MUST HE REVEAL HIS STOCK DEALS?

Harriman Case Argued Before Court.

PROFITS HIS OWN BUSINESS

Railroadman Hides Behind the Board of Directors.

KELLOGG HITS HIM HARD

Says Market Was Probably Rigged by Poel Which Sold Stock-Judge Asks Many Pertinent Quesof the Lawyers.

NEW YORK, Nov. 13.-After sever hours and a half of argument on both eides of the question, Judge Hough, in the United States Circuit Court, announced tonight that he would not be ready until December 1 to render a decision on the petition of the Interstate Commerce Commission to compel E. H. Harriman to answer certain questions propounded to him last Spring in the ourse of the Commission's investigation into the Harriman lines. The opposing counsel were given the privilege of filing additional briefs during the next two

The arguments, which were not con-cluded until \$:30 P. M., took a wide range, and the privileges and powers of the Interstate Commerce Commission were thoroughly gone into. Ex-Senator John C. Spooner, of Wisconsin, appeared for the first time in the case, and argued in defense of the position maintained by Mr. Harriman-that he is no required to tell the Commission what individual profit he made in selling the stock of other railroads held by him to the Union Pacific Company or to detail the manner in which the famous 10 per cent Union Pacific dividend was declared in August, 1906, and its announcement deferred for two days. Mr. Harriman has also declined to say how much stock of the Union Pacific, if any, he bought just before the announcement of the dividend.

Directors Approved His Acts.

John G. Milburn was also heard in defense of Mr. Harriman and in opposition to the petition filed by the Commission. On behalf of the Government, representestate Comme sion, the arguments were conducted by Assistant District Attorney Henry L. Stimson and Frank B. Kellogg, special counsel to the Commissi Counsel for Mr. Harriman stated to

Judge Hough that the stock purchases of the Union Pacific Railroad, amounting to \$150,000,000 during one period and about \$182,000,000 in the aggregate, were made on the recommendation of the executive committee, approved by the board of directors and ratified by the stockholders. All that Mr. Harriman had done, Mr. Milburn declared, had met with the fullest approval of the stockholders of the Union Pacific Company. He further stated that, allowing for losses sustained in the recent heavy slump of prices, the Union Pacific Company had profited no less than \$32,000,600 by its stock purchases. Mr. Milburn said this fact should silence the charge of the Commission that the stock purchase tended to impair the effectiveness of the railroads engaged in interstate commerce.

Says Market Was Fixed.

Mr. Kellogg, in reply to this, stated that the so-called market value of the stocks sold to the Union Pacific was nothing more nor less than a Wall-street quotation, probably fixed by the very pool of men who, it is alleged, were be hind the stock deals. As to the impairment of the usefulness of the railroads, Mr. Kellogg asserted that the roads of inflated values were today unable to borrow money to build the cars needed by them to carry out their obligations to the

"The same thing is true of the roads without inflated values," retort-

ed Mr. Milburn. Mr. Spooner declared that the stock deals between Mr. Harriman and the Union Pacific were mutters of concern only between the individual and the stockholders, and had nothing to do

with interstate commerce, Mr. Kellogg declared the commission had a right to inquire into the uses to which the money of a railroad was put

Judge's Pointed Questions.

Judge Hough interrupted the attorneys on both sides with many pointed questions. He said, among other things, that he did not exactly see what the deferred announcement of the Union Pacific dividend had to do with interstate traffic. He also asked if, after all, the commission was not only seeking by the unanswered questions to prove from whom Harriman, the individual, purchased the stocks subsequently sold to the company of which he is president and what profit he individually made by the transac-

Mr. Kellogg said the commission sought to get at the bona fide side of the stock deals. In general, he declared, the commission was making an inquiry which involved the question of whether or not the great western territory of the United States shall be de-

endent upon one man for its develop ment-whether or not there shall be railroad competition between the Missouri River and the South Pacific

Mr. Kellogg, in concluding his argu ment, said the commission questioned the propriety of Mr. Harriman's sitting upon a committee to fix the price of stocks he held and was about to sell to the Union Pacific. "I know," interjected Mr. Milburn,

but what are you going to do about

Why Questions Were Asked.

Mr. Stimson said that the commis sion before starting the investigation, during which Mr. Harriman was asked the questions which he has declined to answer, had stated the object of the investigation. This object, Mr. Stimson said, was to inquire into variou combinations of alleged violators of law. He called attention to Mr. Harri man's autocratic powers over the lines in his system and said Mr. Harriman was in fact the Union Pacific system Mr. Harriman took entire responsibility for the investment of \$150,000,000 of Union Pacific funds in Alton, Illinois Central, Atchison, Baltimore & Ohio, St. Paul and other stocks. He said all the questions Mr. Harriman refused to answer were merely to ascertain if any stock was bought for Union Pacific from its officers or directors. The position of the commission, said

the district attorney, is that it is a standing committee of Congress vested with inquisitorial powers.

Mr. Stimson then cited numerous cases to show that the Interstate Commerce Commission had power to demand the information sought.

What the Questions Were.

The questions in regard to the purhase of \$28,000,000 of Illinois Central stock at \$175 a share were whether the 20,000 shares sold by Mr. Harriman Mr. Rogers and Mr. Stillman were pooled; whether the stock was purchased by Mr. Harriman at a much lower price than \$175 for the purpose of seiling it to the Union Pacific; whether Mr. Harriman had any interest in the 105,000 shares sold by Kuhn, Loeb & Co. to the Union Pacific, and whether these shares were acquired by the same pool for the purpose of seiling them to the Union Pacific. With re-gard to the Union Pacific dividend, the questions were whether Mr. Harriman was directly or indirectly interested in stocks bought between July 19 and August 17 and whether he had any interest in the Union Pacific and Southern Pacific stock in anticipation of that dividend that dividend.

Trying to Block Inquiry.

Mr. Stimson said the constitutionality of a statute was not under consideration, but the other side was trying to cut off Congress from inquiring into facts upon which investigation may be based. He maintained the Comnission's right to inquire into all finan-ial transactions of an interstate rall-The Commission was trying to learn

whether the stock investments made with Union Pacific funds impaired the road's facilities as a common carrier, and whether such investments should be made subject to regulation by Congress. He quoted Robert Mather's statement that railroad directors who purchased stock from themselves were largely responsible for the wave of which has swept over the withhold pertinent information by saying it was private business. Even if the information tended to incrimin ate, it could not be withheld, for im munity was automatically extended in such cases. Mr. Harriman assumed re-sponsibility for the stock purchases, and no words could more clearly indicate stock jobbing than his replies. He concluded by submitting a copy of Secretary Taft's Columbus speech dealing with railroad regulations.

Private Business, Says Milburn.

Mr. Milburn, in opening his reply, con tended that the sole question was whether the power to make the inquiry was vested in a subordinate or inferior body like the Commission.
Mr. Milburn asserted that the Union

Pacific had the legal right to purchase stock in other railroads, that it had the legal right to buy Illinois Central stock from Mr. Harriman, and Mr. Harriman had the legal right to sell it. The transaction was authorized by the executive committee, adopted by the board of directors and ratified by the stockholders, and was set forth in the minutes of the company in a perfectly regular

"Mr. Harriman was asked when he bought Illinois Central stock. If that is not a matter of private business, what can be private business?" demanded Mr. Milburn. "It was not until nine years after Mr. Harriman had his Illinois Central stock that he sold is the Male

tral stock that he sold it to the Union Pacific at the market price." Judge Hough interrupted to ask if the Commission was not endeavoring to elicit from Mr. Harriman the facts as to whether or not he individually made large whether or not not individually made large sums of money by selling stock to a cor-poration in which he was a director. "Broadly, that seems to be true," re-plied the attorney, "and the question here arises as to whether or not Mr. Harriman is protected by the constitution in not answering such interrogatories."
"But's said large Hough "the ground

"But," said Judge Hough, "the ground of your objection as it appears in the record is that the subject matter of the inquiry is irrelevant and immaterial, cannot find that privilege is claimed."

Denies Commission's Power.

"It is not," said Mr. Milburn. "We merely claim that the Commission has neither the right nor the power to make an inquiry of the scope attempted."

"Underlying the whole case, however,"
Mr. Milburn said, "is the fundamental
right of an individual to protection in
his liberty of action by the constitution
of the United States. These liberties can be interfered with by due process of law.

As to the cialm of inquisitorial powers on behalf of the Commission, Mr. Mil-burn said that it was contrary to the spirit of American Institutions. Judge Hough demanded to know if it was contended that Congress could not exact answers to the questions propounded to Mr. Harriman.

"We contend that Congress has not the power to legislate to the extent of the power to legislate to the extent of administering a man's personal business affairs," replied Mr. Milburn, "and where Congress has not the power to legislate certainly it has not the power to investigate. Mr. Milburn cited authorities to prove that the Commission has not power to compel Mr. Harriman to answer the questions propounded by it.

"The Commission is only given power to enforce the provisions of the act which are set forth," said Mr. Milburn. "It

(Concluded on Page 4.)

Morning

Two Dozen Hanged By His Efforts.

METHODS TO GET CONFESSION

Bible Stories to Save Souls and Freedom for Bodies.

CHANDLER IS NOT COMING

Fears Violence if He Gives Testimony in Person-His Affidavits Read Supporting Root-Darrow's Ear Delays Trial.

SPOKANE, Wash., Nov. 13.-A special to the Spokesman-Review from Rathdrum, Idaho, says:

Progress in the trial of Steve Adams, on trial here for the alleged murder of Fred Tyler, was delayed this afternoon through a desire of Clarence Darrow, chief counsel for Adams, to go to Spokane and have a specialist examine his right ear.

Had the trial not been delayed, the state would have finished with its testinony in chief.

The entire forenoon was taken up in ross-examination of James McParland, the detective, in the Steve Adams trial. Mr. Darrow, attorney for the defense vent into the history of McParland, following it from his birth to the time of the arrest of Steve Adams. McParland said he went to work for the Pinkerton Detective Agency about 1869 and that he had been with it ever since. He became superintendent of the Denver office in 1887 and about 1892 became general superin tendent of the Western division. He said he had gained many confessions from men accused, both inside and outside of prisons, and told of a number obtained outside. In obtaining these confessions he usually told the man the state as a rule dealt liberally with those who turned

state's evidence

were hanged. McParland had testified he was a native f Ireland, and when asked if the Molle Maguires were the Ancient Order of Hibernians, replied shortly, "No, it was criminal organization." Was it a secret organization?" asked

"It was a secret criminal organization, sald McParland. "Did you go by your own name?"
"I went by the name of James Mc-

"Were you known as McKenna, the Hawley interposed an objection and it was sustained.

During the cross-examination Mr Hawley entered vigorous objections, but they were overruled, the court stating that he proposed to be more liberal than usual in this case. Considerable animos ity was exhibited by Mr. Hawley and Mr. Darrow and they were reprimanded by the court. Each then apologized to the court and to each other.

Going to the Adams confession, Mr. Darrow said that he had heard from McParland that he had-told Adams Bible stories of characters redeemed after having sinned, and that he knew of crim inals who had not been prosecuted after turing state's evidence, like Kelly the Burn, who peached on the Mollie Maguires.

"So you told him of Bible characters to insure him of his soul's safety and of Kelly the Bum to insure him that his body would be safe?" asked Darrow. "I told him that the state most always helped men who acted fairly with it,' replied McPariand

Chandler Is Not Coming.

The state is out the testimony, in per son, of William B. Chandler, who was with a fishing party about the time of the Tyler killing in Marble Creek district, and who has fled to Butte, Mont., fearing that he will meet with foul play should be testify against Adams. His testimony taken at Wallace was introduced through affidavit, it being shown that the state's attorneys had received a telegram from Chandler that he would not come here. Chandler's testimony supports that of George H. Root, of Wallace, and Steve Logan, both claimholders in August, 1904, on Marble Creek, in placing Adams there with Simpkins, Price, Mason, Glover and others.

GAS PLANT IS BLOWN UP

Match Causes Violent Explosion at Pacific University.

PACIFIC UNIVERSITY, Forest Grove, Dr., Nov. 13 .- (Special.) - While filling the tanks of the gas plant at the new women's dormitory, Mr. Fletcher tonight stepped upon a match which ignited the gas, and a terrific explosion occurred that completely demolished the brick plant. Window frames of the dormitory were shattered and debris blocked the east entrance to the dor-

Tells of the Mollie Maguires.

He told of the Mollie Maguires, and that he was a member of the order for two years for the purpose of obtaining evidence against them, and that as a

FOUR LITTLE CARTOONS OF A DAY'S LEADING TOPICS.

DEALSON

ALSO YOUR

AND THE

182,000,000

STOCK INVESTMENT

BALTIMORE &

NOT TO MENTION

THE ILL.

OH10. R.R ?

Dregontan.

Unwritten Law Again to the Front.

INSANITY WILL BE DEFENSE

Strong Prejudice Against Execution of Woman.

PRISONER SHOWS EMOTION

Covers Face When Story of Killing of Brown Is Related-Crime Probably Provoked by Reading Mrs. Adams' Letters.

WASHINGTON, Nov. 13.-The first day of the trial of Mrs. Annie M. Bradley on the charge of murdering Ex-United States Senator Arthur Brown, of Utah, was consumed entirely in an effort to obtain a jury. When at 4 o'clock the court adjourned for the day, that prelim lnary was still incomplete, notwithstand ing 61 men had been examined as to their competency to sit in the case. There were II men in the jury box, all subject to challenge. The questions put by the attorneys for the prosecution and the defense served to define to some extent the lines which will be followed by both sides of the case. It was made eviden that attorneys for Mrs. Bradley will depend upon the plea of insanity. If there was any confidence in the plea of justification, it was not expressed. On the other hand, the prosecution manifested apprehension that the jury will be in lined to consider the case under the unwritten law and to shield the defendant from possible capital punishment on ac count of her sex, and the Government spared no pains to procure assurance that there would be no lurking convic tions in the minds of jurors which would stand in the way of awarding punish with the testimony on those accounts. Many people were excused because they were opposed to capital punishment for women.

Mrs. Bradley to Testify.

Mrs. Bradley was accompanied to the courtroom by her mother, Mrs. Madison, who remained during the forenoon sea-During the early hours of the day Mrs. Bradley appeared nervous and af-

fected by all the references to the tragedy, but later regained her com The courtroom was crowded, many of the spectators being women. The charge upon which Mrs. Bradley is being tried is that of deliberately mudering Brown in his room in a hotel in this city on December 8, 1908. Mrs. Bradley has admitted the killing, and there will be no effort to show that his death resulted from any other cause than the shooting. It is probable that she will be put on the stand in her own defense with the hope of influencing the jury in reaching the conclusion that her mind was so unsettled by the long continued wrong which it is alleged she had suffered that she was not responsible for her acts. She has never made any statement con cerning the details of her presence in the room when the tragedy took place. There is no other living person who was presen at that time. It is known, however, that while the shooting occurred at 3 o'clock in the afternoon she had arrived in the city early that morning, having come direct from her home in Sait Lake City-The wounds on the Senator's body, on of which was on his hand and the other in his abdomen, showed that two shots had been fired. Of these the latter proved fatal within five days.

Putting such information together a they have been able to obtain, Mrs. Bradley's attorneys have reached the con clusion that when she went to the Sens tor's room, which she did immediately upon her arrival, she found there certain letters from Mrs. Annie Adams, the actress, the reading of which greatly incensed her. She seemed then to have disappeared and not to have returned until the afternoon, when, meeting Mr. Brown there, she upbraided him and, seeing him unwilling to marry her, fired the shots which ended his life.

A brief statement was made by Assist ant Prosecuting Attorney Turner concerning the crime charged-murder in the first degree. The statement evidently em barrassed the defendant. She placed her gloved hands to her face and her head shook perceptibly.

Believes in Unwritten Law.

Twelve men of the regular jury panel were called. David M. Lee, a native of Richmond, replying to the questions asked, supplied the first stumbling-block. Asked if he could render a fair and impartial verdict, he replied:

"I am from a section of the country that believes in the higher law and am an advocate of it. I approve of what was done in the Culpepper case. I believe there are certain circumstances that justify persons taking the law into their own

Mr. Lee retired upon peremptory challenge by the state.

Samuel J. Gray, a negro, was excused on a peremptory challenge by the defense because he entertained prejudices against the plea of insanity. "I just don't believe in it," he said, when asked for an explanation, and Mr. Hoover lost no time in demanding his release.
"I just wouldn't vote that way," said

Charles S. Wilcox, an insurance man and a native of Georgia, in such clear and distinct tones as to cause a general demonstration throughout the courtroom when asked to express his opinion of cap-Ital punishment for a woman. He was promptly excused by the prosecution.

SIX KILLED AT CROSSING Foreign Factory-Workers Mangled

by Train at Milwaukee.

MILWAUKEE, Wis., Nov. 13.-Stx men were killed at South Milwaukee tonight when a fast Northwestern train plowed across a grade crossing near the station. All of the victims were so mutilated that identification has been impossible. All the killed were foreign factory workers. The injured include: Dr. H. H. Nadiga, health commissioner, rib and hose fractured; Mrs. Daniel Laurer, aged 50 ankle and shoulder blade fractured; George Fadel, internally injured, serious.

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WIRELESS BRINGS TIDINGS TO TAFT

Enjoying Voyage on Flagship Rainbow.

REACH VLADIVOSTOK SUNDAY

Anxious to Be Home and Stops Will Be Brief.

BERLIN ENGAGEMENTS OFF

Secretary May Also Cancel Official Entertainments Planned in St. Petersburg - Expresses Satisfaction With Political News.

ON BOARD ADMIRAL HEMPHILL'S FLAGSHIP RAINBOW, via wireless to U. S. Cruiser Chattanooga, acting as dispatch boat to Nagasaki, Nov. 12 .- Secretary of War William H. Taft and his party are in the best of health and enjoying a pleasant voyage. The Rainbow is due at Viadivostok at II o'clock on the morning of November 17.

Secretary Taft will not know his route through Europe or his plans there until he arrives at Vladivostok. It is very probable, however, that he will sail for New York on December 7, from Cherbourg, on the steamer Majestic, or from Hamburg on the Hamburg-American liner President Grant.

Mrs. Taft will remain in Europe two weeks longer, but the Secretary of War is anxious to get home, and all official entertainments at Berlin have been declared off by him. He may also eliminate the official entertainments which have been planned for him at St. Petersburg.

Secretary Taft expressed his satisfaction over the reports of the political sit-uation at home as received by him.

FRANCE WILL WELCOME TAFT

Kaiser Will Entertain Him and Tower Has Programme.

PARIS, Nov. 13 .- The French Government is greatly pleased at the reported decision of Secretary William H. Taft to stop in Paris en route from the Far East, and is anxious to honor the American statesman. A dinner given by President Fallieres doubtless will form part of the programme, but everything will depend upon the length of the Secretary's stay. Beyond the fact that he will arrive December 12, nothing is known. Even that date may now be changed by modification of Mr. Taft's itinerary after leaving St. Petersburg, Russia.

In view of Emperor William's decision to remain some time in England. after his official visit to King Edward and his consequent absence from Berwhile Mr. the Emperor has invited Mr. and Mrs. Taft to visit him in England. This invitation, which was extended through Charlemagne Tower, the American Ambassador to Germany, who is now in Paris, should reach Mr. Taft upon his arrival at Vladivostok in November. Mr. Tower believes the Secretary will accept the invitation, which necessarily will involve a rearrangement of his Itinerary. The Ambassador, however, also expects the fulfillment of the remainder of the Berlin programme for Mr. Taft's entertainment, which includes a reception by the members of the American colony and Embassy and a dinner to be given by Mr. Tower in Mr. Taft's honor, and at which he will meet a number of high German dignitaries.

TWO BLOWN TO PIECES

Explosion in Nitroglycerine Factory Felt 60 Miles.

COLUMBUS, O., Nov. 13. - Two men were killed and three or four injured in an explosion in the Hercules nitroglycerine factory at Bradner, Wood County, today. The factory was demolished and a number of houses destroyed. The concussion was felt for 60 miles. The dead:

W. CISCO.
JOHN WASHBURNE, both employes of the factory. Harry Easton, superintendent, fatal-

ly injured. ly injured.

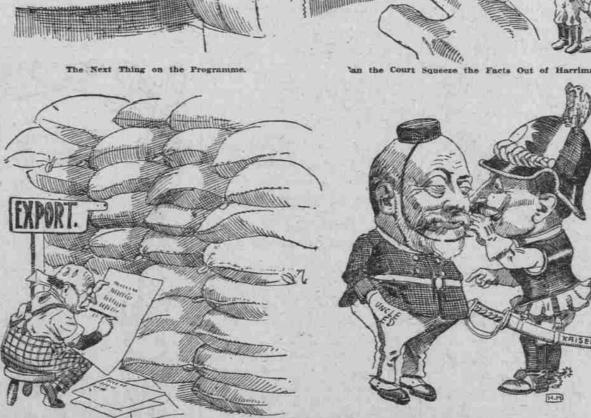
Cisco was blown to pieces, not even a shred of his body being found. Washburne died a horrible death, lying screaming on the ground among the debris and burning timbers.

Nothing remains of the factory except a hole in the ground. In Bradner no great damage was done except to windows and mirrors, which were shattered by hundreds.

FREED FROM LIVING DEATH

Miner Is Rescued After 87 Hours of Imprisonment.

POTTSVILLE, Pa., Nov. prisoned for 87 hours several hundred feet beneath the surface of the earth, almost directly under his own home Michael McCabe was taken from the Draper mine barely alive today. Since Saturday, when the chamber in which he was working caved in, relays of workmen had toiled unceasingly to reach him.



Exporter Is Trying to Figure Out How He's Going to Move That Bumper Crop.

King Edward and the Kalser Meet and Exchange Stories.