



BOARD WILL ACT ON GATEWAY CASE

Portland Dispute Will Be Investigated.

IS THROUGH ROUTE REQUIRED?

Northern Pacific Refuses to Aid Harriman Lines.

BASIC QUESTION INVOLVED

Interstate Commission to Decide Whether Roads Can Be Compelled to Join in Through Traffic.

Hearing February 17.

CHICAGO, Feb. 5.—(Special.)—One of the bitterest fights, lasting for years, between the Harriman and Hill lines over passenger business to the Pacific Northwest is to be settled by the Interstate Commerce Commission. That body has given notice that on February 17 it will begin an investigation of its own motion at Chicago, with a view to determining the right of the Northern Pacific to close the Portland gateway to through business over the Harriman roads.

Incidentally, the case will go far toward determining the right of the commission to order through routes and compel railroads to join in through traffic, and therefore the right of a traveler to buy a through ticket over any two or more lines which reach his destination.

Origin of Controversy.

It is the custom of railroads to protect their local business by refusing to accept business from other roads at the gateways to such territories. In the present case the Northern Pacific, having invested millions in the territory north of Portland, and having through lines from Chicago, Kansas City and St. Paul to Seattle, has always refused to join the Harriman lines in a through route to Seattle by way of Portland. After the passage of the Hepburn act, the Harriman lines filed a through tariff under the theory that the general concurrence of the Northern Pacific in their tariffs covered the Portland situation. The commission ordered this tariff taken out upon the ruling that such tariff should be accompanied by a concurrence of the connecting line, which was lacking in this case.

Tries Free Side-Trip.

Then the Harriman lines filed a tariff which made the same rates from Chicago to Portland as pertained by the Hill lines from Chicago to Seattle and incorporated a provision to the effect that any passenger could, by applying to the conductor on the Oregon Railroad & Navigation Company's line, secure a free side trip from Portland to Seattle. This move was countered by the Burlington, which sent a representative to the commission to ask if it would be allowed to file such a tariff from St. Louis to Portland with a free side trip to Seattle. The commission then, but declined to issue a ruling. It being stated that the body had decided to take up the question and go fully into it.

The law gives the commission the right to order through routes where good and satisfactory routes do not exist. In its answer to the informal complaint by the commission, the Northern Pacific insists that there should be no change in the situation insofar as a through route is concerned, because good and satisfactory routes already exist, routes which meet all reasonable demands of the public. Of the route from Denver to Seattle it is stated that it is in every respect as good as the through route by the way of Portland could be, and yet the company has offered to join the Union Pacific in through rates from that point. East of there the company insists upon protecting its local business north of Portland and upon enjoying the long haul.

INTEREST HERE IS GREAT

Closed Gateway Turns Much Passenger Traffic From Portland.

Determination of the gateway controversy between the Hill and Harriman lines is a matter of greatest importance to this city. J. P. O'Brien, general manager of the Harriman lines in this territory, would not discuss the case last night except to comment on the great inconvenience experienced by Eastern tourists under the present requirements that are involved in going to Puget Sound points via Portland.

By reason of the attitude assumed by the Hill people, the traveler who chooses to come over the Harriman lines to Portland and thence to Seattle is required to buy another ticket between the two coast cities after reaching Portland and at the same time re-check his baggage. As a result much of the coast travel is diverted from Portland which would be certain to visit this city under ordinary satisfactory transportation arrangements. The traveling public and the Harriman officials naturally are hopeful that the Commission will provide a speedy remedy to relieve this highly unsatisfactory condition.

Ninety-six Middles Fall.

ANNAPOLIS, Feb. 5.—Ninety-six midshipmen were deficient in studies as a result of the semi-annual examination. Forty-five of the deficient are among the senior classmen.

CHICAGO WILL GET OIL KING'S MONEY

UNIVERSITY RAISES \$200,000 TO SECURE \$600,000.

Library as Memorial to Harper Will Be Erected at Cost of \$800,000.

CHICAGO, Feb. 5.—(Special.)—A \$500 contribution made by Clayton Marks today completed the \$200,000 fund for the Harper Memorial library, for which John D. Rockefeller agreed to give \$600,000 providing the university raised \$300,000. Several days ago a gift of \$200 by Mrs. Emmons Blaine almost made the fund almost large enough to assure Mr. Rockefeller's \$600,000.

The formal announcement of the completion of the fund is to be made tomorrow by university officials. The new \$200,000 library, in memory of the late President William Rainey Harper, is to be built on the south part of the main campus, facing on the Midway.

PORTLAND GETS MEETING

Retail Lumbermen's Association Is Coming Here in 1910.

SPOKANE, Wash., Feb. 5.—(Special.)—Adoption of a resolution indorsing the appointment of a nonpartisan tariff commission by the President of the United States, which should have the same supervision of tariff matters that the Railroad Commission does over railroad matters, was the most significant action taken at the concluding session of the Retail Lumbermen's Association this afternoon.

In response to an invitation expressed in person by George S. Shepherd, of Portland, and by a letter from Tom Richardson, secretary of the Portland Commercial Club, it was voted that the 1910 meeting be held in Portland. The date will be fixed later by the Board of Directors.

Z. E. Hayden, of Wenatchee, Wash., was elected president; C. B. Channell, of Twin Falls, Idaho, vice-president and A. L. Porter re-elected secretary and treasurer.

CAUGHT, SKIPS TO MEXICO

Williams, Embazzling Leatherworker, Jumps Bail in Arizona.

BISBEE, Ariz., Feb. 5.—D. H. Williams, of Portland, has been arrested here on a charge of theft of \$1400 from the Leatherworkers' Union of Portland. He was allowed \$1000 bond, jumped the same and is now across the line into Mexico.

D. H. Williams was formerly the secretary-treasurer of the Leatherworkers' Union in this city. The crime for which he was arrested was committed about three years ago. Williams took \$1400, all the money there was in the treasury of the union, and decamped. During the past two years he has been hunted all over the United States and Canada. The loss of the money taken by Williams so crippled the Leatherworkers' Union that a short time after the embezzlement the union was dissolved and has never since been reorganized in this city.

BOTH SIDES SEEKING AZEF

Russian Socialists Want His Life, Government His Evidence.

ST. PETERSBURG, Feb. 5.—Eugene Azef is now being hunted by the government, as well as by the fighting Socialists, the organization that had declared him a traitor and condemned him to death. He was for a long time one of the leaders of the Socialists, but at the same time he acted as a spy for the government. He is now a fugitive and recently has been reported in Switzerland.

The secret police, deeply compromised in the Azef revelations, also will be thoroughly investigated. M. Lopukine, the ex-chief of police, who also is charged with treason, is being held in close confinement. He is not permitted to see a lawyer.

HOLD SON AND SON-IN-LAW

Coroner's Jury Solves Mystery of Essick Murder.

COLORADO SPRINGS, Colo., Feb. 5.—Paul Essick, a 16-year-old son, and Robert Edward Piper, alias Arthur Davis, a son-in-law, were arrested this afternoon charged with the murder of Charles E. Essick, the aged clerk of Pike's Peak Camp, No. 5, Woodmen of the World, who, on the night of December 23 was stabbed and afterwards shot to make death certain.

This action of the police followed the announcement of the verdict of the Coroner's jury, which held them to be the guilty parties and that Mrs. Flora Essick, wife of the murdered man, had guilty knowledge of the crime.

HARRIMAN REPORTED ILL

Wizard Suffers From Serious Nervous Spinal Disorder.

CHICAGO, Feb. 5.—(Special.)—E. H. Harriman, the railroad magnate, is far from being a well man, according to reports persistently circulated today in financial circles here and in the East. For several weeks, it is said, Mr. Harriman has been an unwilling patient in the hands of his physicians and his intended trip to California is said to be for the purpose of restoring his health.

"It is no longer a secret that Mr. Harriman is a sick man," said a well-known La Salle-street broker. "A few weeks ago when I was in New York, I was told by persons in a position to know that he is suffering from a serious nervous disorder of the spine."

ROOSEVELT'S AX FALLS ON CENSUS

Vetoes Bill as Return to Spoils System.

WANTS COMPETITION TO RULE

Departure From Civil Service Law.

FORMER CENSUSES BAD

President Tells Congress That Extravagance and Demoralization Marked Service—Critiques Printing Provisions.

WASHINGTON, Feb. 5.—"The evil effects of the spoils system and of the custom of treating appropriations to the public service as personal perquisites of professional politicians are peculiarly evident in the case of a great public work like the taking of the census, a work which should emphatically be done for the whole people, and with an eye single to their interest."

In these words President Roosevelt today summed up a message to the House, returning without his approval a measure providing for the taking of the next census, because of a provision that appointments shall be made on the basis of non-competitive examinations. As passed by Congress, the bill permits Representatives and Senators to designate persons for positions after they have undergone a single examination.

The references of the President to a division of the spoils "without a fight by the professional politicians" on both sides provoked general laughter.

After providing for a reprint of the census bill as it passed the House, the House adjourned, thus postponing action on the message.

The President says he vetoes the bill with extreme reluctance, realizing the value of time in beginning the census, but declares it is of high consequence that it shall be conducted with extreme accuracy, that it shall not be open to suspicion of bias on personal and political grounds, nor of being a waste of the people's money and a fraud. He says:

"Section 7 of the act provides in effect that the appointments to the census shall be under the spoils system, for this is the real meaning of the provision that they shall be subject only to non-competitive examination. The proviso is added that they shall be selected without regard to political party affiliations. But there is only one way to guarantee that they shall be selected without regard to politics and on merit, and that is by choosing"

(Concluded on Page 2.)

CABINET'S FATE IS STILL IN BALANCE

GREY ISSUES ULTIMATUM TO ASQUITH ON NAVY.

Build Six Dreadnaughts or He Will Resign and Whole British Admiralty With Him.

LONDON, Feb. 5.—(Special.)—The fate of the Asquith Cabinet, now trembling in the balance, is likely to be decided at the next Cabinet meeting, or certainly within a few days. The struggle over the naval programme has assumed a highly dramatic phase. One man who now threatens to resign is Sir Edward Grey, Secretary of State for Foreign Affairs and the pride of the Cabinet. He demands as the price of his staying that the six-Dreadnaught programme of the Admiralty go through undiminished.

The situation is complicated afresh by the sudden ultimatum from the board of the Admiralty. Its members threaten to resign in a body if the six-Dreadnaught scheme is defeated.

In the event of their resignation, the government would be in the predicament of having absolutely no Admiralty. No single member of the Cabinet wishes to face such a situation.

Several members of the Cabinet who consider four Dreadnaughts ample, are wavering. Viscount Morley, Secretary for India; David Lloyd-George, Chancellor of the Exchequer; John Burns, President of the Local Government Board, and Winston Churchill, President of the Board of Trade, oppose Sir Edward Grey as firmly as he upholds the sea lords' demands.

START SPOKANE TUNNEL

Work on \$2,000,000 Bore Under City to Last Three Years.

SPOKANE, Feb. 5.—(Special.)—Ground will be broken tomorrow morning on the preliminary work for a \$2,000,000 tunnel of the Spokane & Inland Railway, a bore 400 feet long, its ceiling to be from five to ten feet below the surface of Front avenue, one of the main streets of the business district.

Completion is expected three years hence, when trains will travel at full speed the distance now traveled at a snail's pace, owing to wagon, pedestrian and streetcar traffic. The tunnel will be lined with concrete and double-tracked. Two underground stations, where the excavation will be the full width of the street, are part of the project.

NEW TOGA FOR FORAKER

May Remove to Arizona and Become First Senator.

PHOENIX, Ariz., Feb. 5.—A special from Washington says:

Members of the Senate are seriously discussing the rumor that Senator Foraker, in the event of statehood, will seek a residence in Arizona for the purpose of representing that state in the Senate. It is said that overtures have been made to him by prominent citizens of the territory, both Republican and Democratic.

Sensors who have talked of this probability, expressed a hope that it may result in the return of Mr. Foraker to the Senate, notwithstanding the interruption of his career in Ohio.

BIFF!

SMITHSON BREAKS RECORD

SAN FRANCISCO, Feb. 5.—(Special.)—Forrest Smithson, of the Multnomah Club, broke even with Herbert Cheek, the California hurdler, tonight at the Olympic Club meet. Smithson won the 90-yard high hurdles, with Cheek second; but in the 60-yard low hurdles Cheek was the winner, with the Oregon man a close second.

Smithson made 10 flat in his history, breaking his own world's record, while Cheek broke a world's record by running the low hurdles in 71.5 seconds, which will be a mark for aspiring hurdlers to go after.

Glarnier, Olympic Club, broke a world's record in the indoor half-mile.

DYNAMITE FOR REVENGE

Store Blown Up in Utah and Clerks Struck Dumb.

MAMMOTH, Utah, Feb. 5.—The store of the Mammoth Supply Company was dynamited early this morning. The charge was fired in the cellar. Two clerks asleep in the store were stunned and unable to talk for two hours, but were not injured otherwise. The damage amounts to about \$1000.

The only theory so far advanced is that the crime was committed by some one to whom the company had denied credit.

WRIGHT BREAKS RUDDER

Aeroplane Has Mishap While Starting—Aviator Uninjured.

PAUL, France, Feb. 5.—While leaving the ground this afternoon with Paul Tissandier as a passenger, Wilbur Wright broke the rudder of his aeroplane. Neither Wright nor M. Tissandier was injured.

BALDWIN MUCH IMPROVED

Veteran Horseman Again Is Recovering His Strength.

LOS ANGELES, Feb. 5.—"Lucky" Baldwin, who has been seriously ill at his home in Arcadia for several days and who was reported very low last night, is much improved.

MANY KILLED AS BUILDINGS CRASH

Whole South Swept by Terrific Winds.

PROPERTY DAMAGE EXTENSIVE

Falling Bricks Put Oklahoma City in Darkness.

OVER DOZEN KNOWN DEAD

Dwellings Demolished, Wires Go Down and Much Suffering Prevails in Alabama, Texas and Tennessee.

DOZEN ARE KILLED.

LOUISVILLE, Ky., Feb. 5.—Death for nearly a dozen persons and hundreds of thousands of dollars worth of property destroyed is the result of small tornadoes that swept the South from the Tennessee line to the Texas Panhandle today. Known deaths thus far are:

Stuttgart, Ark.—Mrs. Garfield and a child of Will Story. Mrs. Story is reported fatally injured.

Sulphur Springs, Texas—Mrs. C. Caldwell.

At Hollingsfork, Miss., four were killed and at Booth, Miss., six met death.

At Ennis and Waxahatche, Texas, and Roscoe, La., many houses were demolished.

Arkansas and Upper Louisiana rice fields were damaged.

BIRMINGHAM, Ala., Feb. 5.—A

storm of unusual violence, equaling a tornado in destructive energy at many points, swept over parts of Texas, Oklahoma, Tennessee, Alabama and other Southern states today, leaving in its wake a path of ruin and death. Houses were blown down, fields torn up, and the country generally demoralized.

Six people were killed at Booth, Miss., when the storm reached there; three were killed at Stuttgart, Ark., and several were killed at Cullman, Ala.

At Ennis, Texas, several residences were demolished, though no loss of life was reported. At Sulphur Springs the storm wrecked eight dwellings. Several people were seriously hurt by flying glass and debris.

City Plunged in Dark.

In Oklahoma, at Muskogee, the wind tore down several tall smokestacks on factories, generally rased chimneys, and did much minor damage. One of the smokestacks was on the power company's plant, and as the bricks fell

(Concluded on Page 4.)

BABY IS BORROWED TO GET ALIMONY

FRAUD DISCOVERED AND MAN, NOT WIFE, GETS DECREE.

Startling Testimony Brought Out in Divorce Case at Georgetown, Wash.

BELLINGHAM, Wash., Feb. 5.—(Special.)—Because she had no child as the issue of her marriage with William Welch and wished to secure alimony from him, Mrs. Cora Welch, plaintiff in a divorce suit, borrowed a baby from an orphanage in Georgetown, Wash., and attempted to palm it off on her husband and the court as her own child, born in wedlock. This was the startling testimony given today in the divorce suit of Welch vs. Welch in Judge Hardin's department of the Whatcom County Superior Court. As a result of the showing made, the divorce for which the wife asked was denied, and her husband was granted a decree.

The principal witness was the matron of the orphanage, who testified that Mrs. Welch had secured the child in the case from her, ostensibly for the purpose of adopting it. When she first filed the complaint Mrs. Welch secured \$400 suit money, telling the court that she was soon to become a mother. She then went to Georgetown and came back with the baby, which she attempted to pass off as her own.

MEET ETHEL ROOSEVELT

President Gives Dinner to Friends of Debutante Daughter.

WASHINGTON, Feb. 5.—President and Mrs. Roosevelt entertained at dinner tonight in the White House in honor of their debutante daughter, Miss Ethel, upon which Mrs. Roosevelt's friends were among the guests. Thirty-four covers were laid. The table decorations were Killarney roses and freesia. The dinner was followed by a dance in the East Room.

Among the guests at the dinner were: The Turkish Ambassador, Secretary and Mrs. Bacon, Senator and Mrs. Bourne, Senator and Mrs. Browne, Senator and Mrs. Cummins, Representative Wesley L. Jones, Representative and Mrs. Bourke Cockran, Representative and Mrs. George Malby and Representative Andrew B. Peters.

HEPBURN GIVES UP FIGHT

Abandons Recount on Discovering Loss in Appanoose County.

CENTERVILLE, Iowa, Feb. 5.—In the Hepburn-Jamison contest for the seat in Congress now occupied by W. P. Hepburn, of the Eighth Iowa district, the recount in Appanoose County, upon which Mr. Hepburn had relied to make large gains, was given up here today after the loss of 24 ballots by Hepburn at the end of the recount of eight precincts.

Two other counties are still involved in the recount, Union and Page. Chief reliance having been placed upon Appanoose County by Mr. Hepburn's attorneys, it is assumed that the contest will be dropped in Union and Page Counties.

SMITHSON BREAKS RECORD

Runs 80-Yard High Hurdles in Ten Flat—Other Marks Set.

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JAP SCHOOL BILL MAY BE DROPPED

California House Defers Final Vote.

URGENT APPEALS ARE HEEDD

Tread on Dangerous Ground, Says Stanton.

GOVERNOR ASKS FOR DELAY

Warns House Hasty Action May Involve Whole Country—Johnson Opposes Postponement, but Yields to Stanton.

SACRAMENTO, Cal., Feb. 5.—At the urgent request of Governor Gillett and Speaker Stanton, the Assembly of the California Legislature today deferred until next Wednesday the question whether it should reconsider the vote by which the Johnson bill for separate schools for Japanese leaders at first offered determined opposition to the motion to postpone, which was made by Leeds of Los Angeles. The Governor's message did not move it, but a warning from the Speaker that "we are treading on very dangerous ground" overcame the opposition.

The message from the Governor was as follows:

Gillette Says Reconsider.

"Gentlemen—Believing that there should be a further and more careful consideration of Assembly bill No. 14, which provides that a board of school trustees have the power to establish separate schools for children of Japanese, and that thereafter they shall not be admitted into any other public school, and further, believing that the enactment of the provisions of said bill will at this time affect the interests of the entire Nation, and perhaps seriously, I most respectfully request you to reconsider the vote by which said bill was passed and take full consideration."

"Within a few hours after the passage of said bill, the President of the United States, alarmed at the possible consequences of the enactment of such a law, sent to me a telegram containing the following language:

"This is the most offensive bill of all, and in my judgment is clearly unconstitutional, and we shall at once have to test it in the courts. Can it not be stopped in the Legislature or by veto?"

Remember National Interests.

"A telegram so forcible as this, coming from the President of the United States, is entitled to the most careful consideration and demands that no hasty or ill-considered action be taken by this state which may involve the whole country.

"It seems to me it is time to lay sentiment and personal opinion and considerations aside and take a broad and unprejudiced view of the important question involved in the proposed legislation."

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