

FAST TRAINS
WILL LEAD TO JAIL

Mr. Mohler Takes Issue With
Harriman's Judgment in
Merger Suit Trial

PATRONS ARE SATISFIED

Vice-President Kruttschnitt, of
Merged Systems, Defends Slower
Time of Freight Trains—Says
Commodities Cost More.

NEW YORK, Feb. 22.—In the course of yesterday's hearing of the Government's suit to dissolve the Union Pacific-Southern Pacific merger, L. Mohler, vice-president and general manager of the Union Pacific, described the development of the road during the past 16 years. He questioned the judgment of the late E. H. Harriman as to the operation of trains between Council Bluffs and Ogden.

"In 1901," said Mr. Mohler, "we moved some cars more quickly than we do now, but more of them more slowly. The service is better now and more uniform, and I think is giving more satisfaction. We could run a 54-hour freight between Council Bluffs and Ogden if we sidetracked passenger and mail trains, but we would have to make 40 miles an hour, and it would be risky business in such a locality."

Council pointed out that Mr. Harriman was chairman of the executive committee of the road in 1901 and had the final say as to the movement of trains.

"Yes, I know that, but I question his judgment in this respect. But we cannot take the risks that used to be taken. If we did some of our officers might go to jail," said Mr. Mohler.

Commodities Show Increase.

Frank B. Kellogg took up today the cross-examination of Julius Kruttschnitt, vice-president of the Union Pacific-Southern Pacific system.

Kellogg asked among other things about the list of commodities used by the merger system, on which Kruttschnitt had testified prices had increased.

"Did you select for this list commodities upon which there had been large increases?" asked Mr. Kellogg.

"No, I simply asked our purchasing agents to make a list of the principal commodities showing the differences in the prices paid," was the reply.

He said there were very few things which had not advanced in price. Mr. Kruttschnitt defended the decreased speed of certain freight trains on his system.

"A very small per cent of the public is dissatisfied," he declared. "The Union Pacific at times has operated under handicaps compared with which those of the Pennsylvania, for instance, are nothing."

Asked if the increase of approximately 90 per cent in taxation on the merged systems in ten years, which he had testified to, represented the increased value of the property, Mr. Kruttschnitt replied:

"I would not want to say as to that offhand. I would have to think it over before answering."

When Kruttschnitt quoted the Interstate Commerce Commission report on dividend averages and showed that, although his roads were paying a 10 per cent dividend now, the average of the Union Pacific for a ten-year period was 4.82, and on the Southern Pacific 1.9 per cent, Mr. Kellogg asked:

"Would you undertake to say what portion of the stock upon which railroads pay dividends is watered stock and what part actual capital investment?"

Mr. Kruttschnitt answered that he rather believed the Interstate Commerce Commission had disregarded watered stock in its preparation of the report of dividend averages. He said he understood four of the 10 per cent dividends were paid on investments.

"Don't you know that the property was mortgaged for \$100,000,000 for the purpose of purchasing other railroad properties and that interest on this \$100,000,000 was paid out of operating expenditures and charged before dividends?" asked Mr. Kellogg.

"I believe our report will show the facts, whatever they may be," said Mr. Kruttschnitt. "There has been no secrecy about anything that was done."

ALBERTA ACTS ON DRAWS

Improvement Association Protests
Delay; Seeks Regulation.

At the meeting of the Alberta Improvement Association last night in Baker's Hall, East Seventeenth and Alberta streets, the matter of vacating streets in East Portland for use of the O. R. & N. Co. was discussed, and while the requirements set forth by the East Side Business Men's Club were indented, no action was taken.

The question will be considered at another meeting. It appeared to be the sentiment of the club that if these streets are vacated the Harriman lines should compensate the city for them.

It was announced that the petitioners, asking the Council to prohibit a chemical fire engine for the Vernon district, are being circulated and will soon be ready for presentation.

Resolution inviting the co-operation of other push clubs to participate in a general movement to secure the regulation of the bridge draws, was unanimously adopted.

DEATH CAUSED BY HOLD-UP

Shock Results Fatally to Mrs. C. A. Bates, Aged 63.

Mrs. C. A. Bates, aged 63 years, living with her husband at 347 Seventeenth street, died suddenly yesterday afternoon at her home from cerebral hemorrhage. Death, it is thought, resulted primarily from a nervous shock sustained by Mrs. Bates a few weeks ago in Idaho, when she and her husband were held up and robbed by highwaymen while on their way to Portland in a prairie schooner.

The old couple crossed the plains to Oregon in 1867 and after living in the state until well advanced in years, decided to go to Boise, Idaho, and once more make the trip by wagon to Oregon and Portland. It was while on their way here they were robbed.

Mrs. Bates never fully recovered from the shock, and yesterday's tragic culmination to her life is the result.

HENRY'S HOPE MAY FAIL

Improvement of Thirteenth Street
May Go On.

Charles K. Henry yesterday afternoon filed with City Auditor Barbur a remon-

strance said to be signed by owners of 80 per cent of the property on Thirteenth, Fourteenth and Fifteenth streets, in North Portland, which were to have been paved with Belgian blocks at a cost of \$150,000 in a district improvement. He declares this "killing" the work under the law, but in the Auditor's office it was said he had failed to secure sufficient signatures, or that some were defective, owing to the fact that agents for the property had signed without having filed powers of attorney.

Incidentally, Mr. Henry took a fling at City Engineer Morris, who, he declared in a letter to Auditor Barbur, had insisted upon certain things against which Mr. Henry and others protested. Mr. Henry, in effect, said he felt he was being forced into allowing the improvement to proceed because the city officials thought he could not get the 80 per cent remonstrance necessary to cause its defeat.

"My sole objection to the improvement was that on Thirteenth street there have been laid numerous switches," said Mr. Henry. "To tear these up would not only cost an immense sum, but business along the street would be seriously affected. It is a wholesale street, with many large houses doing a big business, and it would not do to tear them all up indefinitely. It would have been done had the improvement gone through as planned."

Regarding the insufficiency of the remonstrance, as alleged by the Auditor's office, Mr. Henry declared he is certain he has more than enough signatures to stop the improvement, but added that he would take the matter into the courts if the city should become technical and try to force the issue.

CLAY CEMENT IS DEAD

ACTOR WELL-KNOWN HERE
DIES IN KANSAS CITY.

After Closing Two Weeks' Engagement, He Is Taken Suddenly Sick Expiring in Few Hours.

KANSAS CITY, Feb. 22.—Clay Clement, actor, dramatist and writer of short stories, died at the University hospital here at 10:50 yesterday morning of uraemic poisoning.

Mr. Clement finished a week's engagement at a local theater Saturday night. He had not been feeling well, and declining to remain in bed, he continued working the night it was found necessary to call a physician to the actor's apartments at a hotel. He grew worse rapidly, and early today he seized with convulsions. He then was hurried to the hospital, where the convulsions continued. Soon he became unconscious, and died 20 minutes later.

The actor's wife was with him constantly until a half hour before his husband died. Dr. Benedict said she had to go to a hotel for a rest. She was asleep in the hotel when the end came, and was prostrated with grief when informed of her husband's death.

Mr. Clement and his wife had been estranged for some time. It is said, until about two weeks ago, when a reconciliation took place.

The actor was engaged in writing three new plays when he died.

Up to two years ago few actors were more familiar to Portland theater-goers than Clay Clement. He first came here about 10 years ago and played leading roles in stock with the old John F. Cordray Stock Company.

R. S. Benedict, a good stage director, manager and playwright of no little fame, "The New Dominion" was his most successful play, and probably in the role of the German Baron in it he reached the highest point of his career. It was accorded a big success, and is still being played by stock companies. His latest play, "Sam Houston," founded on some of the stirring and romantic incidents in the life of the Texas hero of that name, the only president of the Texas Republic, was not a success. It was elaborately staged in New York, but failed.

Mr. Clement was born in Woodford County, Illinois, December 31, 1852. He was graduated from the University of Chicago in 1875, and made his stage debut in 1884. His mother, a Mrs. Johnson, lives in a Portland suburb.

GORDON NEARER TO TRIAL

JUDGE KENNAN AGREES TO
HEAR CASE IN SPOKANE.

Ex-Railroad Attorney Is Expected to Appear in Court Wednesday to Plead to Charges.

SPOKANE, Wash., Feb. 22.—(Special.)—After months of delay and correspondence with Governor Hay, in an effort to bring about a settlement of the charges to try the embezzlement cases under which Judge M. J. Gordon was indicted by the grand jury last year, Judge Henry L. Kennan this afternoon announced from the bench that he had decided to try the charges against the ex-railroad attorney.

Gordon was represented by counsel in court this afternoon, when motions were made by the defense to quash six indictments charging embezzlement. The motions were made on the ground that the state had failed to begin prosecution of the cases within 60 days after the indictments were returned. On a showing of the prosecution, however, that the delay was caused because the court, by previous agreement, had not received the motions submitted to it, the motion was denied.

Judge Gordon, it was announced by the defense, would appear in Judge Kennan's department of the Superior Court Wednesday morning to plead to the charges against him. It is expected that the cases will be set by the court to be heard early in the month.

The motion of the defense today was made to preserve the records in the case, counsel admitting that he did not expect the court to act favorably.

GOTHAM IS MAKING READY

Republican Club Prepares to Receive Theodore Roosevelt.

NEW YORK, Feb. 22.—Plans for the reception of Theodore Roosevelt on his return here were discussed by the Republican Club tonight. The co-operation of Mayor Gaynor, as chief executive of the city, will be sought, and Collector Loeb was instructed to call upon him for that purpose.

Robert C. Morris, president of the club, and Collector Loeb have forwarded a tentative plan to Mr. Roosevelt. A cablegram in reply is expected as soon as the ex-President reaches Manhattan.

"MILLIONS WASTED
YEARLY"—ALDRICH

Senator Says He Can Run
Government \$300,000,000
Cheaper Than Now.

URGE REFORM COMMISSION

Plan Is Broached in Senate Speech
in Answering Dilliver—Duplications Cited—Money, Carter, Bristow Are Against Plan.

WASHINGTON, Feb. 22.—Senator Aldrich said yesterday that if permitted to do so he would undertake to run the Government of the United States for \$300,000,000 a year less than it now costs.

He was not presenting a formal proposal, but was making a speech in the Senate on the question of creating a commission to reform the business methods of the Government.

He said the methods were obsolete and involved the annual loss of at least \$100,000,000. At his instance the bill was so amended as to provide that the commission should be composed entirely of members of Congress—five Senators and five Representatives.

Mr. Aldrich spoke in reply to Senator Dilliver, who opposed the bill on the ground that it would create suspicion in the minds of the public as to the methods of conducting the Government's business.

Mr. Dilliver said he feared the commission would accomplish no good, but would do harm. He regarded the bill as a proposal to enter upon a "blanket" disengagement of the Government. He declared the commission would cost not less than \$200,000.

Mr. Dilliver said he did not desire the commission to be taken up in these days. "We have fallen on times when much interest is taken in the departments in the details of legislation, but I do not know whether the object of the pending bill is retaliation or reciprocity."

Mr. Aldrich said he did not desire to serve on the proposed commission. He spoke at length of the duplication of the work of the various departments. He pointed out that 10 per cent of the present expenditures could be saved by a commission.

Mr. Aldrich's admission that \$200,000,000 a year was being wasted, he agreed that there should be a commission, but he did not believe it should be composed of members of Congress. He had little faith in mixed commissions.

KANSAS SOLON BACKS HEYBURN

Scott, Too, Opposes Sending Army Tents to Confederate Reunion.

WASHINGTON, Feb. 22.—Like Senator Heyburn, Representative Scott, of Kansas, objected to the proposition of the Government sending a tent to the reunion of the Confederate Veterans' reunion at Mobile in April.

The measure, following favorable action upon it by the House committee on military affairs, reached the "unanimous consent" calendar and when an effort was made to obtain consideration for it today in the House, Mr. Scott objected and it went over until Wednesday, when it will be brought up in regular order.

Mr. Scott said his objection was due to the attitude of his constituents who were opposed to it. It is known that the G. A. R. is very strong in Mr. Scott's district.

PHILADELPHIA, Feb. 22.—Standing in the United States Circuit five hours today, James H. McReynolds, special assistant to the United States Attorney-General, unfolded the alleged inequities of the so-called anthracite coal trust.

When independent mining companies, entering the hard coal fields of Pennsylvania are in a conspiracy to stifle trade.

On the other side of the argument he asked the court to issue an injunction to break up the alleged monopolistic control of fuel and also pleaded that the acquisition by some of the railroad companies of stock in competing railroad and coal companies be declared in violation of the Sherman anti-trust law.

Mr. McReynolds laid great stress upon the part the Temple Iron Company has played in the coalfields, declaring that its organization clearly showed a conspiracy among the coal roads to control the anthracite trade to tide-water at New York.

When independent mining companies, tiring of high freight rates, proposed building an independent railroad to New York, Government counsel said the Temple Iron Company, a small concern with a limitless charter in Pennsylvania, was purchased by the anthracite coal carrying roads, they taking stock in proportion to the quantity of coal handled by them. The Temple Company in turn acquired the largest of the independent mines and built a railroad to tide-water was never built.

This act, Mr. McReynolds said, was one step in the alleged scheme to stifle independent trade in the coal trade.

He also told of the acquisition by the Reading Company, a holding concern, of the Reading Railway and of the acquisition by the Reading Company of the Jersey Central Railway, a competing line to New York Harbor, which, in turn owned the Lehigh & Wilkesbarre Coal Company. This Reading-Jersey Central combination, he said, owned 62 per cent of the unmined coal in the anthracite region, and its formation was another step in the conspiracy. Mr. McReynolds will conclude his argument tomorrow.

Prosecution of the coal trust was begun under the Roosevelt administration.

MR. CUNNINGHAM HERE

DISCOVERER OF ALASKA COAL
TELLS HOW HE DID IT.

Refusing to Discuss Ballinger Inquiry, Alaska Pioneer Relates Adventures.

Clarence Cunningham, discoverer of the coal lands in Alaska, which precipitated the charges now being investigated by a Congressional committee, spent a few hours in Portland last night on his way to Seattle.

As a mild-mannered man as ever was, Mr. Cunningham talked freely of everything in the world but the investigation of the charges preferred by Glavis against Secretary of the Interior Ballinger.

"I do not understand that the locators of the so-called Cunningham claims are being investigated at this time," said Mr. Cunningham. "The Congressional committee is dealing solely with an attack upon Mr. Ballinger. I have not been served with a summons to appear before the committee, nor have any of the locators of the coal lands. Should we be asked to appear, I personally would wish to wait the return of my attorney, who is now in Europe."

"We have had our troubles with the Interior Department, and most of the locators testified before the committee at Seattle and Spokane. I am expecting to give my evidence when asked to appear."

"It is probable that when the time



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\$15.00 Suits
\$16.50 Overcoats and Cravenettes for
\$18.00 \$8.65

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ARGUES LAWYER

Coal Trust Is Put on Trial in
Federal Court in Philadelphia.

INJUNCTION IS PRAYED FOR
Monopoly of Carrying Trade From
Mines to Seaboard Is Assailed by
Prosecution Who Speaks for
Five Hours in Court.

comes Glavis may fall from his high position as the conservator of the public interests, and the tag which he pinned to himself labeled "the only honest American" may have to be divided among a few others. Some day that people will know the whole story. I can't talk about it until that time comes."

Mr. Cunningham told the story of how he became interested in the Alaska coal fields, how he had suffered shipwreck when the Oregon and the Ohio went down, and of the tortures of a night spent at sea in an open boat while traveling to and from the coal discoveries.

"A brother of mine first invested in a purchase to a bank steamer, who reported finding the coal and returned with samples of coal and oil. He had secured about \$1200 from my family before I heard of it. I then went in to investigate the matter myself and after being guided in the wrong direction by our prospector and in every manner obstructed, I gained a conviction that the man had never seen the great veins which he described. Getting tired of him I pushed in with Indians and found the coal lands as the same Indians had described them to the man who was pretending to have made the discovery. Other men joined me in an attempt to locate and develop a coal supply which is available to the Pacific Coast. That's the whole story."

On one of his trips the party was blown out to sea and passed 24 hours in a struggle for life. "I never bailed as much water before in my life," said Mr. Cunningham, "and the next day the wind shifted and blew us back to land."

"The Alaska coal baron was in consultation last night with ex-Governor Miles C. Moore, who is en route to California for his health. The ex-Governor is largely interested in the coal fields."

IS GAMBLING TO BE LEGAL?

Vancouver Council Considering Ordinance to License Cardrooms.

VANCOUVER, Wash., Feb. 22.—(Special.)—As a result of the raid Saturday night on three poolrooms in which many pairs were arrested for alleged violations of the anti-gambling law, an ordinance was introduced this evening at the Council meeting to license and regulate pool and card rooms.

"If the ordinance is passed, it will give the city a revenue of \$100,000 a year. Any violations are punishable by a fine of not more than \$100, or 30 days' imprisonment."

Spring Valley Whisky, \$2.95 gallon. Spring Valley Wine Co., 244 Yamhill.

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A Trial Package Sent Free. Stuart's Dyspepsia Tablets are made to give to the system, through the digestive tract, and the stomach, the necessary chemicals not only to digest food, but to enrich the fluids of the body. Indigestion may mean suffer from dyspepsia or other stomach trouble.

We will send you a quantity of these tablets free, so that your power to cure may be proven to you.

Thousands upon thousands of people are using these tablets for the cure of every known stomach trouble. Know what you put into your stomach, and use discretion in doing so.

Stuart's Dyspepsia Tablets contain fruit and vegetable essences, the pure concentrated tincture of Hydrastis, Golden Seal, which tones up and strengthens the mucous lining of the stomach, and increase the flow of gastric and other digestive juices. Lactose (extracted from milk); Nix, to strengthen the nerves controlling the action of the stomach and to cure nervous dyspepsia; pure aseptic Pepsin of the highest digestive power and approved by the United States Pharmacopoeia.

One of the ablest professors of the University of Michigan, recently stated that this Pepsin was the only aseptic pepsin he had found that was absolutely pure—free from all animal impurities; harmless to absorb gases and prevent fermentation. They are deliciously flavored with concentrated Jamaica Ginger—in itself a well-known stomach tonic.

Liquid medicines lose their strength the longer they are kept, through evaporation, fermentation and chemical changes, hence Stuart's Dyspepsia Tablets are recognized as the only true and logical manner of preserving the ingredients given above in their full-strength.

If you really doubt the power of these tablets, take this advertisement to a druggist and ask his opinion of the formula.

It is due your stomach to give it the ingredients necessary to stop its trouble. It costs nothing to try. You know what you are taking, and the fame of these tablets prove their value. All druggists sell them. Price 50 cents. Send us your name and address and we will send you a trial package with full directions. Address: Stuart's Co., 150 Stuart Building, Marshall, Mich.

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—The Milton Player-Piano is not automatic or mechanical; it is merely a servant under your complete control, that touches each key or chord at your command, either softly or rapidly, in staccato or legato form, as you wish. It enables you to play at sight the best music of the world.

—The inside player does the fingering, the part of piano playing to which people used to devote years of drudgery. The Milton enables you to bridge at once those years of practicing, and you can play with the "human touch."

—You can regulate the expression and you experience the delight of personally producing the music. It is the easiest of all player-pianos to play. Everybody can play it—either by hand or with the marvelously effective player completely concealed within its case.

—Come in and hear the Milton. You cannot afford to purchase without first having seen our stock and learned our prices. Old instruments taken in exchange, and the terms on our payment plan are as low as could be desired.

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Are metal insoles, zinc and copper, the same as a galvanic battery. The zinc is worn in one shoe, the copper in the other. The nerves themselves are the connecting wires between the positive and negative, and every nerve of the body is fed a mild and soothing current of electricity, and every nerve which positively cures.

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