fiscal year, 242,569 immigrants arrived in Canada. Of this number 152,300 arrived at ocean ports and 79,269 from the United States.
These figures show an increase of 14 per cent as compared with the number of arrivals for the corresponding months of the last fiscal year, which were 141,921 at ocean ports and 51,834 from the United States, making a total for the five months, April 1 to September 1, 1911, of 212,854 persons.

Talked Into Photograph.
[UNITED PRESS LEASED WIRE.]
Beverly, Mass., Oct. 1.—President Taft today delivered a speech into a recording phonograph to be used for campaign purposes. Records of the speech, it was said, would be spread broadcast.

Better Walk on Himself.
Portland, Or., Oct. 1.—John Conrad was arrested and fined \$100 for serving a drink in his saloon on Sunday to his partner.

KILLED IN A RUNAWAY ACCIDENT

Lebanon, Ore., Oct. 1.—As a result of a team of farm horses running away late Sunday afternoon near Lacombe one person is dead and three others seriously injured. The dead woman is Mrs. George McClintic, age 49 years, and the injured are Mrs. Charles McClintic, a sister of the dead woman, 36 years, the 12-year-old daughter of J. Bothner and the 9-year-old daughter of G. Fitzwater.

Besides those injured there were in the carriage at the time of the runaway George McClintic and his brother, Charles, and the 5-year-old daughter of the latter.
They had been to a neighbor's home to pass the day and were on their way home and driving down a steep grade, about two miles south of Lacombe, the tongue of the double-steated wagon broke, and the team became frightened and unmanageable. They ran some distance down the road, where the carriage collided with a telephone pole turning it completely over. Mrs. McClintic, who is a large woman, was thrown from the vehicle against a log and instantly killed. Mrs. Charles McClintic was thrown against the pole and her shoulder was broken and her breast severely cut, and she was otherwise badly bruised. She probably will recover.
The thigh of the Bothner girl was cut to the bone, and she was bruised and cut about the head, and the Fitzwater girl was cut and bruised about her head. The other occupants of the vehicle escaped with lesser bruises and cuts, and were not seriously hurt. The McClintics came here about four years ago from Iowa, and are prosperous farmers residing between Lebanon and Lacombe.

Identified Stacey.
[UNITED PRESS LEASED WIRE.]
St. Louis, Oct. 1.—Lieutenant Burns, of the Chicago police department here today identified Walter Stacey, held here accused of robbing the New Westminster bank, as the man who "beat him up" recently in a Chicago saloon. Burns was attempting to arrest Stacey at the time.
Stacey, upon being confronted by Burns, declared he had never before seen the lieutenant.

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Ely Miners Will Strike.

Ely, Nev., Oct. 1.—Unless the union is recognized and an increase in wages of fifty cents a day is granted, the miners here will call an immediate strike, according to Charles H. Moyer, labor leader, here today.
Manager Lakenan, of the Nevada Consolidated company, asserts that the miners are satisfied with the company's recent advance of 50 cents a day.

Indians Have Diphtheria.

Indian Chutes, Ont., Oct. 1.—An epidemic of diphtheria of most malignant type has broken out among the Indians of Turtle Lake near the Hudson's Bay post at Fort Matacewan.
Some deaths have occurred already, and prospectors from above Fox Rapids report two additional deaths within the past week.
Most of the Indians are entirely without medicine or attention of any sort at present.

THE FIRST BLOOD FOR DEFENSE

Several of the Defendants in the Dynamiting Cases at Indianapolis Were Set Free by Order of the Court.

TO BE TRIED ON 55 COUNTS

Ottie McManigal Was Arraigned Today and Pleaded Guilty to the Same Charges That Are Against the Union Men, Fifty-One of Whom Are Under Indictment—Sentence Was Suspended—He Is State's Strongest Witness.

Indianapolis, Ind., Oct. 1.—First blood for the defense was secured today by attorneys representing fifty-one officials of the International Association of Bridge and Structural Ironworkers on trial here for an alleged dynamiting plot when Judge Anderson sustained a motion presented by Attorney Hovey to set aside the order for consolidation of the trials made last March. United States District Attorney Miller expects to move for reconsideration soon on grounds other than those offered in fighting for the motion today.
The defendants and their attorneys are jubilant over Judge Anderson's ruling. Attorney Hovey expects ten days' time in which to prepare separate demurrers to the 51 indictments, the court holding the request in abeyance.

BUBONIC PLAGUE DISCOVERED ON SHIP

New Castle, N. S. W., Oct. 1.—The much-dreaded disease, bubonic plague, has broken out on the ship Bellisle, which trades between New Castle and Hamburg, and which is lying at a wharf here. One apprentice is dead, and two others of the crew are afflicted.
The health authorities, remembering the ravages of the disease on the seaport towns of Australia several years ago, have quarantined the ship and the wharf, and have instituted inquiries to ascertain whether any of the crew has been ashore.
Every precaution is being taken to see that the plague does not spread.

Killed by Explosion.

Newport, R. I., Oct. 1.—Lieutenant Donald Morrison was instantly killed and five sailors so badly injured that they died later aboard the hospital ship Solace, by the bursting of tube on the destroyer Walker in the harbor here today. Four other sailors, badly scalded are believed dying.

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An Astoria man found guilty of failing to support his family has been sent to jail one year. He will be put to work on the rock crushing plant, and allowed \$1.50 a day, which will be paid to his wife.

THE MONEY KINGS GAVE LIBERALLY TO ANY AND ALL CAMPAIGN FUNDS

FLINN PUT UP \$100,000 IN PENNSYLVANIA, TAFT MEN THAT MUCH IN ONE COUNTY

Charles R. Crane Gave \$70,000 in LaFollette's Primary Campaign, and When He Was Defeated Gave the Same Amount to Wilson Managers--Little Sums of Ten, Twenty or Thirty Thousand Were Put Up By Many Others--What Standard Oil Gave and to Whom Is Not Yet Fully Determined.

AMERICANS ADVANCED \$5,000,000

THIS AMOUNT WAS PUT UP TO FINANCE OROZCO, BUT WHO PUT IT UP IS A MATTER THAT IS NOT KNOWN.
[UNITED PRESS LEASED WIRE.]
Los Angeles, Cal., Oct. 1.—"No testimony has been adduced thus far tending to show that Americans were interested or financed the Orozco rebellion in Mexico," said Senator Smith, chairman of the senatorial committee investigating the Mexican revolution this afternoon.
"The Orozco revolution has been and is being financed by the people of the state of Chihuahua, and by the army itself by the property, customs, export duties and monies it has confiscated from time to time."
"The probe has revealed that Madero was aided to the extent of ten million pesos, or about \$5,000,000 by an American firm. We have not yet discovered who it was."
The investigation came to a standstill today. Senator Smith went to Santa Ana for a brief rest. If no more Los Angeles witnesses appear, the investigation will be in San Diego in about a week, according to Secretary Ireland, of the committee. About 82 witnesses have been heard thus far.

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Washington, Oct. 1.—If Boies Penrose says I offered him or anybody else \$2,000,000 to be elected senator from Pennsylvania, he lied.
This was the denial made here today to the senate campaign contributions committee by William Flinn, of Pittsburg, to charges by Senator Penrose that Flinn has attempted to buy a seat in the United States senate.
Flinn is leader of the progressive party in Western Pennsylvania, and it was largely due to his efforts that delegates to the Republican national convention at Chicago instructed for Theodore Roosevelt were elected. The Pittsburgher choked with rage when mention of Penrose's charge was made. Senator Penrose sat well up in front and Flinn, in voicing his denial, turned until he faced his accuser.
Only a few spectators were present when the committee at 10:10 o'clock Flinn was scheduled to open today's hearing with his testimony. Following a brief conversation with Chairman Moses E. Clapp, Flinn was excused for the time being and Elton Hooker, treasurer of the progressive national committee, was called to the stand.
Hooker submitted records of the New York county progressive committee, which showed that contributions to the pre-convention campaign of Colonel Theodore Roosevelt from New York were \$59,126. The expenditures, he said, were \$52,800. Amos Pinchot, a brother of Gifford Pinchot, Hooker said, collected \$11,000 in accordance with the above receipts.
Flinn followed Hooker on the stand. Judge Lovett, chairman of the board of directors of the Southern Pacific railroad, said he would testify later in the week regarding contributions to the late E. H. Harriman is alleged to have made and collected for Theodore Roosevelt's 1904 campaign.
Hooker testified that Alexander Cochran, a carpet manufacturer, contributed \$25,000 to the campaign fund. At this stage in his testimony the witness was cross-examined by Senator Penrose. Reverting back to the New York campaign Hooker declared that the New York primaries were a farce.
"We were too poor," he said, "to hire watchers, and were robbed. But despite this fact we got nearly as many votes as President Taft."
Hooker testified that the total expenditures of the progressive pre-convention campaign were \$141,857. This amount, he said, included \$17,000 paid out in railroad fares by Colonel Roosevelt and former Senator Beveridge.
Hooker declared the progressives spent \$5000 in Maryland; \$3500 in Maine; \$5200 in Massachusetts; \$13,500 in Illinois, and \$17,500 spent by Senator Joseph M. Dixon, of Montana, who had charge of the Roosevelt headquarters in Washington. The above figures, Hooker said, did not cover California and inter-mountain states. He did not believe that any independent state fund was raised.
The progressive receipts were increased, Hooker said, by four contributions from Frank Munsey, magazine and newspaper publisher, which totaled \$39,000. Other contributions, he said, were from Emile Roosevelt, W. Barbour, Douglas Robinson, G. E. Roosevelt and W. E. Roosevelt, each of whom gave \$500; H. L. Stoddard with \$4000; Dan Hanna, \$2500.
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Chicago, contributed \$70,000 to Senator La Follette's campaign, adding: "It probably will interest Senator Penrose to know that Crane also gave \$70,000 to Governor Wilson's campaign. Crane told me that he gave these amounts."
T. C. Tegethoff, private secretary to the late E. H. Harriman, followed Hooker. He declared that he was unable to find any more letters referring to gifts to Roosevelt's 1904 campaign. "Have you a telegram or a letter from Harriman to Roosevelt regarding the selection of a new senator from California?" asked Senator Pomerene. "No," answered Tegethoff.
"Did you ever hear of a letter?" persisted Pomerene, "wherein Roosevelt asked Harriman to be careful about selecting a senator from California?" "I never did," was the reply. Tegethoff was then excused and William Flinn called to the stand.
Flinn presented the statement of his pre-convention expenses, and asserted that he contributed from \$5 to 90 per cent of the Roosevelt money used in Pennsylvania.
Flinn said that his contributions amounted to \$39,384 to the Pennsylvania campaign, and that of this amount \$28,000 was spent in Allegheny county, in which Hillsburg is located.
Flinn said that \$29,000 was spent on postal cards during the fight.
He said: "The money was charged to the Roosevelt campaign, but it covered a much larger range of interests. The Taft men spent \$90,000 in Alle-

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CRAZY GIRL SHOTS HER BROTHER

McAllister, Cal., Oct. 1.—Crazed for four years as a result of typhoid fever, but kept at home because she was believed to be harmless, May Thomas, aged 24, is today the slayer of her only brother, Grover Thomas, aged 27.
The shooting occurred in the kitchen of the Thomas farm house about 12 miles from here on the Benito river. Thomas was shot through the heart and died instantly.
There were no witnesses to the tragedy. The girl was found later in the brush by a sheriff's deputy and taken to the jail here.

HIT 80-MILE GAIT AND ALSO THE FENCE

[UNITED PRESS LEASED WIRE.]
Milwaukee, Wis., Oct. 1.—Driving a Fiat car in the Vanderbilt cup race, speed trials here today, at the rate of 80 miles an hour, David Bruce-Brown crashed into a fence on the third lap. Brown and his mechanic were both picked up unconscious, and are believed to be fatally injured.
Brown recovered consciousness later in the hospital and it is now believed he may live. Mechanician Scudlari has not yet revived.

Baseball Drafts.

Auburn, N. Y., Oct. 1.—Drafts from the class AA leagues are announced here today and include, Del., of Butte, by Portland. The drafting of Fortier, of Salt Lake, and Ellis, of Wichita, however, were not allowed. The matter will be subject to an investigation by the national board.

[UNITED PRESS LEASED WIRE.]
Washington, Oct. 1.—If Boies Penrose says I offered him or anybody else \$2,000,000 to be elected senator from Pennsylvania, he lied.
This was the denial made here today to the senate campaign contributions committee by William Flinn, of Pittsburg, to charges by Senator Penrose that Flinn has attempted to buy a seat in the United States senate.
Flinn is leader of the progressive party in Western Pennsylvania, and it was largely due to his efforts that delegates to the Republican national convention at Chicago instructed for Theodore Roosevelt were elected. The Pittsburgher choked with rage when mention of Penrose's charge was made. Senator Penrose sat well up in front and Flinn, in voicing his denial, turned until he faced his accuser.
Only a few spectators were present when the committee at 10:10 o'clock Flinn was scheduled to open today's hearing with his testimony. Following a brief conversation with Chairman Moses E. Clapp, Flinn was excused for the time being and Elton Hooker, treasurer of the progressive national committee, was called to the stand.
Hooker submitted records of the New York county progressive committee, which showed that contributions to the pre-convention campaign of Colonel Theodore Roosevelt from New York were \$59,126. The expenditures, he said, were \$52,800. Amos Pinchot, a brother of Gifford Pinchot, Hooker said, collected \$11,000 in accordance with the above receipts.
Flinn followed Hooker on the stand. Judge Lovett, chairman of the board of directors of the Southern Pacific railroad, said he would testify later in the week regarding contributions to the late E. H. Harriman is alleged to have made and collected for Theodore Roosevelt's 1904 campaign.
Hooker testified that Alexander Cochran, a carpet manufacturer, contributed \$25,000 to the campaign fund. At this stage in his testimony the witness was cross-examined by Senator Penrose. Reverting back to the New York campaign Hooker declared that the New York primaries were a farce.
"We were too poor," he said, "to hire watchers, and were robbed. But despite this fact we got nearly as many votes as President Taft."
Hooker testified that the total expenditures of the progressive pre-convention campaign were \$141,857. This amount, he said, included \$17,000 paid out in railroad fares by Colonel Roosevelt and former Senator Beveridge.
Hooker declared the progressives spent \$5000 in Maryland; \$3500 in Maine; \$5200 in Massachusetts; \$13,500 in Illinois, and \$17,500 spent by Senator Joseph M. Dixon, of Montana, who had charge of the Roosevelt headquarters in Washington. The above figures, Hooker said, did not cover California and inter-mountain states. He did not believe that any independent state fund was raised.
The progressive receipts were increased, Hooker said, by four contributions from Frank Munsey, magazine and newspaper publisher, which totaled \$39,000. Other contributions, he said, were from Emile Roosevelt, W. Barbour, Douglas Robinson, G. E. Roosevelt and W. E. Roosevelt, each of whom gave \$500; H. L. Stoddard with \$4000; Dan Hanna, \$2500.
George Perkins, he said, contributed \$22,500, besides earlier donations. Hooker declared that Roosevelt's primary campaigns were the most economical ever conducted, considering the number of votes polled.
Hooker started the committee by announcing that Charles R. Crane, of

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