

are to be taken up. This afternoon Mr. Heney had a con ference with Mr. Hitchcock and was warmly congratulated upon the success which he has attained in Portland. Mr. Hitchcock expressed himself as entirely satisfied with the manner in which the Government's case has been presented in court, and he confidently expels Mr. Hny upon his return to Portland to obtain other convictions.

Will Advance Mitchell Case, would be rendered in about two weeks. In the meantime if the defendants wished Before he leaves Washington Mr. Heney to make any further showing they might will call upon the President and talk over do so at the office of the com Oregon matters, past and prospective. He

sued upon, in pursuance of any unlawful conspiracy, or that Frank J. McManus and A. L. Bentley, or either of them, or of the property of the street railway com under the provisions of the Mu The third method is the one which both, ever made or accepted any the Mayor has already presented as an alternative to his contract plan. It is for tiable instruments sued upon in this case at the instance and request of the defendthe construction of municipal street rafi-way lines which will parallel the lines of spiracy

checks.

ant in pursuance of any unlawful The defendant says that he never at any time procured from the Enterprise Na-tional Bank any money upon any written instrument sued upon in this case, or in other way, because of any lawful any or fraudulent arrangement with the officers of the bank or any of them, or with any other person, and he avera all transactions with the bank, including sued upon, were regular, legitimat and done in the due course of business and in accordance with the correct banking usage and practice. James T. Arnold, another of the sureties on some of the bonds given by the Enterprise National Bank directors to secure state deposits, obtained a rule in Common Pleas Court No. 2 today, requiring the Commonwealth of Pennsylvania to show, cause why the judgment entered against Arnold should not be opened and against Arnold should not he he let into a defense. Arnold's petition discloses the fact that he has not been connected with the bank for four years.

MONEY UP TO 25 PER CENT

the Stock Market.

Shaw Will Not Aid Speculators.

not interfere unless convinced

Friday.

est,

lators.

Andrews avers further that on Nover

er 1, 1905, he paid Receiver Cunningham

\$17,765 in cash on account of the claim made in this suit. He denies he ever at any time unlawfully and fraudulently con-spired with Nichols, Cashier Clark or any McAdoo, Captain Emery, Captain King-Hall, Captain Tilley and Captain Ryan. The other officers were at the adjoining other person, unlawfully to procure any funds, or that he requested Nichols to execute any of the negotiable instruments tables, which were prettily decorated with pink and white carnations. Champagne was the only "extra" not served at the six rows of tables which stretched from the officers' tables to the door on the main or and for nearly the entire length of the balcony Good Discipline With Enthusiasm.

Captain Farquahar, Police Comm

The British and American sailors were

Reinold. To the left of Admiral Evans sat Sir Percy Sanderson, the British Con-

sul-General at New York: Admiral Davis,

a dollar a bale. The break at Liverpool was over \$2 a bale, and was said to be due to American longs realizing profits there. December here, which closed Sat-urday at 11.32c, opened at 11.10c, and shortly thereafter sunk 4 to 5 points. With strong bull support, however, the market, within the first half-hour, had recovered 5.to 10 points of its loss.

Mining Congress Opens Today.

EL PASO, Tex., Nov. 12 .- President Richards and several officials of the

of the con

American Mining Congress, arrived today for the opening session gress Tuesday morning. The president looks for a big convention. He says the establishment of the congress on a

will also have several conferences with Attorney-General Moody, and, while he will not take up the case of Senator Mitchell, he expresses if as his personal inion that the Government will prob ably ask for an advancement of Mitchell's row morning via Spokane. case on the Supreme Court docket after waiting a reasonable time for Mitchell to stek an advancement. Mitchell's attorney has already declared that he will not ask for an advancement, and it is probably only a matter of a few weeks before the chlid: Government acts. Unless the case is advanced, there is no likelihood that it can be argued at this term of court.

Probable Further Trials.

pany have for many years allowed a rule, regulation or practice of routing goods from Puget Sound terminals to practically all points in Eastern Washington situated on the lines Mr. Heney is not able to tell how long he will be in Washington. Much will depend-upon the time set for argument of of the O. E. & N. Company via Portland, Or., and this practice and sustom has pre-valled for such a length of time that the company is chargeable with knowledge thereof and that such practice and custom, under the Benson-Hyde cases. If they are put over until next February, he will probably leave for Pontland in two or three weeks and resume the trial of cases there the circumstances, constitutes a rule gove ing shipments as alleged in the complaint. ending, but, if the Benson-Hyde case is set for early argument, which is not probable, he will remain in Washington until the argument is closed.

Speaking of the Oregon Judgeship, which is hanging fire, Mr. Heney said he had no intention of taking that matter up with the President, nor will he take up other are most expeditious and economical, unless otherwise directed by the shipper. The commission is satisfied that the sum of the locals now charged on shipments over two or more lines within the state is an unmatters of patronage. His stay in Washington will be devoted solely to business connected with the land-fraud cases.

And, by the way, when he concludes the trial of the Oregon cases and closes up the Benson-Hyde cases in this city. Mr. Hency says he does not expect to figure liebed. in similar cases outside his own state. He declares he knows nothing of the Washington or Idaho land frauds beyond what he has read in the newspapers, and does not expect to have any hand in trying persons who may be indicted in those states.

May Build Cabin in Reserve,

OREGONIAN NEWS BUREAU, Washington, Nov. 12.-Permission has been granted Henry L. Chapman to occupy half an acre and build a cabin in the ington, Washington forest reserve, Washington, at the terminus of the B. B. & B. C. raljway at Glacier, for use in connection with turrying United States mall. pany and the O. R. & N. Co. when it was abrogated by the O. R. & N. Co., as it frank-by admits, for the benefit of the Union Pacific Coal Company and the Union Pacific Railroad

Benson and Hyde File Demurrers.

Company, and a prohibitory rate was placed on cosi from Wallnia Junction to Colfax. The commission will establish a joint rate from Rosiyn to Colfax and intermediate points. The details of all these joint rates will re-ruites constituentian and will re-WASHINGTON, Nov. 12,-Counsel for John A. Benson, indicted for bribery in connection with the land-fraud cases, and Frederick A. Hyde, Henry P. Dimond and Joost D. Schneider, indicted for conspiracy to defraud the United States in the same cases, today filed Semurrers to all of the indictments in promulgated at an early date the Supreme Court of the District of Columbia. Mr. Benson declares that the indictments against him are bad in sub-OREGON CITY, Nov. 13.—(Special.)— Being arraigned in the Circuit Court this affernoon. William H. Durk, the Seattle lad who stole a horse and bug-gy in this city three weeks ago, plead-ed guilty to a charge of larceny by ballee. Dark explained to the court that he is but 15 years and 4 months of are wheremony his cose we then stance and that, if the irregularities coarged were true, they do not constitute a criminal offense. In the event the demurrers are overruled, counsel for the defense announce that they will ask for early trials of the cases.

Milwaukee Coming to Coast.

of also, whereupon his case was trans-ferred from the criminal department and referred to County Judge Ryan, who ordered the lad committed to the State Reform School. BOISE. Idaho, Nov. 12.-(Special.)-J. Barber, of Eau Claire, Wis. pres-ent of the Barber Lumber Company, is visitor here. He makes the statement The Colorado Supreme Court has or-dered Senator I. M. Patterson to an-swer the citation for contempt of court that one of the high officials of the Chi. The Coloral tago. Milwaukke & St. Paul Company re-bently told him the road was to be ex-lended to the Coast. His informant did next Monday.

e existing companies. Nearly all of the attorneys and railroad The ordinance which accompanied the nessage from the Mayor asked that auofficials and witnesses left on the afterthority be given to place on the ballots at the Spring election the question whether noon train for Spokane. The Portland contingent left tonight for Portland. The Commissioners leave for Olympia tomor

gue the case, but would leave it to the

mmission without argument. Attor-

acy-General Atkinson then stated that if

the attorneys for the defendants were to

waive argument he also would waive.

This brought the case to a audden close

After a brief consultation the commis-

sloners announced that they would ad-

journ until 7:29, when an oral announce

ment of their decision would be made

and that the full text of the decision

Text of the Decision.

Joint Rate for Eleven Years.

The evidence is practically uncontradicte

quire careful consideration and will be em-bodied in the formal findings which will be

Dark Sent to Reform School.

OREGON CITY, Nov. 13 .- (Special.)-

the city shall issue Mueller-bill certificates to the amount of \$75,000,000. This sum, it is declared by the Mayor, is needed for the reconstruction of the lines and for the purchase of the unexpired fran-Following is the full text of the de chise rights of the existing companies. The messages and the ordinances were cision of the Washington Railroad Commission as read by Chairman Fairreferred to the committee on local trans portation, the same fate as that which netission has unanimously agreed upnet the other propositions submitted is

engo was submitted to the City Council

tonight by Mayor Dunne. The ordinance

was accompanied by a message to the Aldermen which gave three ways in which

Mayor Dunne asserts he will be able to bring about municipal ownership.

The first plan is by reaching an agree

ment with the traction companies by which their property would be transferred

to the city at a price decided upon by arbiters. The second is by condemnation

the Council by the Mayor. Another ordinance submitted by Mayor on the following general principles governing the decision in this case, viz. It is satisfied by the evidence that the em-ployes of the Northern Pacific Rallway Com-Dunne was one for the regulation of gas and electric light rates. This ordinance, which provides for 75-cent gas, was re to the committee on gas, oil and electric lights.

TO RELY ON PARKER DECISION

Tammany Denies Power of Law to **Open Ballot-Boxes.**

That such role and regulation causes un-necessary delay and additional expense, there by injuring both additional expense, there by injuring both additional expense, there by injuring both additions and consumers, and is therefore unfair, unjust and unreasonable. The commitmion will therefore cause an or-der to be entered abrogating this rule, and in lieu thereof will provide that such goods be routed via such material unless NEW YORK, Nov. 13 -At a m held tonight at the office of ex-Judge Al ton B. Parker, at which were present 1 attorneys, all of whom have been retained to represent Mayor McCiellan tomorrow the Hoard of Canvassers will meet, it was decided to rely entirely on the ex-

isting election decisions and the law as it is recorded in the statutes. Mr. Parker point-d out that there were only one ques-tion involved, and that was cavered by the decision of the Court of Appeals, which was written by him. He said that just and unreasonable rate, and that joint rates on the goods mentioned in the complaint moving in either direction should be estabit was a dangerous practice to open the ballot-boxes, and, in his opinion, was not within the province of the law.

Cuts Down Draper's Plurality.

that for nearly eleven years a joint rate was voluntarily setablished and maintained by the O. R. & N. Co. and the Great Northern Rall-BOSTON, Nov. 11 .- The recount of th O. R. & N. Co. and the Great Northern Rail-way Company which met the local rate of the Northern Pacific Railway Company, and also the rate of the O. R. & N. Co. to Port-land and the presumption must maintain that the products can be profilably carried were a joint rate established. The commission is satisfied from the evi-dence introduced that a joint rate on coal from Rostyn to Colfas and Intermediate points should be established. From 1894 to 1962 a joint rate was in force and voluntarily main-tained by the Northern Pacific Railway Com-pany and the O. R. & N. Co. when it was shrould by the O. R. & N. Co. when it was vote cast in this state for Lieutenant-Governor was completed today, and showed a net gain of 315 for Henry M. Whitney, the Democratic nominee, figures reduce Mr. Draper's plurality to 1824.

Shoemakers Want Free Hides.

BOSTON, Nov. 12-Governor W. 1. Bouglass left today for Washington at the head of a delegation of the Boot and Shoemakers' Association. This delegation will call upon President Roosevelt in relation to the duty on hides.

VIOLATION OF ELKINS LAW

Government Makes Charge Against Pabst and Several Railroads.

MILWAUKEE, Wis., Nov. 12.-United States District Attorney H. K. Butter-field and assistant counsel, Charles Quarles, today filed a complaint in the United States Circuit Court against the Milwaukee Refrigerator Transit Company, the Pere Marquette Railway, the Missouri, Kansas & Texas Railway Company, the Chicago, Rock Island & Pacific Railroad Company, the St. Louis & San Francisco Railroad Company, the Wisconsin Central Railroad Com-pany, the Chicago & Alton Railroad Company, the St. Bailroad Com-pany, the Chicago & Alton Railroad Company, the St. Brewing Company, and the Pabst Brewing Company, MILWAUKEE, Wis., Nov. 12 .-- United

company, the Fair Rairoad Company and the Fabst Brewing Company, charging the various concerns with vi-olating the Elkins law prohibiting re-bates, discriminations and concessions. The complaint says the Milwaukee Transit Company Refrigerator 18 corporation, organized

and Alabama early this afternoon. There they boarded three steamers, which land-ed them at Steeplechase pler between 5:30 and 6. From there, escorted by 130 special et, they marched to Stauch's pavilion on the Bowery, and received a noisy wel-

The band played a medley of popular sation songs while the 2500 sations were being assigned their seats, which were were taken without the slightest confusion. Another evidence of their discipline came when for nearly an hour they sat patiently in their seats awaiting the arrival of the Prince and Admiral Evans, with the

other officers, who came in six special cars. The party reached the hail about 7, and entered amid a storm of cheers. Before the Prince had finished the first course, he said he wanted to get the view

from the gallery. When the two com-manders left their seats and started for the balcony, the sailors seemed to forge about the beer and other good things be fore them and, jumping to their feet, they cheered for four minutes. Then the other Admirals took a look from the balcony. and then Captains, each group getting a rousing cheer. When the bumpers were filled, the health of the head of the British Scarcity of Cash Causes Slump in navy was drunk. Then came three cheers for Prince Louis, three for Admiral Evans and three for the British navy Concy Island Wide Open.

NEW YORK, Nov. 13 .- The disclos-ure of the deficit of the banks' reserve shown in Saturday's bank statement resulted in a feverish stock market to-By 10 o'clock the 15 rounds of beer which each sailor received had been disposed of. day, and in the early dealings there were declines of 1 to 7% points, the int-ter in Delaware. Lackawanna & Westand the men started out to do Coney Island. Many of the amusement places opened up in honor of the visitors. At midnight the shooting galleries, the beer ern. Reading sold down 4%, and a number of others 2 to 2%. Call money gardens and other attractions were doing was higher today, 20 per cent being bid before 11 o'clock. At that time it a midsummer business, and the 2500 sall-ors were having the time of their lives. was reported that the banks had lost The boats will come alongside Steeple-chase pler at 6 o'clock tomorrow morning \$988,000 to the sub-treasury since last to take the banqueters to their respectiv The strong recovery of the latter par

of the day was very well held until money ran up again to 25 per cent. This The dinner tonight was a return cour teay for the entertainment which the men of the American squadron received when unsettled the recovery, and the closing was irregular in spite of offers at the last minute to lend money at 6 per cent. in England several years ago. The front of the menu cards bore a picture of the American and British sailor clasping hands over the flags of their two coun-trics. The guests were seated first a Britisher, and then an American.

WASHINGTON, Nov. 12.—Secretary Shaw has not yet decided to come to the relief of the money market. He authorized the statement that he will the men made merry at Coney Island, the warrant officers of the British squadron entertained the warrant officers of the American ships at a ball on the that business interests are likely to suffer. Thus far no productive business inter-Drake.

manufacturer, transporter, mer PRINCE LOUIS AT HORSE SHOW chant or banker has asked it. He will not come to the relief of the specu-

Great Applause Greets Him and Brit-

ish National Anthem.

nied deserved credit at , reasonable rates, the Secretary wants to know the facts. He believes the majority of NEW YORK, Nov. 13 .- Madison-Squar Garden held what was declared to be its most brilliant assemblage tonight, when Rear-Admiral Prince Louis of Bat-New York loans are still made at or below slx per cent. Call money and when Rear-Admiral Frince Louis of Hat-tenberg lent his presence as an added dis-function to the formal opening or the list annual horse show under the auspices of the National Horse Show Association.

The garden had been open during the day and judging of various classes had been progress, but it remained for the evening to give the show its social im

evening to give the show its social im-petus and spectacular effects. Two clauses had been judged tonight, and eight high-stepping tandem pairs were on the tanburk, when the first strains of "God Save the King" came from the band as a signal of the ap-proach of Prince Louis. Throughout the evening the thousands in the garden had been on edge waiting the arrival of the been on edge waiting the arrival of the guest of the evening. As a mark of re-spect to the British National anthem and In engerness to catch a first glimpse of the Prince, the throng rose to its feet. In

advisability of the establishme department of mines will be the leadng matters taken up. He believes that the convention should not expect the cities at which it meets to supply the money to run the congress during the year any longer. This is what he means by putting the congress on a business basis.

sinces basis and the

Schumann-Heink in Grand Opera. INDIANAPOLIS, Ind., Nov. 13.-Madam Schumann-Heink, who is playing here tonight in the comic opera "Love's Lottery," today signed a contract with Henry W. Oleson, the New York manager, to appear for the next

seasons in concert, oratorio and grand opera.



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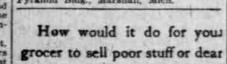
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speculation iong-time money, in other words market money as distinguished from customers' money, is higher. **REVIVING A DEAD SCHEME** Report That Britain and Japan Will

uld any business concerns be de

Herald prints a story claiming it has in-formation that the governments of Gréat Britain and Japan have practically decid-

Dig Nicaragua Canal. MEXICO CITY, Nov. 12-The Mexican

ed to construct a ship canal of their own across Nicaragua, practically on the lines of the plan rejected by the Ameri-can Government, Great Britain to furnish the capital and Japan the labor. 12