

## NO SHOW TO DO

### Object to Portage-Road Methods.

### M'CABE TO BUILD ROAD

### His Rivals Say They Were Not Given Square Deal.

### SCENT NEGRO IN WOODPILE

### They Declare Railway Can Be Constructed for Less Than \$165,000—Open River Committee Defends Its Proposed Action.

SALEM, Or., Nov. 28.—(Special.)—The Portage Railway Commission today completed the contract for the construction of the Portage Railway between the Dalles and Celilo and forwarded it to the representatives of the Open River Association in Portland to be signed and returned.

Contractors who have not been permitted to bid on the Portage Road are remonstrating vigorously against the award which is about to be made to A. J. McCabe, of Walla Walla. The contract is to be given to McCabe this week by the State Commission and the open river committee. Other contractors have not been consulted nor supplied with specifications or data on which to bid, and estimate; consequently they are setting up a loud wall. They go so far as to declare that the portage can be built for less money than the \$165,000 appropriated by the Legislature, and hint that a colored gentleman must be in the woodpile. Members of the open river committee reply by saying that the peculiar nature of the contract warrants the plan adopted by the State Commission and themselves; that the appropriation is inadequate in itself; that it must be supplemented by funds which the committee is now raising; that McCabe must rely for that additional sum solely on the good faith of the committee since he will bind himself to the state by bond to build the portage for the sum available from the legislative appropriation, namely \$165,000; that if the committee should follow any other method it would have to take the contract itself and submit it to others, a procedure which it is not prepared to adopt; that the plan which has been adopted will insure completion of the portage much sooner than the road could otherwise be finished, and that the road now being made ready for business by May 1; that if the State Commission should keep on waiting as it has been doing, until the Legislature shall have increased the appropriation to a sum sufficient to build the road, the benefits of the portage will be delayed a year—in short, that the unusual character of the project as to its finances, whereby the open river committee guarantees to the contractor the money necessary beyond the appropriation, is sufficient reason for the method that has been pursued.

Contractors Are Dissatisfied. The contractors retort by saying that anyone of them would be glad to accept the contract on the same terms that are to be allowed to McCabe, but they had a chance to compete; that the State Commission might as well have tried for bids under the appropriation so as to demonstrate conclusively whether the portage could be built with the money appropriated; that bids could have been secured in two or three weeks at most, whereas the open-river committee has been dilly-dallying more than a month; that if one contractor can accept the promise of the committee for the extra money required, why could not another who might bid lower than McCabe; that if McCabe secured specifications and data, why could not others, too?

Of the appropriation, \$165,000 will be left for construction after cost of surveys and right of way shall have been deducted. Last week the State Commission paid the O. R. & N. \$125,000 for right of way and for moving back the tracks of the railroad where there is not now room for the track of the portage, and other smaller sums have been paid for right of way by the committee. McCabe's expense, price with the state will be \$151,000, but the total sum that he will receive has not been divulged; however, it is understood to be approximately \$160,000. The cost of wharves and terminals at the Dalles will increase the total cost to between \$170,000 and \$180,000. The money needed in addition to the state appropriation is being raised by subscription throughout the Columbia Basin.

Contractors who are not in on the ground floor as McCabe, have threatened to try injunction proceedings as a means of getting what they consider a "square deal."

"That's not the right way to let public contracts," said John Klerman, last night, "nor have we contractors had a fair deal."

"We should have been glad to bid had we had the chance," said H. S. Huxon, manager of the Pacific Coast Construction Company.

### TRANSFER THE DEEDS.

### Papers Pass From O. R. & N. to Portage Road Commission.

At a meeting of the board of directors of the O. R. & N. held yesterday, the transfer of the deeds for the right of way from the O. R. & N. to the Portage Road was ratified and the deal closed. The amount of the transaction was \$150,000. The O. R. & N. makes very liberal conditions for the state in the construction of the Portage Road between the Dalles and Celilo. This grant of the right of way for the Portage Road within the O. R. & N. right of way involved a deal of expense to the O. R. & N., but the company had intended to make some change in its old line at this place for which the estimates had been made, and fortunately this change will suit the wants of the Portage Road. In other places the O. R. & N. will have to move tracks through rock work requiring considerable expense. But these features balanced, the O. R. & N. offers the state the right of way where such right of way would enter upon its own for the sum of \$150,000 cash. The O. R. & N. is actuated by no disposition to oppose or obstruct the Portage Road, but on the contrary, to favor it. The terms, it is believed, will be regarded as very liberal and fair.

### ALLIANCE TO MEET.

### Prohibitionists Will Discuss Burning Topics of the Day.

The Multnomah Prohibition Alliance will meet tomorrow evening at the residence of Mrs. A. W. Unruh, 880 East Yamhill street. A large attendance is expected. Two very important subjects will be for discussion: First, "Is the set-

back in Gilliam and Yamhill counties due to any fault on the part of local optionists in filing, or is the law being held up with the connivance of unfriendly officials or technicalities?" Second, "In view of the alarming increase in child drunks, directly brought about by unlawful sales made by saloon-keepers, is it not about time for the foolish talk to cease regarding the unfairness of the local option law?"

### THROWN INTO PANIC BY FIRE

### Thirteen Families in Great Peril, but All Save Aged Man Escape.

NEW YORK, Nov. 28.—Fire in a five-story flat house at No. 5 East 115th street has thrown 13 families into a panic. Adolph Burkhardt, 75 years old, father of a vaudeville actress, was so severely burned that the physicians in Harlem Hospital, where he was taken, have no hope of saving his life. Burkhardt lived with his daughter on the third floor, and both were in bed when the fire started. When they were aroused the flames were leaping up the stairs, cutting off escape by that means, and Burkhardt, clad only in a night robe, ran

## RICHARDS IS HERE

### General Land Commissioner Comes to Testify.

### CALLED FROM WASHINGTON

### Brings With Him Documents Which to Supply Facts to Assist Prosecution in the Land-Fraud Cases.

W. A. Richards, Commissioner of the General Land Office at Washington, reached the city last night, accompanied

### COMMISSIONER OF GENERAL LAND OFFICE TO TESTIFY IN LAND-FRAUD TRIAL



W. A. RICHARDS, WHO ARRIVED IN PORTLAND LAST NIGHT.

into the hallway. He was found there by someone who discovered the flames and climbed up the fire escapes to alarm the sleeping tenants.

When the firemen reached the house every window was crowded with figures attired only in night clothes, while a chorus of shrieks went up from the women and children, many of whom wanted to jump. Extension ladders were quickly raised and all were saved, the only person injured being Burkhardt.

It is believed that the fire started from a gas stove on the first floor. The damage was about \$200.

### POINT BY POINT.

(Continued from First Page.)

traced Pater to the hotel of Miss Wyman, where he had lost track of him. He returned the next day at 9 o'clock and arrested Mrs. Watson as she was about to start down town. At first she denied her identity, but later admitted it and had agreed to return to Portland to be arraigned on charge of conspiracy to defraud the Government.

### Other Witnesses on Stand.

Wells A. Bell, United States Land Commissioner of Princeton, identified the signature of Mrs. Emma J. Porter, and by his identification the prosecution will attempt to show, as well as by other evidence, that Mrs. Porter and Emma L. Watson were, and are, one and the same persons.

George B. McLeod, the treasurer of the Astoria Company, of Portland, testified to having had business dealings with McKinley and Pater. He had arranged to purchase 10 claims of Pater at \$5 an acre. The delivery had not been made, however, and Pater had told him that the lands had been sold to another party.

Frederick A. Krite of Portland came next. He knew Pater and had transacted business with him, but he did not know Mrs. Watson personally.

In May, 1900, the witness had made arrangements with Pater to buy 12 claims in township 11 south, range 7 east. He had met Pater at the Wells-Fargo Bank and had paid him \$5 an acre for the land, some \$600 in all.

"Do you remember anything about the check?" asked Mr. Heney.

"I drew the check in favor of Pater," answered the witness, "but he said that it was to be drawn in favor of Emma L. Watson, so I made the change."

Frank B. Alley, an abstractor of Roseburg, was called. He had known McKinley and had corresponded with him. The witness produced a letter from McKinley asking his help in securing a plat of the land in township 11 south, range 7 east, which was given in evidence.

M. B. Rankin was the last witness of the day. He had had dealings with Pater, McKinley and Tarpley in regard to land. They had come to his office separately and wished to sell him scrip.

The court adjourned until this morning at 10 o'clock, when the prosecution will proceed with its case and put Governor Richards on the stand.

### BUSINESS ITEMS.

If Baby Is Cutting Teeth. Be sure and use that old and well-tried remedy, Mrs. Scott's Emulsion, which soothes the gums, allays all pain, cures wind colic and diarrhoea. Any one can take Carter's Little Liver Pills, they are so very small. No trouble to swallow. No pain or griping after taking.

by his little daughter, and will be a witness at the land-fraud trial today.

Commissioner Richards will not discuss the object of his visit here, preferring to wait until such time as he is on the witness stand before making any statement concerning the lapse in Mr. Hermann's memory which made his trip necessary.

"I really do not know what I am out here for," said the Commissioner last night at the Portland, "except that I came in response to a telegram. I started on two hours' notice, and I got here on time."

"I would not tell anything that I knew," said Mr. Richards about his probable testimony in answer to a question. "We made a quick trip," continued the Commissioner, changing the subject. "We lost three hours on the Pennsylvania system in going into Chicago, and I offered to bet all the money I had with me that we would get into Portland on time. It had not been for the draw being open the train would have got in on the dot; as it was, we reached the depot five minutes late, though we reached the bridge over time."

"Did you ever hear of a letter sent to the Secretary of the Interior and the President by General W. H. Odell, former Clerk of the Oregon Land Board, in which he makes charges against the department of having cheated the state out of school lands?"

"I never heard of such a letter," replied Mr. Richards, "until I read it in The Oregonian this morning. If I had heard of it I would not want to make any statement until it had been acted upon by the Secretary. I do not know anything about the occurrences, however, only in a general way, and therefore could say nothing on the subject."

Governor Richards enjoyed the trip down the Columbia along the O. R. & N. and is pleased with the fine first visit to Oregon and Portland. He does not know how long he will remain in the city, the length of his visit depending entirely upon the developments at the trial. He brought several papers with him which will be used by him in his testimony and which were a part of the files of the General Land Office.

### PERSONAL MENTION.

Mr. O. F. Paxton, who has been seriously ill for the past ten days with sciatic rheumatism, is still confined to his bed.

Rev. John O'Neil, presiding elder of the Swedish district Puget Sound conference, and Mr. E. Church, is in the city. He conducted services at the Swedish M. E. Church, Albina, Sunday. The Swedish people are coming to this Western conference by the thousands, and Mr. O'Neil has great hopes for the future of the Methodist Church among his people. He leaves today for Olympia and other points in Washington.

NEW YORK, Nov. 28.—The following people from the Pacific Northwest registered in hotels here today: From Portland—G. J. Mohn, E. H. Kilham, at the Murray Hill; Mrs. H. C. Wortman, at the Holland.

From Seattle—A. P. Chamberlin, E. Brainerd, at the Wolcott; C. B. Bathen, at the Victoria.

From Spokane—R. P. Patterson, at the St. Andrews; E. B. Simmons, at the Ashland.

From Colfax, Wash.—C. H. Lankin, at the Albert.

Fairbanks Working for Presidency. NEW YORK, Nov. 28.—The Sun's Indianapolis correspondent says: Senator Fairbanks is to be the candidate of Indiana for President in 1908, and a systematic organization is in progress here for the consummation of that purpose.

## CHOKED AND ROBBED

### Seamstress Assaulted on East Side by Unmasked Man.

### POLICE HAVE DESCRIPTION

### Assault Occurs Near First Evangelical Church Early in the Evening, and Victim is Left Unconscious on the Scene.

Miss Anna Gavin was accosted, choked, beaten, robbed and left in an unconscious condition on the East side, near the First Evangelical Church, early in the evening, by an unmasked man at 5:30 last night. The sensational hold-up occurred within the shadows of the First Evangelical Church, East Sixth and Market streets. The contents of the young woman's purse, amounting to \$12.50, were taken.

After perpetrating the outrage, the highwayman took to his heels and ran, escaping in the darkness. Unable to raise an alarm for several minutes, Miss Gavin could do nothing to effect his capture. She was so faint that it was with great difficulty she reached her home, at 329 East Seventh street, but little more than a block distant.

Miss Gavin was taken entirely unaware, although she saw the highwayman fully one block away. She thought nothing of being held up, and consequently did not hesitate to keep on her way toward home.

### Tells Her Story.

"When I saw the man standing by the church, I did not think anything was wrong," said Miss Gavin, "for I frequently pass men as I am going home. When I reached the church, where it is very dark, the man stepped up to me and asked me for money with which to purchase food. I then had my first fears. Quickly, I thought that if I took money from my purse, he would snatch all I had and run, so I replied that I had nothing for him."

"Hardly had I made my reply, when the man grasped my throat, choked me most cruelly and threw me to the sidewalk. I was almost unconscious then, but I recall that he stooped down and seized my purse, after which he ran. I was insensible for just a brief time, after which I regained my senses. I was so faint I could not make an outcry, and got to my feet and continued homeward. I cannot describe the experience. It was terrible."

Police Are Notified. Although attacked by the ruffian, Miss Gavin showed great pluck and managed to get an excellent description of the assailant. As soon as she reached home, she telephoned to Captain of Police Moore. Detectives Hartman and Wetner were assigned to the case from headquarters and Police Sergeant Stuart, on whose beat the hold-up took place, went with Sergeant Slover to the Gavin home and talked with the victim.

From the description given by Miss Gavin, it is believed that her assailant went from the scene of his crime to Gerde & Dahl's saloon, Grand and Hawthorne avenues, and remained several minutes. From there all trace of him was lost, but it is believed that he will be brought in soon, as the description of him was complete in all details.

### Rally of White Ribboners.

The Central W. C. T. U. has accepted the invitation of Mrs. Ada Wallace Cuthbert to hold their meeting at her home, 380 East Yamhill street, on tomorrow afternoon. An unusually entertaining programme will be given, and a social hop will follow. Dainty refreshments will be served, and every woman who is now

## WILL TOUR FLORENCE ROBERTS

### Managers Heilig and Cort Will Direct Western Actress.

Calvin S. Heilig made the announcement last night that after September of next year Florence Roberts, one of the best emotional actresses in the country, and by long odds the most popular Western star, will tour the country under the management of John Cort, the Seattle manager, and himself.

Miss Roberts has entered into a five years' contract with the two managers named and will sever all connection with Belasco & Mayer, of the Alcazar, at San Francisco, who have starred her for the past several seasons.

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Next year the Roberts tour will be extended to Kansas City, St. Louis, Minneapolis, St. Paul and possibly Chicago. The year following she will probably make her New York debut, and Mr. Heilig says he feels quite sanguine she will succeed in the East. Incidentally under the Cort-Heilig management Miss Roberts will be a \$50 star and will play only the first-class houses. This will take her in a measure out of her old environment and will necessitate the organization of a new company for her support. None of the present company will be retained, and although it is too early to say who will appear with her, it is announced that a leading man and woman of National reputation will be engaged. All of her old plays excepting "Tess" and "Marta" will be abandoned, and a number of new ones secured.

Another Cort-Heilig enterprise of considerable interest will be the organization of the country by the Melikabala Indian band, which recently gave a matinee concert at the Marquam. The managers are now negotiating with the Lewis and Clark people for a concession for the band at the Exposition next year, but, regardless of the failure or success of such negotiations, the band will be sent on tour under their management.

### FORMING NEW CIRCUIT.

### Fred T. Merrill Will Place Vaudeville Houses in Albany and Eugene.

Councilman Fred T. Merrill is now visiting the Valley towns for the purpose of establishing an independent vaudeville circuit which will work in connection with the Bijou in this city. It is said that he has already completed arrangements to open 10-cent vaudeville theaters in Albany and Eugene, and that in all likelihood Grant's Pass and Ashland will be included. It is also probable that Mr. Merrill may open a number of houses in Eastern Oregon, all of which will form the Bijou circuit. It is probable that some of these new theaters will be opened within a few weeks, and the advantages of the plan as it concerns the Bijou are apparent. It means that Mr. Merrill will be able to secure better acts for the reason that he can guarantee performers a long term of employment, which is the first thing considered by good vaudeville performers. Mr. Merrill is expected home today.

### Bad Man Arrested.

Joe Howf, arrested at an early hour this morning by Policeman Endicott, is said to be an ex-convict and a bad man generally. He created trouble in Blazer's Burnside-street saloon three times last night, being thrown out

## each time. He was booked on a charge of vagrancy.

### MUSIC AT EILERS.

Special informal recital today at the Eilers Piano House fine piano exhibit, Pianola, Aeolian Pipe Organ and Orchestrelle. Daily from 3 to 4; not Sundays.

### AGED MAN GETS LOST.

Carl Alberts, aged 68 years, wandered away from his home last night and got lost in the crowds downtown. He was picked up by Special Policeman Byers and sent to police headquarters. He was later sent to his home, Grand avenue and Oak street.

### THE OVERWORKED EYE.

The faded eye, the red and inflamed eye, the eye that needs care, relieved by Murine. Murine Eye Remedy Co., Chicago.

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FOR INFANTS AND INVALIDS. If you want a good food for your baby, a food that is endorsed by physicians, a food that contains a large amount of digestible constituents, a food that feeds, a food that will nourish, sustain and promote the growth of your baby, try Mellin's Food. We will send a sample for you to try.

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## THE CHRISTMAS McCURE'S contains the story of the New York sweat-shops by

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In Mr. Baker's article. You go along step by step—interested marvelously in the unfolding of a dramatic story, and seeing and perfectly understanding as you proceed, just why things were as they were, just why they came to be as they are.

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Reign of law incomplete. Cunning evasions of law. Increase in homicide. The law's delays. Conditions in New York, Pittsburgh, the West, Chicago, San Francisco, and the South. A story of negro killing. Comparisons with Russia, England, and other foreign countries. Causes of increase in crime. What are we going to do about it?

### Pictures in Colors

Samuel Hopkins Adams, a new member of the McClure staff, edits "Notes from a Traveler's Book." A dozen animal stories in one. Ten pictures in tints by Oliver Herford.

O. Henry, the author of "Cabbages and Kings," is a rare humorist. His "Ransom of Mack" in the Christmas McClure is full of funny touches.

Marion Hill's story is "His Journey to the Gates"—the gates of heaven. When scarlet fever enters the home, the theories of the Mother's Club go out. A satire and a touching little story. Ten drawings in color by F. L. Cory.

Other stories by Herman Knickerbocker Voth and Janet Remington.

George W. Alger reviews STANDARD OIL the Standard Oil. Full-page portrait of Rockefeller.

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