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EARLY TRIAL FOR MITCHELL

Abatement Plea Is of No Avail.

JUDGE BELLINGER RULES

Attempt to Invalidate Indictment Fails.

HENEY'S GREAT VICTORY

Legality of Grand Jury's Organization Upheld—Contention That District Attorney Showed Prejudice Swept Aside.

Senator Mitchell will be tried upon the indictments returned against him by the Federal Grand Jury for complicity in the Oregon land frauds, and that at the earliest opportunity. The attempt of Judge Bennett, his attorney, to check the course of the trials or to quash the indictments returned by the jury through the plea in abatement argued a week ago, was futile, and yesterday morning Judge Bellinger, by his decision, gave a sweeping victory to the cause of the government when he sustained every objection entered by District Attorney Heney to the plea.

At every point, as the court took them up one at a time, the cause of the government was upheld and the pleas of the defense overruled. Only in one case was there partial victory for the defense, and even there the concession, granted both by the court and the district attorney, was nullified by the action of the defense in insisting for trial by jury instead of trial before the court alone. This was in regard to the contention that George Guistin was not a naturalized citizen of the United States. Judge Bellinger ruled that as this allegation, if true, would disqualify Guistin as a juror, it would be permitted that the facts be tried before the court by the filing of affidavits and counter affidavits by the government and the defense. Judge Bennett refused to try the issue without a jury, thus throwing all the points in the decision onto the side of the United States.

Decision of Important Effect.

To the mind of the layman the decision bears no force unless the effect of a decision adverse to the government is realized. As it stands, the court has sustained the legality of the grand jury's actions, and has validated the indictments returned by that organization. The trials are now ready to proceed without further delay, as soon as the demurrers are argued, which are now pending and for which provision has been made.

If, on the other hand, Judge Bellinger had sustained the plea of Senator Mitchell, which by stipulation also applied to all other indictments returned by the jury, it would have meant long and vexatious delay in the trial with a possible nullification of all work done by the jury. If the plea had been sustained, it would have been necessary to try out the issues of fact alleged in the plea before a jury. The qualifications of the jurors attacked would have been proved or disproved, the citizenship of Guistin would have been tested by evidence, evidence as to the prejudice of Heney would have been heard, all of the allegations made would have been made clear to the jury sitting on the case, and had the defense been successful the indictments would have been quashed and all of the months of effort on the part of the grand jury lost and their acts have been null and void.

The decision therefore was vital to the cases at issue and upon it depends continuance of all the causes now pending. If the indictments had been quashed, the government would have been compelled to summon a new grand jury to go over once more all of the evidence presented to the jury just adjourned, and new indictments returned, if in the opinion of the jurors the evidence justified such action.

The Federal Courtroom was crowded by attorneys yesterday morning when the Judge took his place upon the bench, many of the most prominent men of legal attainment in the state being present to hear the decision of the court, which was of such vital moment to the early settlement of the cases now pending. Judge Bellinger read his opinion, which was an exhaustive resume of the arguments made both for and against the plea in abatement, dealing with many authorities bearing on the question at issue. Each point raised in the plea was gone into in detail; the qualifications of the jurors, the legality of the panel, the method of selection, the action of the court in excusing jurors, the qualifications of Mr. Heney, his alleged prejudice and the effect of his presence before the jury, all being considered in turn. On each and every point the holding of the court was for the Government and against the plea. In the case of George Guistin, where the defense alleged that the juror was not a naturalized citizen of the United States, the court held that inasmuch as the Government had expressed willingness to try the conclusions of fact involved it would be decreed that such trial could be held before him, sitting in open court, but that the contention of the counsel for a jury trial would not be allowed. The court also held that for purposes of an appeal and to have record in court he would allow Mr. Heney to file his affidavits denying prejudice, if he so desired.

Heney Will File Affidavit.

At the conclusion of the decision Heney gave notice that he would file his affidavits in regard to the citizenship of Guistin at once, and asked whether or not the defense would follow the same course by filing counter-affidavits. This the defense refused to do, maintaining the attitude that it should be allowed trial of the question by jury, and not before the court alone. This being denied by Judge Bellinger, it was asked by Bennett that the contention be entered upon the record for possible future use in an appeal.

It was further provided that the decision of the court in regard to the Mitchell plea should be extended to all the pleas offered, the same objections and reservations being made in each case as though the different pleas had been argued and submitted separately.

It was agreed between the attorneys in the Mitchell and the Williamson and Gesner cases that the demurrers now filed would be submitted in brief to the court, the defense being given ten days in which to prepare its argument, the Government ten days in which to reply and the defense an additional two days in which to answer and file any necessary stipulations or motions resultant from the answer of Mr. Heney. The demurrers will be out of the way by the time the jury is called, and there will be no further cause for delay that can be invoked to prevent the cases coming to trial as soon as set by the court.

The jury will be called as soon as it is known when the new courtroom will be ready for the cases to be tried. After finishing up what routine business remains in connection with the cases now pending Mr. Heney will leave for San Francisco to attend to private business, which is demanding his attention there.

Question of Heney's Prejudice.

One of the most interesting portions of Judge Bellinger's decision was that relative to the prejudice alleged by the plea to be entertained by District Attorney Heney for Senator Mitchell. The court held that the allegation was mere opinion, not supported by evidence of fact, of which the court took no cognizance. In treating of the question Judge Bellinger said:

The ground of the fourth plea is that Francis J. Heney is not a permanent resident of this district, but resides in the State of California, and that because of such non-residence he could not lawfully act as District Attorney.

The principle is settled that there is a presumption from the undisturbed exercise of a public office that the appointment to it is valid. In the present case it is not questioned that the court had authority to make a valid appointment to this office, and that it did appoint Mr. Heney, and that during the performance by him as District Attorney of all the acts and things complained of he was in the undisturbed and unquestioned exercise of that office. His right to the office cannot be attacked collaterally. Whether he is in fact ineligible to hold the office is not material to the purposes of this inquiry. He is a de facto officer, and is entitled to continue in the office until it is judicially declared by a competent tribunal, in a proceeding for that purpose, that he has no right to it. 8 Ency. of Law, 788, citing a large number of cases.

In the case of in re. Manning, 139 U. S. 504, a conviction is upheld which was had in a trial before a de facto Judge of a court de jure. The case was from Wisconsin, where the rule is recognized in a long series of decisions that "if the office has been lawfully established and a person exercises the functions thereof by color of right, but whose election or appointment thereto is illegal, his official acts therein cannot be successfully attacked in collateral proceedings, but in all such proceedings will be valid and binding until the officer is ousted by the judgment of a court in a direct proceeding to try his title to the office." The rule is required by public policy. As stated by Justice Story, in the Bank of United States vs. Danbridge, 12 Wheat. 64, for the purpose of "upholding transactions intimately connected with the public peace and the security of private property," the law indulges in its own presumptions, "thus it will presume that a man acting in a public office has been rightfully appointed; that entries made in public books have been made by the proper officer," etc.

Matter of Opinion.

As to the other grounds of objection to the indictment, that Mr. Heney has been very prejudiced against the defendant and very active in working up feeling against him, and has been very vindictive and bitter in his prosecution of this charge, these are matters of which this court cannot take cognizance. A prosecuting officer may not infrequently appear active against a defendant and bitter and vindictive in and out of court. The feelings and interests of a defendant tend to create in him an unfavorable opinion respecting the attitude of the prosecuting officer toward him. What is alleged is a mere matter of opinion, and as to the effect of the conduct attributed to the District Attorney by that opinion, no opinion is expressed; and, if there was in fact evidence of the facts to which the opinion relates, it could not affect the legality of what has been done or afford ground for setting the indictment aside. The officer may, as alleged, have "greatly influenced the grand jury to find this indictment." It is not stated how this influence was produced, whether by the production of evidence before them and pertinent suggestion respecting it, or otherwise. It is stated that "if said Francis J. Heney had not so unlawfully appeared" before the grand jury, this indictment would not have been found. All this cannot be other than mere opinion. If he had "lawfully" appeared before them, the presumption is that the same result would have followed. In other words, Mr. Heney's influence with the grand jury cannot possibly be said to have been affected by his residence, and that is the ground of his alleged disqualification to hold the office.

Indefinite and Vague.

All these matters and those which relate to his alleged presence while the grand jury was deliberating; to his arguments, denunciations, intimidations, etc., are indefinite and vague. The District Attorney may explain both his case and his law to the jury. United States vs. Cobban, 127 Fed. 713. If he went beyond this, his acts may constitute an irregularity, but the case must be extreme before the court will try the District Attorney or the grand jury, or both, in order to determine whether it will try a defendant. Instead of conclusions and opinions, there must be something tangible justifying a presumption of injury to the defendant in a substantial right before the court will interfere, assuming that it ought to do so upon any state of facts of the character indicated.

Similar questions to those presented upon this ground of the plea were considered by Judge Deady in United States vs. Brown, 1 Saw. 533 (Fed. Cases No. 14671), and in that case the court said: "Neither the motion to set aside nor the motion to quash will lie where the objection does not appear or arise upon the

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JEKYLL AND HYDE IN BIGELOW

Lifetime Friends Cannot Credit That He Has Become an Embezzler.

KNEW HIM AS MODEL MAN

Always Ready to Help Young Men, Lover of Children, Man of Broad Humanity Puzzles Neighbors by Great Crime.

MILWAUKEE, April 25.—(Special.)—Where do the Jekyll and the Hyde of Frank G. Bigelow blend?

"What has made this man—the most loving of husbands, the sincere friend of scores of ambitious young men—the most notorious bank defaulter of recent years?" asked one who has known him for many years, today.

"Why," said Charles Pfister, one of the biggest Germans of the city, "I would have trusted him with my life. Think of Frank as a defaulter! But now—"

That he speculated, nearly all his bank associates here and in Chicago knew, but that he was robbing by hundreds of thousands to carry himself over the shoals of the market none but his accomplices knew.

Only last September, addressing the American Bankers' Association in the Waldorf-Astoria, he said:

"However much prejudice there may appear to be at times against bankers, our business is of the utmost usefulness and importance and the right pursuit of it, in its broader and better aspects, requires all the courage and all the conservatism we can command."

Today he stands self-confessed to having done all that his utterances of last year forbade.

Results of His System.

Then he quoted the old lines:

Our little systems have their day,
They have their day and cease to be.

"His 'system' has had its day and come to the full light of the law—he before the bar of justice; at home a wet-eyed wife; on the streets dishonored friends; in the distance the gates ajar of a prison," said a friend, and he added:

"It is hard to reconcile these two sides of the character of Frank Bigelow. Perhaps Milwaukee, where he was so well known and honored, will never fully grasp them. Even if he would talk and strive to analyze all the motives that led him to walk two ways, it is doubtful if he could make it clear. Yet in his darkest hour one writes of him:

Warm Friend of Young Men.

"'He was a humanitarian of the broadest type. He has made more young business men than any man in the Middle West. He loved young men. He loved children. Never yet have I heard of a worthy young man in business trouble being turned away by him. His glorious smile would give a gleam of welcome and hope to the humblest of those seeking his aid, and with the smile would go the help needed. It is said here that he has started a thousand young men in business and that not one of them failed.

"'The law can give no pity, can make no exceptions, but you who judge this man, remember the other side; remember that there are thousands of us whose hearts are bleeding for the man we loved, for this man who has stood by us in our hours of trouble; remember this and be charitable.'"

A Jekyll and a Hyde in Him.

In the face of such a tribute can the psychologist answer why, from December last to April 21 of this year, Frank Bigelow day after day connived at the falsification of the books of his bank, made an assistant cashier and possibly two bookkeepers criminals, and one of these a fugitive from justice, plundered

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SUMMARY OF PLEAS IN ABATEMENT AND JUDGE BELLINGER'S DECISION SUSTAINING GOVERNMENT'S OBJECTIONS

WHAT THE PLEAS IN ABATEMENT SET OUT.

That grand jury returning indictment against Senator Mitchell was not regularly organized or empaneled for the following reasons:

First—W. E. Robertson was excused without cause. Second—Carl Phelps was excused, although taking part in the investigation. Third—That George Peebler and Fred G. Buffum were added to the grand jury after it had partially investigated the charges against Senator Mitchell. Fourth—That George Guistin was not qualified, being an alien. Fifth—That Frank Bolter and Joseph Essner, grand jurors, were not upon the preceding or any assessment roll of any county in the state, or taxpayers in counties of their residence. Sixth—That F. J. Heney was not a resident of the state, and therefore was not legally a District Attorney; that he was prejudiced against Senator Mitchell and worked up feeling against him in the newspapers and otherwise; that he was vindictive and bitter in his prosecution before the grand jury and influenced the jury to bring the indictment. Seventh—That Francis J. Heney prejudiced Senator Mitchell during the deliberations of the grand jury by arguments and denunciations against him and by threats and intimidations towards members of the grand jury.

SUMMARY OF JUDGE BELLINGER'S DECISION.

A Qualified Juror Must Be: "1—A citizen of the United States. 2—A male inhabitant of the county in which he is returned, and who has been an inhabitant thereof for the year next preceding the time he is drawn or called. 3—Over 21 years of age. 4—In the possession of his natural faculties and of sound mind. Nor is any person competent to act as a juror who has been convicted of any felony or a misdemeanor involving moral turpitude."

Property Qualifications Not Necessary—It has never been decided in this state, so far as appears, that a property qualification is necessary to the competency of a juror. A person may be a property-owner and taxpayer whose name is not upon the particular role mentioned in the section in question. There may be a Sheriff's assessment of property subsequent to the making of the list by the County Court from the Assessor's roll, and equally conclusive of the fact that the party assessed is a taxpayer. Furthermore, it is common knowledge that many of the largest property interests are assessed in the names of corporations or of trustees. If the names of the stockholders and beneficiaries are not upon the assessment roll, nevertheless they are under the bonds of self-interest to maintain good government equally with those whose names are there. If the Legislature intended that a person should not be qualified to sit on a jury unless he is a taxpayer in the county or his name is on the county assessment roll, it must be presumed that these disqualifications would have been included with those specified in section 965. It is clear that the positive disqualifications enumerated by one section of such a law cannot be added to by the mere implication of another section.

Objection to Regularity Not Qualification—It is obvious that these objections do not go to the qualifications of the juror, but to the regularity of the proceedings by which the jury is organized. The effect, then, of the statute prescribing the grounds upon which an indictment may be set aside is to limit the disqualification of grand jurors to such grounds. Now, the Oregon statute does not permit pleas in abatement to indictments upon any ground. It provides for setting an indictment aside upon motion upon certain specified grounds, and the grounds so specified do not include any of those upon which the pleas in abatement are based in this case.

Robertson and Phelps Excused for Cause—Upon the argument the objection relating to the discharge of Robertson was waived by the attorneys for the defendant, and doubts were expressed by them as to the validity of the objection relating to the discharge of the juror Carl Phelps. The record shows that these jurors were discharged "for good cause shown to the court."

Records of Court Contradict Pleas—The record of the court shows that the jurors, Peebler and Buffum, were summoned at the same time with the other jurors. It also contradicts the allegation of the plea that the grand jury had "partially investigated" the charges upon which this indictment was found before these jurors were sworn in. The record shows that on October 25, 1904, Peebler was sworn in; that the grand jury on that day reported to the court that it had "completed all business brought to its attention," and that it was therefore excused until such time as it should be convened by order of the court; that thereafter, and on December 19, 1904, the grand jury was reconvened, and that so being, Buffum was duly sworn in, after which the grand jury retired. So that the grand jury, having on October 25, after Peebler was sworn in, "completed all business brought to its attention," began, on December 19, the consideration of matters not theretofore brought to its attention, Buffum being sworn in and retiring from the courtroom with the other jurors for that purpose. The indictment in question was returned on the first day of the following February. Phelps was excused on the 27th of January. With the exception of Phelps the personnel of the grand jury was not changed during the period covered by its investigation of the charge in question, nor thereafter up to the time of its final discharge. These facts do not admit of contradiction.

Heney Qualified Until Proved Otherwise—The ground of the fourth plea is that Francis J. Heney is not a permanent resident of this district, but resides in the State of California, and that because of such nonresidence he could not lawfully act as District Attorney.

The principle is settled that there is a presumption from the undisturbed exercise of a public office that the appointment to it is valid. In the present case it is not questioned that the court had authority to make a valid appointment to this office, and that it did appoint Mr. Heney, and that during the performance by him as District Attorney of all the acts and things complained of he was in the undisturbed and unquestioned exercise of that office. His right to the office cannot be attacked collaterally. Whether he is in fact ineligible to hold the office is not material to the purpose of this inquiry. He is a de facto officer and is entitled to continue in the office until it is judicially declared by a competent tribunal, in a proceeding for that purpose, that he has no right to it.

Alleged Prejudice Mere Opinion—As to the other grounds of objection to the indictment, that Mr. Heney has been very prejudiced against the defendant and very active in working up feeling against him, and has been very vindictive and bitter in his prosecution of this charge, these are matters of which this court cannot take cognizance. A prosecuting officer may not infrequently appear active against a defendant and bitter and vindictive in and out of court. The feelings and interests of a defendant tend to create in him an unfavorable opinion respecting the attitude of the prosecuting officer toward him. What is alleged is a mere matter of opinion, and as to the effect of the conduct attributed to the District Attorney by that opinion, no opinion is expressed; and, if there was in fact evidence of the facts to which the opinion relates, it could not affect the legality of what has been done or afford ground for setting the indictment aside. In other words, Mr. Heney's influence with the grand jury cannot possibly be said to have been affected by his residence, and that is the ground of his alleged disqualification to hold the office.

Pleas Allowed by Statute—The only plea in addition to the pleas of "guilty" and "not guilty" allowed by the statute is the plea of former conviction or acquittal, and there are only two grounds upon which an indictment of these is included in the pleas in question.

Section 1349 provides that "the indictment must be set aside by the court upon the motion of the defendant in either of the following cases: 1—When it is not found indorsed and presented as prescribed in chapter 7 of title 18 of this code; 2—When the names of the witnesses examined before the grand jury are not inserted at the foot of the indictment or indorsed thereon."

There is no other provision for setting an indictment aside, and the express mention of this mode is, of course, the exclusion of any other.

Objections Must Be Addressed to Court—It follows from these considerations that all objections to an indictment not provided for as hereinbefore set forth must be addressed to the court for the exercise of its discretion; and when it is made to appear that there has been fraud practiced, or other acts committed, that impair a defendant's substantial rights, the court in the exercise of a sound discretion will grant appropriate relief.

Contention of Defense Not Granted—The objections to the several pleas are sustained, and said pleas are ordered dismissed, except as to the plea by which the objection to George Guistin on the ground of alienage is made. The facts alleged in that case constitute a positive disqualification by the state law, and while under the State Court rule, which is a rule of procedure in this court, the objection to this juror cannot now be made, yet in view of the statement of the District Attorney, made on the hearing that if the court should decide adversely to the defendant, yet out of abundant caution he desired to meet this objection upon the facts, I will afford him the opportunity to do so. This he may do by filing the affidavits offered on the hearing, or by testimony in open court, with the right, of course, on the part of the defendant to file counter-affidavits or to introduce testimony to meet that produced by the Government.

HOPGROWERS FORM A POOL

About Fourteen-Seventeenths of the Product Is in the Combine.

SUIT TO RESTRAIN IS FILED

A. C. Iler Asks for a Temporary Injunction, Later to Be Made Permanent to Prevent Withdrawing of Hops.

Now let the price of hops go up. The growers of Oregon have formed a pool and stepped out of the market. Eastern brewers, with empty or partially filled warehouses, shorts, who thought they were wise and contracted to deliver at low prices, and false prophets in the hop trade generally have had their day. It is the farmers' inning now. Oregon has set the pace, and the hop markets of the world will have to follow the lead.

At the growers' meeting at the Hotel Portland yesterday 13,895 bales of hops raised in this state were withdrawn from sale. There are only about 17,000 left unsold in Oregon, consequently the success of the movement is assured. Moreover, it is known that of the holders of the remaining 3000 bales the majority have signified their approval of the pool and will add their names to the agreement as soon as they have the opportunity.

Sixty of the leading growers of hops in Oregon were in attendance at the meeting. A careful canvass of "those not present" showed that only about ten growers of prominence in the state failed to attend. Some were unavoidably detained, others probably kept away from lack of interest, but their absence could not prevent the success of the meeting. It was an absolutely unanimous affair, and every proposition made by the promoters of the movement was carried enthusiastically.

Hold Two Sessions.

Two sessions were held, one at 2 o'clock in the afternoon and the other at 8 P. M. A permanent organization was effected under the name of the "Oregon Hop Holders' Protective Association," with office at Salem. The following officers were elected:

President, Conrad Krebs; vice-president, William Egan; secretary, James Winstanley; treasurer, T. A. Riggs; executive committee, J. R. Cartwright, J. F. Fletcher and J. F. Sewell.

The following resolutions were adopted, which state clearly the reasons for the organization and the objects it is intended to attain:

Whereas, We, the holders of hops in the State of Oregon, believing the price of hops has been maintained at its present level by means of manipulation by interested parties; and,

Whereas, We believe the intrinsic value of our hops is from 30 to 40 cents per pound; and,

Whereas, It is not our desire to hamper trade, but to obtain such price for our hops as existing conditions suggest we are entitled to; now therefore be it

Resolved, That we, the hopgrowers of Oregon, in meeting assembled at Portland, this the 25th day of April, 1905, hereby signify our intention of holding our hops until the 1st day of August, 1905, or longer, unless before that time the price of hops shall have reached over 30 cents per pound.

Not a Dissenting Vote.

There was not a dissenting voice when the resolutions were put to a vote, but they were carried with an "aye" that resounded throughout all the corridors of the big hotel. The step had been taken in a move that is to raise the price of hops all over the world, and the meeting then adjourned and the members of the newly formed organization dispersed, well satisfied with what they had done.

What threatened for a time to mar the enthusiasm of the meeting was the news that injunction proceedings against the proposed combination had been instituted. As the hopmen learned more clearly the nature of the case their apprehension was allayed and the business for which they had gathered proceeded. The suit was filed in the State Circuit Court yesterday by A. C. Iler, a hop dealer. The complaint was served on the hopmen by a Deputy Sheriff while their meeting was in progress.

The Defendants to Action.

The defendants named are Conrad Krebs, T. A. Riggs, M. H. Durst, J. T. Ranzan, James Pincus, W. H. Egan, J. Winstanley, Henry Clandfield, James Myer, Marion Palmer, George A. Sims, John Cartwright and James Sewell.

Iler asks the court to issue an order requiring the persons named to appear at once and show cause why a temporary injunction should not be issued against them and all others connected with them in the formation of this trust, and that at the final hearing the injunction be made permanent.

The complaint sets forth that Iler is a hop-buyer and is interested in the production and sale of hops and free and open competition in the purchase and sale of hops in the market. The defendants, it is alleged, are all large growers of hops, and have on hand quantities of hops which they are holding, and with others are holding all hops heretofore grown by them for the purpose of forming a pool, combination and trust. The purpose of this, it is averred, is that no one may be able within this state to purchase any hops without agreeing to the price and terms they shall set upon them.

The purpose of the pool, it is asserted, will be to establish a monopoly so far as hops in this state are concerned, and a meeting has been called for that purpose, and unless restrained the pool will be formed and become a restraint of trade and unlawful. Bernstein & Cohen appear as attorneys for Iler.

The hopgrowers discussed this new phase of the situation and decided to go on with their organization and pool. When asked their opinion of the suit, Conrad Krebs, as spokesman for the other growers, said:

"We shall pay no attention to the matter. We feel we have done no act that can be considered illegal and believe that by law we are entitled to do with our hops practically as we please."

ONLY ENCOURAGES GROWERS

Filing of Suit Discovers Fright of Short Sellers.

SALEM, Or., April 25.—(Special.)—Hopgrowers in this vicinity were surprised, but not in the least dismayed, upon learning that an injunction suit has been brought to enjoin the formation of a growers' pool. If the suit has had any effect upon growers still holding hops, it has encouraged them to hang on. Mark S. Skiff, one of the heavy holders, expresses the views of growers thus:

"There were a few who were in doubt about the dealers needing all the remaining hops to fill their contracts, but in bringing this suit the short-sellers have admitted the extremity in which they find themselves. Those who are opposed to the pool acknowledge that they must have the hops. This they have been denying heretofore.

"It makes no particular difference whether the courts enjoin the formation of the pool; the growers will hold their hops in any event until the price goes to 30 cents or better. Growers will hold individually, if not by agreement. The courts may enjoin the formation of a pool, but they won't compel the growers to sell their hops."

TARIFF REVISION LIVE ISSUE

President Will Insist on Necessity to Wipe Out Deficit.

WASHINGTON, April 25.—(Special.)—It has become the belief among public men here that tariff revision will become one of the pressing issues this fall. When the President calls Congress together in extra session in October it is understood he will make those men who have been keeping their fingers upon the pulse of the National Treasury and noting the increasing deficit feel thoroughly convinced that a suggestion for tariff revision will divide honors with a demand for railroad rate legislation on the President's call.

Arrested on Murder Charge.

MILES CITY, Mont., April 25.—On a telegraphic description from Little Falls, Minn., Sheriff Savage today arrested a negro suspected of complicity in the assault and murder of a young girl near that place about ten days ago. The negro refuses to give his name.

The murder, it is believed, was committed by two negroes. The negro arrested today came to town with a mulatto, whom the Sheriff has not yet apprehended.

COMBINE TO SIT ON HARRIMAN

Morgan, Rockefeller and Hill Are All Against His Merger.

TO VOTE DOWN BOND ISSUE

Leading Railroad Men Agree to Vote Their Union Pacific Stock as Unit to Crush Harriman's Ambitious Projects.

BOSTON Mass., April 25.—(Special.)—It is learned tonight that Harriman's ambitious plan to unite the New York Central, Chicago & Northwestern and Union Pacific companies in one big coast-to-coast system has been abandoned chiefly because he has been sat upon by the Morgan-Rockefeller-Vanderbilt interests, allied to James J. Hill.

These four have formed a coalition which can put an effectual stopper on Mr. Harriman at any time that his plans go counter to theirs or their wishes. An understanding has been reached by the so-called Morgan-Rockefeller-and-Hill interests in Union Pacific by which the holdings of these three will be voted as a unit in deciding all questions effecting not only this property but its relations to other railroads as well.

May Kill Big Bond Issue.

As a consequence of such understanding, it is probable that the proposed $100,000,000 of the new Union Pacific stock may not be authorized at the meeting to be held May 5 in Salt Lake.

It has been known since the announcement of this stupendous financial proposition that the Morgan people would resist its being effected with all their power. Mr. Harriman's tactics have offended many influential men and opposition to his schemes has been due as much to

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