WOULD HAVE DEAD SFNATOR PAY FINE

Judgment of \$1000 Is Asked From John H. Mitchell's Estate in Court.

SAY LOWER COURT ERRED

United States Attorney Asks Court of Appeals to Set Aside Dismissal of Case and Force Payment

of Imposed Fine.

EAN FRANCISCO, Jan. E .- (Special.)-Even though Senator John H. Mitchell, of Oregon, is dead, the unsatisfied judg-ment of the Federal Court that he be imment of the Federal Court that he be imprisoned for six months in the Multinomah County Jail and pay a fine of \$1000 is not allowed to rest. The matter of the fine came up again today when a petition form with of error was filed in the United States Court of Appeals here by the United States Attorney of Oregon, based on alleged errors of District Judge Charles E. Wolverton in ordering the Judgment of a fine of \$1000 cancelled.

Appeal had been taken to the Supreme Court of the United States from the judgment of District Judge De Haven, who was sitting on the case in the Circuit Court for Oregon, but when it came up for argument the matter was dismissed, on suggestion of Mitchell's at-

missed, on suggestion of Mitchell's at-torneys, who called the court's attention to the fact that his ellent was dead. An attempt was made by the United States Attorney to enforce the fine as against Milchell's estate, but David M. Dunne, as administrator, appealed to District Judge Wolverton to have the fine cancelled. In his opinion Judge Wolverton stated that it was a criminal action and that the judgment was

In this opinion the United States Attorney contends the court erred and further argues that it had no jurisdiction to cancel a judgment entered in one term after another term had be-gun, and on that account the cancellation of the judgment was void.

CROSS-EXAMINATION, UNDER THORNTON GROWS ANGRY.

Makes Damaging Admissions and "Forgets" Much Former Testimony-New Evidence Heard.

FLUSHING, N. Y., Jan. 5.-New light was thrown on the relations of W. E. Annis and Mrs. Claudia Hains in the trial of Thornton J. Hains today, when the defendant, under examination, declared that several years ago, in Marble-head, Mdrs., he became aware that Annis and Mrs. Hains had stopped at the same

disappeared under the fire of the prosecutor's interrogations, and several times he admitted that he could not remember the minor details of the same testimony he had given yesterday. Once, in plain-

tive voice, Hains said:
"I can't remember. I never was so tired in my life. I have been five months in prison and I am worn out."

HANDLES MANY QUESTIONS

Montana's Governor Covers Wide Pield in Message to Legislature.

HELENA, Mont. Jan. 5.—Before the foint assembly of the 11th Montana Legislature, Governor Edwin L. Norris today read his initial inaugural address. His reading was listened to with rapt attention, covering as it did a very wide scope of state affairs. Its reading consumed a full hour, and the Governor's references to guaranty of bank deposits, direct election of Senators and the repurchase of the Flathead County timber lands, over whose sale an official inquiry was conducted, were received with expressions of great fa-vor on the Democratic side of the House. At the conclusion of the reading the Governor was warmly congratulated by many of the solons. Aside from this, virtually no business was transacted in either branch today, save Twin Sullivan Unable to Best Roxthat in the Senate, the Republican floor leader, Donlan, introduced a bill providing for the ascertalning of the wishes of veters by political parties as to their choice for United States Sen-

TWO MEN PLAN HOLD-UP

Caught by Sergeant Goltz in Act of Making Ready for Job.

William Dean and Harry Richmonds, two ex-convicts, released from the Salem Penitentiary Monday, were arrested last night by Sergeant Goltz, under suspicion of planning a hold-up. The officer noticed the two men from a

distance and marked their suspicious ac-tions. When he got within a few yards of where they were standing behind a tree he saw one of the men suddenly remove a mask improvised from a blue dotted handkerchief from his face. He covered them with his revolver and found Dean in the possession of a loaded revolver. The men finally acknowledged their iden-

They had been arrested by Detectives Day, Weiner and Snow for burglary and had served four years ten months of a seven-year sentence. They had taken a room at 1M Sherman street under the names of Linn and Roberts.

WINS FOR HIS NEW OWNER Sale Just Before Race at Santa Anita Proves Good Buy.

LOS ANGELES, Jan. 5.—The Dos Robies handicap, one mile, the feature of the card at Santa Antia Park today, resulted line victory for Angelus, who was making his appearance under the colors of H. R. ber, leaded at Rainier.

Brandt. S. C. Hildreth sold him early today at a private figure. Magazine and

stretch, where Angelus came up and won by a head in 1:37 3-5. Magazine was second. Two favorites won, Results: Six foriones, purse—Sir Alvescoi won, Homecrest second, Miderecho third; time

Homegrest second, Miderecho third; time 1:124-5.
Two-year-olds, three furlongs, purse—Flying Squirrel won, Helma S. second, Intrinsite third; time 0:35.
Six furlongs, purse—Waterbury won. Colloquy second, Rislin third; time 1:12.
Dos Robies bandicap, mile—Angelus won. Magazine second, Graen Seal third; time 1:37-5.
Mile and three-sixteenths, selling—St. Harle won. King of the Mist second, Alma Dufour third; time 1:58-4-5.
Six and half furlongs, selling—Aragon won, Virlando second, Diamond third; time 1:20.

LONG SHOTS WIN OFTEN

Many Surprises Order of the Day at Emeryville Track.

OAKLAND, Cal., Jan. 5.—Favorites fared better at Emeryville today, but there were some surprises. The 2-year-old race for fillies was won by Miss Robold race for fillies was won by Miss Roberts, a 20-to-1 chance. She is by Genoral Roberts, and made her first appearance. Off well, she practically led all the way, and won cleverly from Baleronia, the favorite. Patricia R, at 15-to-1, took the

first race.

The Chase handloap went to Smiley Corbett. Butler was suspended for the remainder of the week for crossing in front of Prince Nep with Estella C in the fifth. Scoville made a claim of foul, but it was not allowed. Results:

it was not allowed. Results:

Six furious, selling—Pairtola won. Hal second; Banridge third; time, 1.18.2-5. Miss Roberts won. Baleronia second; Vondel third: time 0.26.4-5.

Five and half furious, selling—Bill Eaton won, Little Sis second, Serenade third; time, 1.08.5-5.

Five furious, Chase handloap—Smiley Corbett won, Booger Red second, Collector Jessup third; time, 1.00.2-5.

Mile and 70 yards, selling—Beola C won, Prince Nap second, Aksar Ben third; time, 1.47.4-5.

Six furious, selling—Filly Mayer wch. Gene Russell second, Exchequer third; time, 1.15.2-5.

RACES FIGHT IN HINDOSTAN

RAID MOSQUE AND MOHAMME-DANS RALLY TO DEFENSE.

British Troops Summoned to Separate Combatants Fire on Both Factions, Killing Many.

CALCUTTA, Jan. 5.-The religious riots etween Mohammedans and Hindus have aken a more serious turn again, requiring he active intervention of British troops

today at Titaghur. The troops were com-pelled to fire upon the Hindu mob. The Hindus had resumed the attacks of two provious days on the mosque at Titaghur because the Mohammedans had sacrificed cows. They destroyed the sac-red furniture, and partially demolished the walls. Inflamed Mohammedans gathred in defense of the mosque and were surrounded by a military cordon which formed a barrier between the Mohamme-dans and the Hindu rioters, who assault-ed the soldiers in an effort to come to close quarters with the Mohammedans. The troops fired upon the zealots, kill-ing and wounding several of them. Iso-lated combats between Hindus and Mohammedans are taking place throughout the disturbed district. Mohammedans from more remote quarters are making their way to Titaghur to revenge the

TURKEY TO AID JOHN BULL

Hindu insults to their faith.

Sultan Will Help England in India in Return for Diplomatic Favors.

BERLIN, Jan. 5 .- The British governhotel.

Questioned by Justice Crane, Thornton
Hains said he never spoke of the relations between Mrs. Hains and Annis to
Captain Hains, and had remained silent
ton the matter until last Spring.

The fabric of the case of the defense
was badiy torn when Thornton Hains,
was badiy torn when Thornton Hains,
was badiy torn when Thornton by the
ment has already produced favarable discussion between Russia and Great Bricussion between Russia and Great Brivising the Berlin treaty. The Mohammedans of India number 62,000,000 and their loyalty is a powerful element in the gen erating of disturbances.

TWO PATRIARCHS RESCUED

Each 70 Years of Age Taken Alive From Reggio Ruins.

REGGIO, Jan. 5.-Two aged men, each 70) years old, were rescued alive from the ruins lest evening. A curious fact is the proportion of old people alive after days of birial. They seem to have greater power of endurance than younger men

CANARIES HAVE EARTHQUAKE

Islands in Atlantic Feel Tremble of Earth's Crust.

TENERIFFE, Canary Islands, Jan. 5 .-An earthquake lasting 12 seconds was felt here today. It overturned furniture and set bells to ringing in the houses. The people rushed into the streets in a state of alarm, but no damage was done.

bury Lad.

BOSTON, Jan. 5.—A draw was the decision at the end of a 12-round bout between Jack (Twin) Sullivan, of Cambridge, and Bill McKinnon, of Roxbury, at the Armory Athletic Club tonight. McKinnon forced the fighting from the start and landed repeatedly on the body and face. The best Sullivan could do was an accessional left to the face. was an occasional left to the face.

TURKEY TO INSPECT FLEET Two Battleships Will Be Examined

for Plague. LONDON, Jan. 5.—A dispatch from Con-stantinople, received by the Board of Trade, gives official notification that med-Trace, gives official notification that medical inspection has been imposed by Turkey on persons arriving from Beirut. Syria, where there are some cases of the plague. Beirut is to be the objective of the battleships Louisiana and Virginia for a short visit.

Plan Big Milk Union.

CHICAGO, Jan. 5 .- A union of the 18,000 milk producers who supply Chicago is in contemplation. It is hoped to form a close organization to regulate the price of milk and buy feed and machinery on a co-operative plan. The farmers expect by these means to be able to obey the stringent regulations of the Chicago Health Department at a profit. A convention of the milk pro-ducers will be held here on February 1.

Rainter Cargo Goes South.

Alton Road Says Only Escape Is Definition of Rebate Law.

DANGER OF BANKRUPTCY

Impossible to Change Methods Till Know What Required, While Fines for Continued Vic-

lation Spell Ruin.

CHICAGO, Jan. 8 .- (Special.)-The defendants in the Chicago & Alton rebating case have decided to ask the Supreme Court of the United States for a rehearing. The work of preparing the petition has been begun by the attorneys for the

petitioners.

It is understood that the main ground for the petition will be the business necessity for knowing what the law is upon the points raised. The question affects every industry and every railroad in the country and hundreds of traffic arrangements have been held up awaiting a determination of the issue. If, it is asked, a clear majority of eight Judges of the Supreme Court cannot tell what the law is, what are the shippers and rallroads to do?

Bankruptcy Either Way.

For example, it is stated that to comply with the decision of the courts below vould bankrupt every railroad and every industry in the stockyards district of Chicago. To spend vast sums of money in changing business methods without knowing whether it is required by law or not, is, it is urged, an impossibility. To go on violating the law as laid down by the lower courts is equally impossible, be-cause to do so would subject the railroads to fines, which would soon wipe out their capitalization.

What Switching Charge Is Legal. All the trouble arises from the ownership and use of industrial switching tracks. The Alton allowed the packing firm of Schwarzschild & Sulsberger at Kansas City, Kan., \$1 per car for the use of its industrial tracks connecting the plant of the packing company with the

Alton's rails. Alton's rails.

The majority of the court below held that switch and industrial tracks leading from the rights of way of carriers to plants and docks are not "railroad tracks," and that to pay the shipper for their use is to pay a rebate. The mi-nority held that they were "railroad tracks" and that a reasonable sum could be paid for their use.

God Didn't Plan Flats.

CHICAGO, Jan. 5 .- In pursuance of the present agitation for fresh air in street-cars, Edward R. Pritchard, secretary of cars, Edward R. Pritchard, secretary of the Health Department, has attacked flat life in large cities, "The all-wise God," said he, "never intended people to live in flats. There can be no feel-ing of the existence of the divine be-ing in the crowded living places shut off from the healthful light and air. Why, off from the healthrid light and air. Why, many mothers and fathers in Chicago have moved so much from flat to flat that they cannot remember where some of their children were born. Air in the streetcars is worse than air in sewers. If a man was giv living continually in a a Chicago car and the mouth of one of its sewers, he would be wise to choose the sewer habitation."

Fair Short-Change Artist.

NEW YORK, Jan. 5 .- A well-dressed ung woman who gave the name of Helen Brown, but whom the police say goes under the miles of Mary Allen, is held at under the alias of Mary Allen, is held at the police headquarters charged with working a short-change game. Detectives followed her into a drugstore, where they say she bought an article for 5 cents, presenting a bill in payment. Receiving a quarter in change, the girl then sub-stituted a nickel, according to the de-tectives, and then complained to the clerk that she was short. Being well dressed and of respectable appearance, her plan is said to be generally successful.

Medford Starts Pipeline Work.

MEDFORD, Or., Jan. 5.—(Special.)—
Ground has been broken for the construction of the \$350,000 pipeline which is to convey the water from Little Butte to this city. Contracts for digging the trench, laying the rock work and the excavation for the reservoir are being let.

Severe Gale at Hubbard,

HUBBARD, Or., Jan. 5.—(Special.)—A beavy snowstorm, accompanied by the fiercest bilizard in 29 years, swept down on this locality at an early hour this morning. The mercury dropped below freezing and six inches of snow fell.

AT THE HOTELS.

AT THE HOTELS.

Hotel Portland—R. P. Evans, Philadelphia; J. F. Crowley, Seattle; H. I. Weil, New York; J. H. Glismann, Syracuse; G. P. Langtree, Syracuse; Dr. F. E. Moore, La Grande; W. D. Breed, H. E. Weil, Cincinnati; F. W. Taylor, Denver; U. T. Van Slyke, Chicage; W. H. Hammel, Oakland; Mrs. F. McBroom, Spokane; L. S. Thomas and wite, Palnier; J. M. Lapp, Baker City; A. W. Caveness, Bakor City; E. G. Rice, Seattle; P. C. Sparry and wife, Pendleton; G. E. Youle, G. H. Andrews, Beattle; L. S. McDoy, Los Angeles; R. A. Leonard, San Francisco; C. E. Leighton, Seattle; N. A. Graham, New York; W. A. Round, J. J. Miller and wife, San Francisco; H. P. Sprague, Elight; C. B. Peyton, Seattle; S. F. Berg, San Francisco; R. D. McAusiand, Seattle; F. A. Frankoviz, Tacoma; J. M. Frankoviz, Bellingham; W. J. Johnson, Seattle; O. A. Berzet, Soattle; J. T. Keenn, M. M. Keens, Mrs. R. B. Page, Detroit; W. F. Nelson, L. M. Espy, Seattle; E. Coloman, St. Louis; B. Conner, Chicago; F. G. Barhard and wife, R. E. Barnard, Miss Barhard, Mr. and Mrs. C. H. Wickham, Oak Park; H. Caskell, Chicago; A. F. Decker, New York; W. E. Humphry, Loe Angeles; C. B. Rollins, Soattle; C. H. Parks, Seattle; D. Williams, city; A. Bernstein, L. Zine, Seattle.

Mrs. D. C. Millett, G. A. Sanstein, L. Zine, D. Williams, city; A. Bernstein, L. Zine, Senttle. The Oregon—F. C. Braden, Seattle; John Marshail and wife, W. Pollock, Spokane; Pete McGuire, Aberdeen; C. W. McLane, Pendleton; K. G. Weeks, Spokane, H. Cowden, Silverton; J. A. MacDeugall, Erle; D. G. Daley, Seattle; G. B. Milloy and wife, Seappoose; G. E. Mesh, Pitteburg; H. E. Mullins and wife, Seattle; M. G. Tyler, San Francisio; K. Shann, E. Meek, New York; E. F. Ackerman, Spokane; Dan J. Fry, Salem; A. R. Shiey, Seattle; George W. Rowan, Castle Rock; W. P. Wood, Sumner; F. E. Campbell, W. J. Wassen, 1909, Seattle; B. A. Murphy, St. Joseph; William Kyle, Florence; Gilbert Tyson, Astoria; H. F. Irwin, Tacoma; George P. Douney, Seattle; Hiller, Monthly, St. Joseph; William Kyle, Florence; Gilbert Tyson, Astoria; H. F. Irwin, Tacoma; George P. Douney, Seattle; Hiller, R. Statis; J. N. Hedden, Miss Hedden Scotthurg; B. B. Bathforn, Clina; M. Wilthen, Monroe; William Humphrey, San Francisco; C. L. MacKenzie, Colfax; I. H. Dornsffe and wife, St. Louis; H. Wondt, San Francisco; J. Story, Seattle; J. H.



A Cold Proposition

Storm is King and with no end in sight. We are prepared to keep U comfortable, and would suggest the following for cold weather comfort at way below zero prices:

Warm Ulsters, \$20 val. \$11.85 Warm Sweaters, \$3 val.\$1.35 Warm Arctics, \$2 value. \$1.35 Warm Gloves, 75c value ... 45¢ Fur-lined Caps, \$1 value ... 45¢ Ear Muffs, 50c value.....25¢ WE ADVERTISE FACTS ONLY



Cochran, J. D. Cochran, Medford; A. J. Kuizer, I. Abermilier Beattle; James A. Miller, New York City; J. D. Hull, Seattle; Ed. Coleman, Spokane; Lestor W. David, H. C. Shade, David Baird, Seattle; J. J. Corfoot, A. P. Lange, city; A. S. Pillon, E. Tepoorlis, Vancouver; H. O. Hoffard, New West Minster; W. W. Stuart and son, Vancouver; John W. Corson, Seattle; Charles E. Herron, Alaska; D. G. Tubman, Vancouver; M. J. Corwin, Seattle; E. H. Patterson, 1909; G. F. Hawley, New York; S. Davidson, Denver; J. E. Bordsell and wife, San Francisco; C. E. Detweller, M. W. Hauck, Tacoma; E. Sbannon, city The Perkins—Mrs. F. Stoppelmann, South Tubman, Vancouver, M. J. Corwin, Seattle; E. H. Patterson, 1909; G. E. Hawiey, New York; S. Davidson, Denver; J. E. Bordsell and wife, San Francisco; C. E. Detweller, M. W. Hauck, Tacoma; E. Shannon, city The Perkins—Mrs. F. Stoppelmann, South Bend; E. L. Mitt. Rainier; Aibert Crosby and family, William Scotland, Woodbura; W. Wiltse, Seattle; A. J. Coroin and wife, Miss N. Suilivan city; Mr. G. La Fiein, Kelso; R. E. Davis, Rainier; W. E. Upshaw, city; B. J. Clark, Seattle; A. A. Percan, city; D. J. O'Suilivan, Seattle; J. R. Swinton, Pledmont; Mrs. B. H. Barber, Seattle; Mrs. J. E. Surfus, Oregon City; A. L. Clark, J. P. Boyle, Robert Simpson, city; B. J. Clark, Seattle; Edgar Rosess, Ilwaco; W. Knokey, Hoquiam; J. B. Morgan, Juneau, Alaska; W. F. Marsh and wife, Walla Walla; L. W. Gillia Ridgefield; R. Johnson, Grants Pass; A. T. Bell, Mahaffey; W. B. Gay, Seattle; T. R. Willwerschoir; St. Paul; G. Parker, San Francisco; J. H. Ringwed and wife, Seattle; W. E. Mossby, Caldwell; C. Leurs, Bolse; T. R. Wallwerschoir; St. Paul; G. Parker, San Francisco; J. H. Ringwed and wife, Seattle; W. E. Mossby, Caldwell; C. Leurs, Bolse; T. R. Walrington, Marseilles; A. Hodson and wife, Newberg; M. E. Woodburn; Charles A. Barthrop, Port. Townsend; S. H. Milliken, Hamilton; W. H. Mcore, C. H. Davis, K. Hankwitz, J. C. Feeddick, R. Penny, city; H. P. Berkmap, Prinsville; H. J. Caliahan, Seaside; S. Applishoff, city; E. L. Davidson, Spokane; D. Breymer, Bellone; Stella Braymer, Braymer, Braymer, Braymer, Braymer, Braymer, Braymer, Braymer, Braymer, Mo.; F. P. Mullina and wife, North Yakima; C. R. Dodds, E. F. Rewed, J. A. Rowell, Scholle; Dr. W. E. Mallory, G. R. Langbell, M. York, Dr. W. E. Mallory, G. Garred, Canyon City; P. A. Bennet and wife, Yakima; H. A. Swider, A. J. Smith, Baker City; A. C. Brown, Baker City; J. B. Carriwright, Seaside; H. E. Norman, Horseahoe; C. D. Benner, Eugenet, City; A. C. Braymer, Braymer, Braymer, Braymer, Braymer, Mo.; F. P. Mullina and wife, Newholes, G. Garred, Canyon City; F. A. Carlon, Bray F. Jackson, More; Mrs. M. D. Clark, Mrs. W. R. Irwin, Heppner; J. P. Winters, Pendleton.

The St. Charles—Themas Richards, Everett; D. B. Thorp Vancouver; J. A. Kendall, San Francisco; P. P. Sovern, Oregon City: H. A. Reck, Lexington; H. Erpla, Deep River; Howard Hutto, Kelso; Lee Shover, Claiskanie; George E. Shaver, Swenson; C. B. Baron, Black Rock, W. B. Robnett and wife, G. K. Snyder, Vancouver, S. R. Davey, Lafayette; G. W. Marsh, Cornelius; J. D. Owea, Hubbard; G. W. Androwa, Tualasin; Harry Morris, Kalamat; I. H. Himmons, Charles Simmons, city; Anton Mikkelsen, Sandy; T. Hurben, city; Anton Mikkelsen, Sandy; T. Hurben, city; Anton Mikkelsen, Sandy; T. Hurben, city; R. Kunnier, Mrs. Rosin, Ladru; Carrie Kilby, Scappoose; Mrs. E. R. Kunnier, Mrs. Susan Mayers and children, Asteria; Lem Coffey Hammond; Captain Wood and wife, city; R. M. Akera, Ione; E. A. Curran, Ida; T. H. Darrow, Polil; B. C. Bigelow, St. Louis; W. E. Smith, Hammond; H. F. Kilby, and family, Mrs. W. S. Huchinson, Rainler; H. B. Lecke, Beaverton; Charles Arres, city; T. H. Massey, Hood River; W. F. Hatt, Mist, G. Williams, Arbor Lodge; Edgar Hannon, C. M. Christonson, Buston; M. S. Ford, L. J. Shippy, Davion; W. L. Hoover, Hood Piver; G. W. Overstreet, St. John; E. T. Turner, Banks; Mrs. A. Dahlgreen, Miss N. Olsen. Vancouver; Antonia Brangeit, Mrs. A. Dahlgreen, Miss N. Olsen. Vancouver; Antonia Brangeit, William Marcin, Kalama; W. M. Hancock, William Marcin, Kalam

Some people think that because such-andsuch a soap is made on the other side of the Atlantic, it is necessarily as good as, or better than, Ivory Soap.

Why should it be?

Don't Americans make the best locomotives, the best cutlery, the best cottons in all the world?

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PREPARE FOR COLD WEATHER



HOT WATER BOTTLES

WHITE RUBBER

Water Bottle, guaranteed one year, 2 quart, \$1.35 value \$1.23

3 qt., \$1.50 value, \$1.33

RED RUBBER

Water Bottle, 2 quart, \$2.00 value \$1.73

3 qt., \$2.25 value \$1.83

RUBBER GOODS REDUCED

These prices you will find to be the lowest in the West, and always remember the quality is first-class Regular Sale Price. Price. Price. Price. Waterproof Rubber Sheets, crib Lady's Spray Syringe _____\$2.50 \$1.29 Marvel Whirling Spray 8.50

Bath Spray, to fit any faucet 1.00 Infants' Waterproof Diapers, all Complexion Brush, black rubber. . .25 Rubber Gloves for Housework, pounds shot 2.00 .19 .06 Crash Wash Cloth, large size ... 10

Regular, Special. Regular, Special.

Wooden Massage Balls, hold 5

CHEST PROTECTORS Storm King, for Men-Reg. \$2.50; Special \$1.83 Storm Queen, for Women-Reg. \$2.50; Sp'l \$1.83



SPECIAL DEMONSTRATION COLD CREAM AND LOTIONS FOR CHAPPED HANDS AND FACES

Imported Bay Rum, special ... 50¢ Peerless Almond Cream. 25¢-50¢ Witch Hazel Cream 25¢-50¢ Marshmallow Cream25¢ Creme Violette25¢ Imperial Cold Cream25¢

Mt. Hood Cold Cream. . 15-25-50¢ U-ar-das Cold Cream40¢ Cucumber and Elder Flower

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