Morning & Oregonian.

# BRINGS IN NAME OF WILLIAMSON

**NewTestimonyAgainst** Representative.

#### HELPED TO PICK HIS CLAIM

J. S. Watkins Says He Agreed to Sell the Land.

MADE IMPLIED CONTRACT

To Avoid Illegality, He Desired to Pay for Claim Without the Aid of Williamson and Gesner.

J. N. Williamson felt the first direct breath of the Government's case against him yesterday afternoon, when John S. Watkins testified in the Federal Court that he had met the Congressman in the woods near Prineville, and that Williamson had taken his daybook from him and entered in it the descriptions of the tand desired him and his wife and brotherin-law to file upon under an implied contract to deliver the claims to the firm as soon as patented. The witness further testified to his tacit contract with the firm of Williamson & Gesner, and to his intention to pay for the filing fees and other expenses incident to securing the claim out of his own money, in order that he might thus avoid illegality and keep himself clear of the law. It was the first tightening of the web which the prosethree defendants.

The rest of the session of the aftersoon, delayed as it was by the argument upon the Mitchell motion for a new trial, followed the lines shown by the witnesses of the preceding days.

Henry E. Beard, the mountaineer who confessed on the previous day of trial how he had perjured himself before United States Commissioner Biggs in order to file upon the claim as set out in

his witness was followed by Frank Ray, whose tale was similar to the others already told. He had been induced to take up a timber claim through Green Beard, his father-in-law, who in turn had been persuaded by Biggs and Gesner. His story was in the mean a repetition of those told by the other wit-

Ray was followed by Frank S. Watkins who brought the name of Mr. William. son into the case for the first time, but whose story was otherwise the same as those that had been told before. He had seen Biggs and had agreed to take up claims and to induce some of his relatives to do the same. He had been forced to relinquish and had been summoned to appear before the grand jury. That was ut the whole of his story.

Wilford J. Crane, a young man, was before the eyes of the jury when the hammering of the property man in the corridor forced the court to adjourn for the day in hopes that the noise would cease. Crane apparently has the same story to tell, of how he met Biggs, was seduced by the promise of \$75 and joined the others in filing on timber land. His tale commences the same as the rest of already unfolded and promises nothing new.

### WILLIAMSON TRIAL RESUMED

### Witnesses Testify as to Their Tran

actions With Defendants.

The trial of Williamson and his associates was resumed yesterday afternoon at 2:25, the delay being caused by the overlapping of the argument in the Mitchell motion, which had been set for the morning session, but had not been quite completed. At the commencement, Henry E. Beard was recalled for the remainder of his cross-questioning by Judge Bennett. The defence began the inquisition by asking the witness about the money owed him by the firm of Williamson & Gesner at the time of his making the application for his claim. Judge Bennett elicited the fact that the man had about \$100 coming to him, and that he had been working for \$55 a month. Then the questioning was turned to the contract the witness had testified about in relation to his claim, and he wan asked when he had first told of the existence of such an obligation to deliver his claim, and whether it had been oral or implied, verbal or written. The witness testified that he had first told of the contract to Mr. Neuhausen a year ago last May, when that offichal had been investigating the status of the Prineville claims. Mr. Beard also stated that he thought he had talked to Neuhausen and to Heney and Burns before he went into the grand jury room last Fall.

Judge Bennett tried to get the witness to state that he bad been threatened by indictment for perjury by the Government unless he had testified in the case, and Beard said it seemed to him as though something had been said in regard to the matter. Neither had he been scared into giving any story to the prosecution.

"Well," said Judge Bennett, "didn't they ask yos leading questions, if this was so and that was not so." The witness stated that Mr. Neuhausen had asked him questions about what he had said to the officer when the latter was out making his investigation.

"Now," continued the lawyer, "is it not a fact that they-have threatened you with indictment since you have been here at actions With Defendants.

was out making his investigation.

"Now," continued the lawyer, "is it not a fact that they have threatened you with indictment since you have been here at this trial?" The witness did not remember anything about such

ber anything about such a threat.

"Didn't they road over the statement they claimed you had made to Neuhausen and ask you if you remembered what you had said?" "Fes, sir."

"That was a statement Neuhausen wrote." That was a statement Neuhausen wrote out, and not one you wrote?"
The defense than

ment officials since his arrival in the city as a witness, and asked if he had seen any of the defendants or talked to them. The Prineville man stated that he had seen Neuhausen and Burns and had talked to them, but he had not seen any of the de-fendants.

them, but he had not seen any of the defendants.

The witness was turned over to the prosecution at this point, and Mr. Heney took him in hand for a speil.

"Did you see Gesner and Graves, the surveyor, yesterday in a saloon," questioned Mr. Heney, looking at a little paper he held. "No, sir," the witness replied, "I saw them on the street."

"That statement you made in Prineville to Neuhausen was taken down in shorthand and signed by you, was it not?" "Yes, "sir,"

This was objected to by Judge Bennett, who asked that the evidence be stricken out as incompetent and the jury be instructed not to consider it in its deliberations. The contention was overruled by the court.

#### Paid Money Back to Gesner.

Paid Money Back to Gesner.

"Did you receive any notice from the land office as to what had been done with your cisim?" "Yes, sir. I got a letter stating that it was in conflict with McRae's." The prosecution introduced the letter from the department inclosing a voucher for \$400, the amount paid upon the claim. The letter stated that the claim had been found in conflict with a previous filing, and that the money was returned, while the claimant would be given 30 days in which to make appeal to the Commissioner of the Land Office. This letter had ben sent to the witness in care of Marion Biggs, and had been sent by Biggs to the local land office at The Dalles, with a postscript added to the register asking that the entry be changed from the southwest to the southeast quarter in order to overcome the conflict. The witness stated that a short time after he had signed the voucher he had received a check for the amount from the kind office, and that he had taken it to the bank, cashed it and taken it to Dr. Gesner's office, where he paid it over. "How long after you had the check cashed did you see Gesner? was asked. "It was about five minutes."

"Did you see him before?" Yes, I asked him if he wanted me to indorse the check and cash it or to indorse it and have him cash it. He told me to cash it, and I did and took the money to him at the office."

"Did Boggs work for Biggs?" asked

"Did Boggs work for Biggs?" asked "Did Boggs work for Biggs?" asked Mr. Hency, reverting to the testimony of the previous day. The witness answered in the affirmative.

"Did he work for the County Clerk, too?" "No, sir."

"Did you write the answers in the affidavits you identified yesterday?" "No, sir. Boggs wrote them."

"Was this question read to you by Boggs, What do you expect to do with this land when you get title to it, and did you answer and say, "use it for my own use and benefit." "Yes, sir."

"Was the question, "did you pay out of your individual funds the expenses of filing and do you expect to pay the expenses out of your own funds." and the answer 'Yes, fixed by Boggs." "It

"Tell me how they fixed those pa-rs." "Boggs asked us our ages and pers." Boggs asked us our ages and just wrote them in."

The prosecution here showed the application of the witness which had been altered to read the southeast quarter instead of the southwest as was in the original. The witness stated that he had not made the alteration and did not know that it had been done for a long time afterward.

"Did you ever have a talk with Gesner about the change?" the witness was asked. "Yes." he said, "he told me that McRae had filed upon the claim and that he had changed my claim from the southwest to the southeast quarter."

#### Frank Rae Testifies,

do the same thing.

"What did Green Beard say?" Mr. Heney asked, but the defense objected and the objection was sustained, though Mr. Heney contended that the testimony showed Beard to have been to be the contended to the description.

in fact a conspirator against the Gov-

nment. "Well," asked Mr. Herrey, taking other tack, "what did you do first?"

eriment.

"Well," asked Mr. Herrey, taking another tack, "what did you do first?"

"I went to see the land."

"Who was there?" "A number of people: Doc Gesner, Charlie Graves, Wakefield and several others."

The witness testified that he had heard Gesner make a speech at the sheep-shearing plant in which the doctor had said that he had mention do to some of them about taking up timber chaims and that he now wanted to talk to all. He had said that there was a craze for timber claims at the time and that Eastern people were coming in which would hurt the country and kill off the range. He would therefore like to have those listening to him take up claims and that he would give \$590 for the claim when it had been passed to patent, and that he would furnish the money to make the filings and prove up on the lands. Gesner had also said that he would take the note and mortgage of the claimants so that it would make take the note and mortgage of the claimants so that it would make

claimants so that it would make everything right.
"Did he say anything about your clearing anything on the claims?" the witness was asked. "Yes, he said that the claims would cost about \$416 and that we would get the rest of the \$500."

"Did anyone show you the lands?" "Yes, Doc went out with us and pointed out the lands and said that was where he wanted us to file. He said for us to go to town and see Biggs and he would give us the numbers to the claims."

"At the time you signed the affida-vits," asked Mr. Heney, "did you in-tend to convey the james to Gesner as soon as you had secured the titles?" "Well, I don't know. That was the calculation. It was my understanding at the time that I was taking the land up

"You intended to do that?" "Yes, sir."
"Who paid the filing fees? "I gave
lesser a note and I guess he paid

Gesner a note and I guess he part them."

"Did you see Gesner?" "No, sir; not that Jny. Weil. I will tell it the way it was. I saw Gesner the day before and he told me that I would have to pay the filing. I told him I would not do it and next day he told me to go to see Biggs and he would fix it up. I went up and Biggs fixed up the note. I didn't nave to talk to him about it."

"When did you have a second talk with Gesner?" "It was December 6, 1902. It was in Prineville and Gesner said that the best thing to do was to relinquish my right. He said he couldn't let me have the money and to relinquish my right. He said couldn't let me have the money that there was so much trouble at the land frauds that I had better

## "Doc." Was Getting Scared.

"When you went to Biggs to relin-quish, what did he say?" "He said that Doc. was getting scared and that he might as well have gone shead with

it."

"Did you have a talk with Biggs before you came to appear before the grand Jury" "Yes, he said that he wanted me to say that there was no contract between us."

On the cross-examination, Judge Bennett sought to show by the witness that Biggs had told the witness at the time of filing that he could not make a contract with Gesner or Gesner with him, but the witness failed to make the admission. The defense also attempted to establish the fact that similar the witness bad contemplated taking up a timber claim prior to meeting Biggs, and had attempted to borrow money for the purpose, but the witness denied that he had ever contemplated such action. Failing in this (Coocluded on Page 5.)

# FIFTEEN HUNDRED

Great Registration of Delegates to Congress of Medical Association.

#### PLANS FOR THE SESSIONS

Leading Physicians and Surgeons of the Continent Are in Portland for the Annual Meeting of Their Organization.

#### \* 286 PULLMANS.

More than 5000 passengers have arrived in Portland occupying Pullman cars alone since Saturday, including those coming on trains scheduled for the early morning hours of today. Two special trains from Chicago, one from Jersey City, one from Pennsylvania, one from Kaneas City, and one from California and special cars from St. Louis, Jacksonville, Nushville, Louis-ville, Denver and Los Angeles represent a part of the total equipment bringing guests to abare hospitality of the Rose City. Yesterday 134 Pullman cars were received in the Northern Pacific terminal yards, 52 arrived Sunday and 50 are echeduled for this morning. This total of 238 Pullman cars, ave aged on the low basis of 25 persons to There has been no like movement of travel to the North Pacific Coast an only two or three occasions when Caliportions. Transcontinental roads are handling the traffic with dispatch satsefactory alike to the passengers and

sociation to the number of almost 750 were registered at the headquarters reg-istration office at the Armory yesterday, and visitors to the number of as many which is an exceedingly large ad-registration. In the opinion of those having the best opportunity to es-timate the number it is now conservative-ly calculated that the total registration of delegates will be in excess of 1500, and that the accompanying visitors will be fully equal to that number.

bis implied contract with Gesner, was recalled to the stand for the rest of his
cross-examination by Judge Bennett. The
evidence of the witness was a repetition
of that in his direct examination broughts
out under the crossfire of the defense.

This witness was followed by Frank
This forenoon the first business session
of the general convention will be called
to others who have yet appeared
was a resident of the vicinity of Prineville and had known all of the defendants for several years. He had
been induced to file upon a timber
claim by Green Beard, his father-inclaim by Green Beard, his father-inlaw, who had been won by Biggs to
on this Coust combining the signt intelon this Coust combining the signt intel-This forenoon the first business see on this Coust, combining the giant intel lects of one of the most scientific callings that contribute to advancement of the world and reveals means of diminishing suffering and preventing contagion. Ad-dresses of welcome will be delivered by Mayor Lane, on behalf of the city: Dr. George F. Wilson, on behalf of the Oregon State Medical Society; by Dr. H. W. Coe, on behalf of the City and County Medical Society. Dr. K. A. J. Mackenzie, chairman of the committee on arrange ments, will present the report of that committee. President-elect Lewis S. Mc. Murtry, of Louisville, will be introduced by the retiring executive. President John H. Musser, of Philadelphia.

There will also be an evening session at the Armory, at which Dr. Charles G. Stockton, of Buffalo, will deliver an oration on medicine, and Dr. John Collins Warren, of Boston, will deliver an oration on surgery.

That the leading physicians and sur geons of the American continent are in Portland for business was demonstrated by the large interest displayed in the sessions yesterday of the house of delegates, and likewise in the initial registra tion at headquarters. The house of dele-gates is the legislative branch, and its seasion is the first business germane to the organization. Numerous other organ-izations that meet annually at the same place where the larger association con-venes are merely affiliated through their members representing certain divisions of the science or its application, being also members of the American Medical Asso-

This evening will be given at the Fair grounds a formal general reception to the entire association and friends at the American Inn from 8 to 9 o'clock. At the close of the reception the guests will retire to seats on the veranda and in front of the caravansary, where exten-sive special decorations will have been arranged to witness a special display of fireworks discharged from floats in the lake. During the hour from 9 to 10 o'clock all boats and launches plying on Guild's Lake will be engaged for use of guests of the association. From 10 to 11 o'clock supper will be served at the American Inn. and from 11 to 12 the doctors and their friends will witness a special performance of Kiralfy's Venice, to which only guests of the association will be

Later service of streetcars has been ar ranged for in order that all may reach their hotels and stopping places after the close of the evening's entertainment.

## SECTION ON NARCOTICS.

### Physicians Who Study Effects of

Alcohol and Drugs to Meet. The section of the American Medical Association that deals principally with the study of inebriety, alcohol and other nar cotics, will hold its meetings Wednesday and Thursday of this week. The section will convene in the Atkinson School ing. President Dr. W. S. Hall, of Chi-cago, will deliver the annual address. Reports of committees and papers on the subjects treated will be read by Drs. Madden, McNicholl, Crothers, Stewart and others. Beginning at \$ A. M. and this will be the continuation similar meeting before the congress of delegates. Addresses will be delivered by Dra. Hall, Webster, Crothers, Holliater, ex-President Hillings, President McMur-try, ex-President Musser, Matthews and others. This meeting will be open to

The objects of this branch of the asso-

ciation are to promote the scientific study of alcohol and other narcotics, particu-larly the étiological, physiological, thera-peutical and medico-legal relations, and also the sciological and clinical aspects also the sciological and clinical aspects of this subject; to gather and formulate all the facts of the disease of inebriety and other forms of narcomanias and point out the means of cure and prevention. This is an important branch of the general association and numbers among its members some of the most noted physicians of the country. The officers of the section are: President, W. S. Hall, Chicago; vice-presidents, L. D. Mason, Brooklyn; T. A. McNicholl, New York; F. DeWitt Reese, Courtland, N. Y.; secretary, T. D. Crothers, Hartford, Conn.; corresponding secretary, C. E. Stewart, Battle Creek, Mich.; treasurer, G. W. Webster, Chicago. Drs. L. D. Mason, T. A. McNicholl and T. D. Crothers compose the executive committee. pose the executive committee.

## CONTENTION PURSUES HIM

CALEB POWERS IS INNOCENT CAUSE OF FIST-FIGHT.

Mayor and Jailer Quarrel About His Quarters in Newport Jail, Where Federal Court Places Him.

CINCINNATI, July 10.—In the custody of the United States Marshal, under orders of United States Judge Cochran, who last week assumed ju-risdiction in his case, Caleb Powers, charged with compileity in the murder of William Goebel, at Frankfort, Ky, in the Winter of 1906, was tonignt lodged in the Newport jail, across the river from this city, where he will be held pending a decision of the various legal points arising out of his translegal points arising out of his trans-fer from state to Federal jurisdiction. When Powers arrived at the New-port jail at 7:50 o'clock tonight a conport jail at 7:50 o'clock tonight a con-troversy arose between Jailer Ploeger and Mayor Hembold as to what cell the prisoner should occupy. The Mayor insisted that the cell that had been prepared was not the proper place. Ploeger and the Mayor finally came to blows and the latter was knocked down. During the fight the furniture in the cell prepared for Powers was in the cell prepared for Powers was confiscated by unknown persons. Subsequently Powers was placed in another cell with other prisoners, where he will remain until Ploeger can se-

cure other quarters for him. For five years Powers has been in jail. He has been tried four times and sentenced to death three times, but, as he walked into the jail tonight, he ex-pressed hope of his ultimate acquittal of the charge against him. He was the only one of those charged with conspiracy to murder William Goebel to be convicted and sentenced to death. His case is remarkable, and the attor-neys today expressed the belief that three more years may pass before the end of the present legal complications will make possible the trial in the Federal courts for which he applied five weeks ago at London, Ky. On instructions from United States District Attorney Jansley, warrants were sworn out late lonight for the arrest of Mayor Helmbold for interfering with United States officers.

## DUEL FOR BLOOD FOUGHT

With Swords-One Wounded.

PANAMA. July 19 .- A swords was fought this afternoon Eusebio Morales, a pro formerly fiscal agent of the United States at Panama, and Julio Arjona, a well-known newspaper man and Conservative politician. The trouble arose because of the publication of an article by Arjona reflecting on Morales. Arjona was slight-

### Czar Gives Muravieff Audience

ST. PETERSBURG, July 10 .- The Emperer today gave an audience to M. Mu ravieff, one of the peace plenipoten-

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Bristow's Recommendations on Policy of the Panama Railroad.

END PACIFIC MAIL DEAL

Advises Government to Open Par ama Route, Cancel Monopolist Contracts and Establish

Steamer Lines

WASHINGTON, July 10.- The report of Joseph L. Bristow, who was appointed a special commissioner to investigate trade conditions and other matters affecting the Panama Railroad and steamship companies, was made public today. The report discusses from several points of view the question of what policy should be pursued by the Government in the man-agement of the railroad, and makes a number of important recommendations. Among these are the continuance of the railroad as a commercial line, with improved facilities for handling commerce. including double-tracking and re-equipping the line with modern rolling-stock the enlargement of its port facilities, the retention of the steamship line between New York and Colon, the cancellation of the contracts with the Pacific Mail Steam ship Company and the South American lines, and the opening of the ports of Colon and Panama to all steamship lines on equal terms; and in certain contin gencies the establishment by the railroad of steamship lines between Colon and Gulf ports and Panama and Important United States Pacific Coast ports. It is nended that in traffic connection American steamship lines be favored as far as consistent with the treaty obliga-

tions of the United States. Mr. Bristow spent several months in his investigation, visiting the Isthmus of Panams, important ports on the western coast of Central America, the Isthmus of Tehuantepec, Mexico, and the Pacific Coast of the United States. His report reviews the entire history of the railroad and discusses allegations that its local freight and passenger charges were excessive and its traffic contracts with gteamship lines monopolistic.

### Complaints Summed Up.

He gives a summary of complaints, as

That the railroad's local freight and passen ger charges were excessive.

That it had traffic contracts with the Pacific Mail Steamship Company, and with two ship Company, and with two South American lines, that were in their character, and injurious to com That it had maintained a monopoly own steamers on the Atlantic side. That shinments via Panama were careless!

That owing to lack of facilities there was a That commercial business was made so ary to canal business, greatly to the it

He says that a new schedule of local rates adopted February 1 has removed cause of complaint that they were ex-

He then discusses the relations of the railroad with the Pacific Mail Steamship Company. Their contract gives the Pa-cific Mail the exclusive privilege of through bills of lading to and from all Pacific ports north of Panama, and that company agreed to give through bills of lading only by the Panama route. Both parties agreed to co-operate in the mak-ing of rates and in protecting each against competition from other steamship lines. The Central American governments com-plained that the Pacific Mail rates are excessive that the contract is an impediment to commerce with the United State It appears that the service of that company has been good, the rates reasonable, and that the complaints of the Central American representatives are not well founded.

### Rates to South American Ports.

Mr. Bristow next takes up the complaint of Chile, Peru, Bolivia and Ecuador against similar monopolistic contracts with the Pacific Steam Navigation Company and the Companie Said Americans de Vapores, relating to business with the Coast of South America. He quotes the rates to show that the greater the distance from Panama, the lower the He says the same system is followed by the Euorpean lines, and

It appears, therefore, that this Chilean sible for the excessive rates to New York, and the discrimination in favor of Europe piained of by the representatives of South American countries.

## Complaints From Pacific Coast.

He then takes up the complaints of United States Pacific ports, saying: Complaint is made by the Chambers of Com-merce of the Pacific Coast ports of the United States that the Pacific Mall Steamship Company is controlled by the transcontinenta rallroads, and that it is operated so as to discourage commerce via Panama between Ai-lantic and Pacific ports of the United States The Chamber of Commerce of San Dies states that about 875 carloads of the pr of that vicinity are shipped annually, and that a large part of this freight could be success a large part of this freignt could be successfully forwarded via Panama, at rates lower than those charged by the transcontinental roads, but that some of this commerce is moved by way of the isthmus because the Pacific Mail refuses to call at that port.

Los Angeles Chamber of Commerce says that there originate large amounts of freight in the vicinity of that city for shipment, and that large quantities are received them. that large quantities are received there an

the United States at which Pacific Mail steam the United States at which Pacific Mail steam-ers call. Seventy thousand tons of freight moved via Panama between New York and San Francisco during 1904; but many of the San Francisco business men allege that this quantity is small compared with what it would be if an effort were made by the Pa-cific Mail to secure business as against the transcontinental railroads. The manager of one of the largest fruit canneries on the Pacific Coast mays that 25,000 tons of canned asimon fruit and vegetables are shipped an

moved via Panama at rates much lower than those charged by transcontinental railroads for shipment to Europe via New York. The same lack of facilities prevails at Port-land, Tacoma and Scattle as at Los Angeles and San Diego,

committee which investigated the rela-tions of the Panama Railroad and the Pacific Mail in 1893, as saying:

That the organization known as the Trans-continental Rallway Pool paid the Panama Railroad \$75,000 per month for the privilege of fixing rates by that route; and further stated that the United States should control some outlet across the isthmus todependently of all railroad connections, for the benefit of American trade.

#### Schwerin's Statements Denied.

Mr. Bristow then continues: When in San Francisco a number of citizens called my attention to this report and stated that the Government now has the opportunity to carry out the recommendations of this

nade by the commercial bodies of the Pacific

Coast, the statement of Mr. Schwerin and other data, it clearly appears that the Pa-cific Mail Steamship Company has made little effort to develop business between the Pacific and Atlantic ports of the United States. Mr. Schwerin mays that there is not sufficient business at the ports other than San Francisco to justify ships stopping. This is vigorously controverted by the shippers and chambers of commerce of these cities. At San Diego it was stated that the week ending March II a vessel of the American-Hawalian line brought to that port via Magellan 3000 tons of miscellaneous merchandise. Statistics fur-nished by the various chambers of commerce show that there is a large volume of business which could be moved by Panama if facilities existed and rates were reasonable. The char-acter of the Panama route is such that cer-tain articles can be shipped that way much cheaper than by rail across the continent The important guif ports of Pensacola, Mo-bile, New Orleans and Galveston have never had opportunities for the movement of comnerce by Panama to and from the west coa-

of the United States, Mexico, Central and South America, The Panama Railroad Company operates a steamship line between Colon and New York and has refused to allow the use of the inch-mus to any competing line on the Atlantic side. These gulf ports complain bitterly of the refusal of the Panama Railroad to give hem facilities by way of the isthmus, tate that as a result their commercia relopment has been greatly injured,

#### Keep Road Open to Commerce.

He then discusses three alternative line of policy for the Panama railroad-Sh it be closed to commerce and used only for canal construction? Should it be used for commerce as secondary to canal work? Should it be used both for canal work and for commerce to its fullest ca-pacity? He calls attention to the important place the road has filled in com merce for 50 years, and continues: The third proposition, that, since the Government is required to operate this road as

commercial line, it ought to improve

facilities so as to make it of the greatest possible benefit to commerce, is the one most generally approved by the shipping public. The relation that the Panama Railroad sustains to commerce is different from that of any other transportation company.

United States Government is constructive canal across the Isthmus of Panama at canal across the inthus of Palasma at very heavy expense, and the benefit that will ac-crue to commerce is one of the principa reasons for undertaking this great enterprise. If the United States is justified in expect-ing a large amount of money for the con-struction of a canal-for the benefit of com-merce, then it is justified, pending the con-struction of the canal, in operating this rail-road for the same nursose. And since it is read for the same purpose. And since it is necessary to operate the road, its facilities should be improved so as to enable it to handle commerce in the most efficient manner. It is estimated by the engineers that it will be from 10 to 15 years before the canal can be opened for use, and, in the meantime, the railroad must perform, in so far as a railroad can, the commercial functions of the canal. The operation of this railroad is no more in competition with private en-terprise than the construction and operation of the canal are in competition with private interprise; and, if products can be transport ed between the Atlantic and Pacific coasts at less coat by this line than by any other,

en commerce should receive the be this route. continental railroad schedule plainly show that heavy shipments could be made from the Gulf ports to the Pacific Coast, and that thousands of tone of canned ruit and other products of the Pacific Con ould be shipped to the Atlantic seaboard heaper by Panama than across the continent

Can't Favor American Shipping. He says that not only the interests of mmerce but those of the Government require the establishment of a regular deamship service between Gulf ports and Colon, as a large tennage of Mississippi Valley products will be used in canal construction, and it is cheaper to move from the Gulf ports than via New York.

An effort should, therefore, be made induce some American company to establish a line of freight and passenger steamers between Gulf ports and Colon. He quotes Mr. Schwerin as stating that it costs more to operate an American than a foreign steamship line, on account of greater cost of labor and construction, and says Mr. Schwerin asks that only American ships be given through bills of

favored when it can consistently be done, but the treaty by which the canal is constructed against the vessels of any nation in respect to conditions or charges on traffic or other-wise, and, upon the theory that the railroad is performing the functions of the canal, in so far as a railroad can do so, it does not appear practicable to show any discriminaion in favor of American ships at the port

of Colon and Panama. of Colon and Panama.

It is very important that a schedule steamship service be maintained between the Pacific Coast ports of the United States and
Panama. The Government is interested in
having ample facilities for the transportation of mails, passengers and supplies from
the Pacific Coast to the isthmus during the
method of coast construction.

#### eriod of canal construction. Recommendations Summed Up.

He closes with the following recommen commercial line; that its facilities for han dling commerce be improved at once; that it be double-tracked and re-equipped with mod-ern rolling stock; that its port facilities be ern rounny seek, that his per hamilians be enlarged by the construction of additional wharves and that modern facilities for handling carge be provided.

That a schedule of rates for through business be provided, fixing the charges at the minima which the payment of operating expenses and a fair dividend on the investment of the Government will permit. The cost of

of the Government will permit. The cost of handling freight with improved facilities, and not what it has cost in the past, should be ured as the basis in fixing rates. That the present policy of charging a per cent of the rates on through business, subect to certain minima, be adhered to

That the steamship line between New York and Colon be retained.

That the contracts with the Pacific Mail Steamship Company and the South American ies be cancelled, and the ports of Colo

and Panama opened to the use of all eteam-ship lines on equal terms.

That if, within a reasonable time, a regular steamship passenger and freight a

That if the Pacific Mail Steamship Company (Concluded on Page 4.)

# HEAT KILLS TEN IN NEW YORK CITY

Sun's Rays and Excessive Humidity Prostrate Crowded Metropolis.

#### STORM COOLS ATMOSPHERE

Fall of Temperature Accompanied by Deluge Which Converts Streets Into Rivers and Almost Stops Subway Traffic

NEW YORK, July 10 .- Ten deaths and nore than a score of prostrations resulted today from the intense heat wave which visited the city. A grateful breeze from the sea served in a measure to temper the torrid temperature and excessive humidity, but the suffering, especially in the swarming tenement-house quarters, was intense, and throughout the day the ambulances were kept busy removing sunstroke patients to the various hospitals.

At 1 o'clock the thermometer registered 89 degrees higher than yesterday, and remained at this point until 8 o'clock, when a heavy thunderstorm with a deluge of rain descended on Brooklyn, the lower portion of Manhattan and suburban towns in New Jersey. The storm brought a startling fall in the mercury, which dropped 13 degrees within half an hour. This evening the cool breeze continued. with every prospect that it would hold

during the night. The rainstorm almost attained the pro portions of a cloudburst in the lower section of Manhattan, and within ten minutes many of the downtown streets were flooded to the level of the sidewalks, Broad street in the vicinity of the Stock Exchange was rendered impassable, and the brokers on "curb" were compelled to hasten the close of the market and flee before the rising flood. A torrent rushing down Broadway, Whitehall street and State street, poured into the new subway station at South Ferry, flooding the tracks nearly to the level of the third rail and for a time threatening to interrupt traffic.

Within half an hour the flood subsided. During the height of the storm the Administration building on Ellis Is and, where there were 2000 immigrants was struck twice by lightning, but sustained

only triffing damage. A man believed to be J. R. Daniel, of drowned while bathing his face in the raceway to the Morris sawmiil at Bloomfield, N. J., today. The water at that point is only about 12 inches deep, but Daniel fell so that his face was buried

in the stream, SEVEN DEATHS IN PITTSBURG

Two Caused by Heat, Five by Fleeing to Water for Relief.

PITTSBURG, July 10.-The intense heat was responsible during the last 24 hours for seven deaths, two of them caused directly by the heat, and the others by drowning, the result of inexperienced swimmers seeking relief in

#### hours ended at midnight there were four deaths from the excessive heat in this city, while a large number of prostrations are reported.

Four Deaths on Sunday.

NEW YORK, July 10 .- During the 24

JAMES HAMILTON LEWIS COMES TO THE FRONT AGAIN.

**DUNNE'S RIGHT-HAND MAN** 

Pink-Whiskered Statesman Is Appointed Corporation Counsel by Chicago Democratic Mayor, CHICAGO, July 10.-James Hamilton

Lewis, ex-Congressman from the State of Washington, and now a resident of this city, was tonight appointed by Mayor Dunne to be Corporation Counsel for the City of Chicago. Mr. Lewis is known throughout the Northwest as the pink-whiskered states-

man. He came out to Seattle from North Carolina in the '80s, in a condition of abject poverty, and for a few weeks worked on the wharves as a longshoreman. He finally opened a law office, and by persistently advertising himself In all manner of artful ways, got before the public and kept there. He took up criminal law, and probably saved from the gallows more murderers than any other man in Seattle. One of his famous cases was that of Nordstrom, a Swede, who was decidedly attenuated when he went to jail in 1891, but grew so fat while awaiting the law's delay that, when he went to the gallows ten years later, it almost required a block and tackle to

Mr. Lewis shone most as a politician, He is a clever manipulator and by his inexhaustible volubility built up a repu-tation as an orator. He made great tation as an orator. tation as an orator. He made great political capital out of the fact of his having once been a longshoreman. He made repeated attempts to get nominated for Governor, but had to be satisfied with the nomination for Representative in Congress in 1895, and went in on the Bryan landslide. He continued to attract attention there as he had at home, and during the debates on the Spanish war in 1888

got talked about all over the co by making a violent attack on the Army.
When his term expired he soon withdrew from Seattle and settled in Chi where he has practiced law and probed himself to the front by the same energy as in Seattle.