



BATTLE BEGINS TO CRUSH HARRIMAN

Fish Enjoins Enemy's Voting of Stock.

SAYS CONTROL IS ILLEGAL

Result May Break Up Whole Harriman Merger.

ROOSEVELT IS INTERESTED

Taken Into Fish's Confidence About Plans, He Sees Possibility of Dissolving Railroad Trusts. Each Party Claims Majority.

CHICAGO, Oct. 14.—(Special.)—What promises to be one of the greatest legal battles in history for the possession of a railroad property was begun today, when Judge Parlin Q. Ball of the Superior Court, issued an ex parte injunction restraining Edward H. Harriman and his associates from voting 286,731 shares of stock at the annual meeting of the Illinois Central Railroad Company, which is scheduled to take place Wednesday.

In this battle of millions against millions of independent ownership against corporate aggrandisement, Stuyvesant Fish, ex-president of the Illinois Central, has associated with himself ex-Senator Edmunds, of Vermont; John A. Kasson, of Iowa, ex-Minister to Austria, and William M. Merich, of Chicago.

The restraining order runs against Mr. Harriman, Henry H. Rogers, of Standard Oil fame; the Mutual Life Insurance Company, of New York, and more than 130 other lesser defendants, and the court is asked to compel them later to dispose of their stocks in the Central.

To meet the attack which has been made upon him, Mr. Harriman is hastening to Chicago on a fast train and will arrive here in the morning to take charge of his forces.

May Break Up Many Mergers.

The battle is to be a finish, with the Standard Oil Company and the moneyed power of Wall street in the background giving aid to Harriman and, with the shadow at least, of the President of the United States and of the Interstate Commerce Commission sustaining Mr. Fish. In the outcome may even be read the fate of the gigantic railway fabric of over 23,000 miles of railroads which the "wisest" of Wall street and the "Napoleon" of the railway world has built up in the alleged effort to control the commerce of the United States, and in so doing to strangle competition and cast it from the world of transportation.

In the sequel, too, may be read the fate of the administration's attack upon railway consolidation in the form it has taken, for in the hands of the court has been placed the question of public policy which underlies all railway consolidation. Should, therefore, Mr. Fish succeed in wresting the Illinois Central from the control of Mr. Harriman, he would at the same time open the door to independent ownership of every railway corporation in the State of Illinois, if not in the country.

Roosevelt in Fish's Confidence.

The importance and far-reaching effect of the litigation cannot be overestimated. It is no longer an open secret that in the several conferences which he has recently held with President Roosevelt, Mr. Fish went over the details of his campaign to make Mr. Harriman and the Standard Oil Company disgorge, not only the Illinois Central control, but control in influence, if not in stock, of the St. Paul, the Northwestern, the Baltimore & Ohio, the Santa Fe, the St. Joseph & Grand Island, and possibly of the New York Central lines.

The stock which the Harriman contingent has been retaining away, they undoubtedly will hold the annual meeting on schedule time. Should Mr. Fish, on the other hand, have more than 36 per cent of the capital stock, it is possible for him to prevent a postponement of the meeting and to elect four directors on the board. If therefore depends upon the number of stock proxies which are held by each side what is done during the next two days.

Result Depends on Proxies.

The Harriman forces will not have time to argue a motion for the dissolution of the injunction before the annual meeting date. Should the Harriman people have 55 or a larger per cent of the stock remaining after the 30 per cent which has been enjoined is taken away, they undoubtedly will hold the annual meeting on schedule time. Should Mr. Fish, on the other hand, have more than 36 per cent of the capital stock, it is possible for him to prevent a postponement of the meeting and to elect four directors on the board. If therefore depends upon the number of stock proxies which are held by each side what is done during the next two days.

Four Surrender at New York.

NEW YORK, Oct. 14.—Superintendent Brooks of the Western Union said that four of the company's former telegraphers applied for reinstatement today.

quo until the questions at issue in the injunction suit are determined.

PREVENT HARRIMAN'S VOTING

Fish Gets Injunction, Alleging Conspiracy and Illegal Contract.

CHICAGO, Oct. 14.—Stuyvesant Fish, through his attorneys, today secured a temporary injunction which will, if made permanent, restrain the voting at the Illinois Central meeting on Wednesday of 286,731 shares of the stock of the Illinois Central Railroad Company which would otherwise be voted in the interest of E. H. Harriman. The writ is directed against the Union Pacific Railroad Company, the Railroad Securities Company of New Jersey and the Mutual Life Insurance Company of New York, which combined hold the above shares of stock.

In addition to the temporary injunction sought, a final decree was asked declaring that the Union Pacific Railroad Company and the Railroad Securities Company have no power, under the laws of Illinois, to own stock in the Illinois Central. It was also asked that these companies be directed to sell their stock in the Illinois Central within a reasonable time.

Harriman's Control Unlawful.

The petition charges an unlawful scheme of the Union Pacific Railroad Company to control the commerce of the United States by buying large blocks of stock in the prominent transportation companies. It sets forth the names of corporations whose stock, it is alleged, the Union Pacific has bought, among them the Chicago & Alton, Illinois Central, Chicago Milwaukee & St. Paul and the Chicago & Northwestern. It charges that these four companies own and operate parallel and competing lines, both in and outside of the State of Illinois, and that it is unlawful for the Union Pacific Company to own and vote stock in such parallel and competing lines.

It is further charged that in the effort to get a large percentage of the stock of the Illinois Central, the Union Pacific violated its charter by buying the stock of the Railroad Securities Company of New Jersey, which held as its only asset 35,000 shares of Illinois Central stock. The charge is made that 15,000 shares of Illinois Central stock belonging to the Railroad Securities Company were transferred a few days before the Illinois Central books closed by a sham transaction to E. H. Harriman and 15 officials of the Union Pacific and Illinois Central, who are under the control of Mr. Harriman.

The bill declares that Messrs. Peabody, Auchincloss and Vanderbilt, directors of the Illinois Central, are trustees of the Mutual Life Insurance Company, of New York, and have combined and conspired with E. H. Harriman and the Union Pacific Railroad Company to aid the Union Pacific in getting control of the Illinois Central, and to prevent the Illinois Central from voting the 350,000 shares of stock owned by the insurance company at the coming election. It is alleged that the insurance company, under the laws of Illinois, cannot vote stock in the Illinois Central.

It is set forth in the petition that the object and purpose of the Union Pacific is to perpetrate and perpetrate its control of the Illinois Central, in which by law all corporate powers of the Illinois Central are vested, so as to have the Illinois Central operated to its irreparable injury and damage as a mere feeder to the Union Pacific through its connections at Council Bluffs, and at New Orleans, by means of the Southern Pacific Company, which the petition declares the Union Pacific controls absolutely. It is alleged that, under the laws and public policy of Illinois, neither the Union Pacific nor the Railroad Securities Company nor the Mutual Life Insurance Company can own and vote stock in the Illinois Central.

Harriman's Move Today.

It is believed that the attorneys for Mr. Harriman will tomorrow seek the dissolution of the injunction, and it is not possible to state at the present time whether the argument will be completed in time to allow Judge Ball to make a decision before the day of the annual meeting.

Mr. Fish said today, after the granting of the temporary injunction: "I have all along been satisfied with the manner in which things were moving. I have never been obliged to seek proxies by claiming a majority, and I shall not do so now. No one can forestall the issue of a contest which is still in the future. The stockholders at home and in Europe are fully alive to the issue and are sending their proxies by the hundreds. I have every confidence in the outcome of the proceedings relating to the injunction."

Says Fish is Beaten.

William Nelson Cromwell, representing the interests of Mr. Harriman in the Illinois Central, said tonight: "I am not at liberty upon the eve of the annual meeting to disclose the condition of the proxy holding, but I make myself personally responsible for the statement that Mr. Fish has been hopelessly beaten. His appeal to the stockholders has resulted in more than a majority of them declaring that they want no more of him, and as a last resort in the hour of his disappointment he seeks to prevent one-fourth of the stock from being voted because he knows that it will be voted against him. Moreover, he stuffed his own record because he has in the past voted a considerable portion of this same stock for his own election. He considered it valid to do so when he could vote it for himself. We have no fear as to the outcome of the fight."

GOOD SPORT AT BEAR LAKE

President Abandons Intention of Moving to Texas.

STAMBOUL, La., Oct. 14.—Reports from the President's new camp on Bear Lake say that, owing to the excellent outlook, the President has decided definitely to return to the present location and not to go to Texas, as was planned last week.

The President spent yesterday in ease around the camp. He will come into Stamboul next Sunday, before starting Monday on his return to Washington.

Four Surrender at New York.

NEW YORK, Oct. 14.—Superintendent Brooks of the Western Union said that four of the company's former telegraphers applied for reinstatement today.

"LITTLE BOB" MAY BE LEFT IN GOLD

National Committee's Cunning Move.

DOES NOT LOVE LA FOLLETTE

May Force Election of Delegates by Convention.

IGNORE DIRECT PRIMARY

Result Might Be Exclusion of Senator From National Convention, Owing to Bitter Factional War in Wisconsin.

WASHINGTON, Oct. 14.—(Special.)—

There is a chance, not so extremely remote, that Senator La Follette, of Wisconsin, an avowed candidate for the Presidential nomination, may have to fight for admission to the Republican National convention next summer. Confronted by the same conditions he went up against in 1904, there is again the possibility that he may have to rely on his individual battle outside the National party headquarters.

Recognize No Direct Primary.

Incident to the gathering of Republican leaders here this week for the purpose of arranging the preliminaries for the National committee meeting in December, some significant facts relating to the calls for National conventions have been unearthed. Unless the executive committee of the National committee, which will issue the call for the 1908 convention after the time and place have been set by the full committee, breaks all precedents, the call will provide specifically for the election of delegates at large from all the states and territories by conventions, taking no cognizance of the direct primary system prevailing in Wisconsin, under which Mr. La Follette's friends would expect him to be elected a delegate at large from the Badger State and to head the Wisconsin delegation.

Political conventions are a thing of the past with Wisconsin Republicans, under the direct primary scheme which Mr. La Follette forced through during his term as Governor. Delegates to National conventions are to be chosen as candidates for state officers are nominated, by direct vote of the people. The state law and political organization regulations, however, have no influence upon the National committee. This committee is all-powerful in prescribing how the membership of the party convention shall be selected.

Might Lose in Convention.

There is a feeling that, while Mr. La Follette might be certain to pull down one of the four delegateships at large at a direct primary, he might fall by the wayside through the holding of a party convention, which might choose a complete delegation favorable to some other person as a candidate for President and

instruct the members accordingly. It will be recalled that three years ago the factional split in Wisconsin resulted in dual state conventions and the election of rival delegations to the National convention at Chicago. The Republican National committee, in making up the temporary roll of the National convention, threw out the La Follette delegates and unopposedly seated the stalwart delegation, headed by Senator Spooner.

The National committee of today is no more inclined to idolize Mr. La Follette than was the case in 1904, when he practically was without a friend in the whole outfit.

PASS BY SEATTLE AND DENVER

Republican Committee Wants City Nearer Center of Country.

OREGONIAN NEWS BUREAU, Washington, Oct. 14.—Although Seattle and Denver are struggling for the next Re-



Senator Robert M. La Follette May Again Be Shut Out of Republican National Convention.

ANOTHER INSULT TO PROUD NIPPON

Drunken Man Falls Into Laundry.

JAPANESE RISE TO OCCASION

Dozen of Them Do Battle With Rescuing Mob.

ONE GETS HEAD CRACKED

Lone Policeman Attacks Mob, but Reinforcements Come in Time. Cause of the Riot Calmly Sleeps Through It All.

SAN FRANCISCO, Oct. 14.—As a result

of an attack upon a Japanese laundry tonight, the proprietor and one of his employees are in the emergency hospital, many whites are nursing bruises caused by the clubs of the police, and the exterior of the laundry is a wreck.

The trouble was occasioned by Joseph King, an intoxicated logger, who crashed into the window of the laundry conducted by T. Umkekeubo, at 422 Fell street. The proprietor and H. Omura rushed out and dragged King into a rear room, where he was placed in charge of a young Japanese, who stood guard, armed with a section of gaspipe, while the other Japanese hurried to summon the police to arrest King.

Three intoxicated companions of King witnessed the incident, and they planned to rescue their friend. Other whites were called on and there followed a combined attack on the laundry. The street was soon filled by a large crowd, and a dozen Japanese on the inside sought to repel the invaders.

Policeman Thomas Collier was soon on the scene and attacked the crowd single-handed. Another officer soon arrived in an automobile and the riot call, which was sounded, brought strong reinforcements. The police charged the crowd with clubs and many were hit. Umkekeubo and Omura were conveyed to the hospital, where it was found the former was badly cut about the head, while Omura sustained a fracture of the shoulder.

King was found asleep in the rear room, innocent of the trouble he had caused.

Mr. Walker, attorney of the Japanese

Society of America, tonight was securing evidence of the affair.

FINDING BASIS FOR RATES

State Commission Will Seek to Squeeze Water From C. & E. Stock.

SALEM, Or., Oct. 14.—(Special.)—To form

a basis for reasonable freight and passenger rates on the Corvallis & Eastern, the Oregon Railroad Commission began an investigation today. Not much prog-

ress was made for the reason that the three witnesses who were heard, Superintendent G. F. Nevins, former vice-president, J. K. Weatherford, and former secretary, J. A. Shaw, are not familiar with the history and records of the corporation that have at one time and another owned the line from Yacumina to Detroit. Though has been brought to light, however, to show that the patrons of the Corvallis & Eastern are expected to pay large profits on a property that has apparently been made subject of transactions of a nature commonly called high finance.

The Commission has records showing that in 1904 this road, then owned by the Oregon Central & Eastern Railroad Company, was sold at Sheriff's sale to Hammond & Bonner for \$100,000. The sale included river steamers, tugs, ocean steamers and equipment which were later sold by Hammond & Bonner for about the sum they paid for the entire property. In 1906, the Oregon Central & Eastern Railroad Company was organized by Hammond & Bonner and the property transferred to that concern. In 1908 the Corvallis & Eastern was organized and the road taken over by the new company. This company is capitalized at \$2,500,000, and is bonded to the amount of \$2,115,000. What the railroad Commission is now endeavoring to find out is whether this capital stock and bonds represent value of property or whether they are largely paper values upon which shippers must pay interest and dividends. The hearing was continued until October 29, when witnesses who have personal knowledge of the history of the property will be present.

LOSES RIGHT TO APPEAL

NOTHING CAN NOW SAVE SCHMITZ FROM PRISON.

Blunder of Lawyer Forfeits Privilege and Vain Effort at Correction Is Thwarted.

SAN FRANCISCO, Oct. 14.—According to the District Attorney's office, Eugene E. Schmitz, ex-Mayor of San Francisco, has now a convict, has lost the right of appeal to a higher court through a blunder of his attorney, Charles H. Fairall, and must go to the penitentiary forthwith.

Moreover, the charge is made that after Mr. Fairall discovered his mistake, he sought and procured a change in the record of the transcript of appeal to cover his own error. These changes in fact occur in the printed volume and the prosecution refused to accept service.

JURORS TO TRY FORD AGAIN

Special Panel in Court and Trial Begins Thursday.

SAN FRANCISCO, Oct. 14.—The 300 talesmen for the formation of the regular jury panel, from which shall be selected the jurors to try various of the public-spirited corporation officials charged with bribery and under arraignment in Judge Lawlor's department of the Superior Court, were brought into court this afternoon by the Sheriff. The next of the bribery graft cases to be tried, that of T. L. Ford, general counsel for the United Railroads, accused by the grand jury of bribing supervisors, is on the calendar for commencement next Thursday.

The bribery cases against Louis Glass, Eugene E. Schmitz, Abraham Stark, Patrick Calkoun, Thoswell Mulally, T. L. Ford and William M. Abbott were before Judge Lawlor today and were continued until next Thursday.

James Robison, specially engaged in the preparation of the appeal of Louis Glass on his conviction of bribery, presented a voluminous bill of exceptions. This, the court said, would be taken up for settlement next Saturday.

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CHURCHES TO WAGE WAR ON GAMBLERS

Begin Campaign to Put Lid Over Baker City.

MAYOR MUST ENFORCE LAW

Proposed to Depose Officials Who Fail to Do Their Duty.

MAKE ALL NAMES PUBLIC

Every Citizen Will Be Listed For or Against Closed Town—Rev. Mr. Varney, of Baptist Church, Leader in the Fight.

BAKER CITY, Or., Oct. 14.—(Special.)—

The first shot in the campaign to put the lid on Baker City has been fired, and those who have taken the matter up declare they will not rest until they have run every gambling house out of Baker City and forced the saloons to observe the law regarding Sunday closing and the admittance of women and minors to the barroom.

At the Sunday evening services in the Methodist, First Baptist and Second Baptist churches the question as to whether or not the state laws and city ordinances should be enforced in Baker City was discussed. At the First Baptist Church Rev. Mr. Varney said that a delegation of the ministers had waited upon Mayor Johns and asked him to enforce the laws against the gamblers and saloonmen, but that Johns had said he had no power to enforce the state laws. Johns, however, replied that if it was the wish of a majority of the people that the laws be enforced, he would take it upon himself to enforce them.

To Put Each Citizen on Record.

Mayor Johns, said Mr. Varney, then made the ministers the following proposition: At the coming city election, November 4, four Councilmen are to retire and new men chosen to fill their seats. If it is the desire of the people to have the lid on in this city, let them put up candidates who favor a closed town and elect them. Then Mayor Johns would see that Baker City became a closed town. The ministers refused to accept this proposition, believing it would meet defeat at the polls.

The ministers propose to make a thorough canvass of the business men and other citizens. It is proposed further to make a public listing of all citizens and how each stands in regard to an open or a closed town.

Open Town Election to All.

Rev. Mr. Varney called attention to the ordinance forbidding the keeping of hogs within Baker City and asked the gamblers and saloonmen to moral hogs, whose stench could be detected all over the Northwest. The assassination of a leading citizen has spread Baker's reputation all over the United States and given it a name that it can never eradicate.

Gamblers Feared Brown.

In connection with the gambling in Baker City, it has developed that the saloonmen and gamblers had more to fear from Harvey Brown after he left the Sheriff's office than while he was serving as an official of the county. It is said that Mr. Brown had gone to District Attorney Lomax and given him the necessary information to bring suit against the gamblers and close them up and requested the District Attorney to take such action, but Mr. Lomax, it is said, refused to do so, stating that it was not the wish of the majority of the people to put the lid on in Baker City.

Brown, it is said, prepared and filed charges with Attorney-General Crawford in which he sought to oust Mayor Johns, District Attorney Lomax and Sheriff Rand from their respective offices, because they did not enforce the laws.

LITTLE GOES TO CHARITY

Nelson Morris Divides \$20,000,000 Among His Family.

CHICAGO, Oct. 14.—The will of the late Nelson Morris was filed for probate today. The petition accompanying the will estimates the estate at not to exceed \$20,000,000. Of this amount more than \$15,000,000 is in personal property and the remainder in real estate. The bulk of the estate is left in trust to the executors for the various members of his family.

The following bequests are made to charitable institutions: Hebrew Orphan's Asylum, Cleveland, \$10,000; Jewish Orphan Asylum, Chicago, \$10,000; and \$5000 each to the following Chicago institutions: Home for Aged Jews, Visiting Nurses' Association, Home for Incurables, Home for Destitute Crippled Children, and Little Sisters of the Poor. Fifteen thousand dollars is set aside for the endowment of beds in various hospitals for the benefit of the employees of Morris & Co.



THE KIND OF HOMAGE PORTLAND WILL TODAY PAY THE QUEEN OF BEAUTY.