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COURT FINDS NO COAL CONSPIRACY

Government Loses All But One Case.

SINGLE "TRUST" IS LOCATED

Interests Not Compelled to Change Prices of Fuel.

RAILROADS HELD INNOCENT

Judge Decides Lines as Such Are Not in Monopoly Plot, but That One Concern They Own Is Unlawful—Case to Go Higher.

PHILADELPHIA, Dec. 8.—The United States circuit court for the East District of Pennsylvania today found that there is no general conspiracy among the anthracite carrying roads to restrain commerce, to monopolize trade or to maintain certain prices, but it did decide that the Temple Iron Company is a combination of anthracite coal carrying roads in violation of the Sherman Anti-trust Law.

The court granted the prayer of the government for an injunction, restraining that corporation from continuing violations of the act. The sum and substance is that the government was only one of several points—that in the Temple Iron Company case—and that the defendants will not be compelled to change the present prices of coal.

Three Opinions Differ.

The case was heard by Judges George Gray, Joseph Buffington and William M. Lanning, last February. These opinions were handed down late this afternoon and each differs from the others. Judge Gray dismissed all of the government's charges except that relating to the Temple Iron Company, which he sustains.

Judge Buffington dismissed all the charges except the one against the Temple Iron Company and one relating to the 45 per cent contract existing between the big corporations and the independent coal companies. He sustained the charges of violation of law on these two points.

Lanning Dismisses All.

Judge Lanning dismissed all the contentions made by the government. The suit was filed in June, 1907, during President Roosevelt's administration. The defendants included the Reading Company, the Philadelphia & Reading Railway, the Lehigh Valley Railroad, the Delaware, Lackawanna & Western Railroad, the Central Railroad of New Jersey, the Erie Railroad, the New Susquehanna & Western Railroad, the Philadelphia Reading Coal & Iron Company, the Lehigh Valley Coal Company, the Temple & Wilkesbarre Coal Company, the Pennsylvania Coal Company, the Hillside Coal & Iron Company, the New York, Susquehanna & Western Coal Company, the Temple Iron Company and about 40 so-called independent coal companies.

Three Roads Not Involved.

The three other anthracite roads were not involved in the suit as they were not competitors in carrying anthracite to tide-water. They are the Pennsylvania, the New York & Northwestern and the Delaware & Hudson.

The theory of the government's case was that all defendants had long been parties to a general conspiracy which stifled competition in anthracite coal.

The independent coal companies were brought into the case through the so-called 45 per cent contract transaction. The independents sell their product to the big companies for 65 per cent of the price the big companies receive for it at tide-water.

Independents Helpless, Charge.

The government contended that the independents were forced into making these contracts because there was no other way to get their coal to market, if the big companies chose to discriminate against them in the matter of cars and rates.

The judge, in taking up the matter of the 45 per cent contracts, concludes that they are not a violation of interstate commerce.

"These contracts," Judge Gray says, "were clearly inoperative and not interstate, in their character. They were complete when the coal was delivered at the mines. F. O. B. to the buyer. They did not control or affect, except indirectly and incidentally, interstate commerce, much less did they suppress or restrain such commerce."

No General Conspiracy Seen.

Taking up the matter of a general conspiracy among the defendants, Judge Gray says:

"A careful consideration of the argument and brief of counsel for the government does not convince us that the evidence discloses any such general contract, combination or conspiracy among the defendants for the restraint of trade or commerce in the several states, or to monopolize any part of the trade or commerce among the same."

Judge Gray then takes up the matter of the Temple Iron Company.

It appeared from the testimony in

JAPAN WARNED TO PREPARE FOR WAR

CLASH WITH UNITED STATES PREDICTED IN TOKIO.

Anonymous Vice-Admiral Is Quoted in Newspaper as Saying Nippon Must Be Ready for Inevitable.

VICTORIA, B. C., Dec. 8.—That Japan must prepare for war with the United States is the text of an article published by the Tokio Nippon and received today by the steamer Tamba Maru.

The Nippon quotes an anonymous Japanese vice-admiral as saying that however regrettable the fact may be, it is none the less inevitable that a clash between Japan and a Western power comes chiefly from America's attitude.

"In vain do statesmen and enlightened publicists on each side preach the necessity and demonstrate the reality of mutual friendship," says the Nippon. "None the less from time to time and even with growing iteration, come from the United States mutterings of hostility which at any moment may develop a strength too great for official control."

"Japan must be prepared for that contingency. She must ask herself what objective this element of United States citizens have in view when they advocate the expenditure of enormous sums for furnishing the Pacific with a big fleet; creating a powerful army on the Pacific Slope; of building a huge coal depot and naval station in Hawaii and of fortifying the Philippines, Hawaii and Panama."

"Unwilling as Japan may be to believe in any quarrel with her old friend, it would be madness for her to shut her eyes to facts which stare her in the face."

TYPIST WEDS RICH MAN

Chairman of Postal Telegraph Board to Marry at 70.

NEW YORK, Dec. 8.—Albert Brown Chandler, 70 years old, of Brooklyn, chairman of the board of directors of the Postal Telegraph Company, obtained a license today to marry Miss Mildred Vivian, 28 years old.

Miss Vivian came to New York from Lexington, Mo., and met Mr. Chandler when she was a stenographer in the employ of the Postal Telegraph Company. The date of the wedding was not announced, but it may be held privately.

Mr. Chandler has a record as a telegrapher during the Civil War times, was a close friend of the late Thomas T. Eckert, and has been identified with the Postal Telegraph Company continuously since its organization in 1854. He is a director in many banks and corporations and, besides his residence in Brooklyn, has a summer home in Massachusetts.

ENGINEERS SAVE TRAIN

Prompt Action Prevents Coaches From Plunging Over Trestle.

EVERETT, Wash., Dec. 8.—(Special.)—Despite the fact that Great Northern train No. 2 was derailed on a 400-foot trestle east of Skykomish today by a broken rail, one Pullman alone remaining on the track, only one man was injured to any extent, receiving a broken wrist.

The Central Railroad of Engineers Calder, the Erie Railroad, the New Susquehanna & Western Railroad, the Philadelphia Reading Coal & Iron Company, the Lehigh Valley Coal Company, the Temple & Wilkesbarre Coal Company, the Pennsylvania Coal Company, the Hillside Coal & Iron Company, the New York, Susquehanna & Western Coal Company, the Temple Iron Company and about 40 so-called independent coal companies.

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DEAD MOURNED; MAN DIES

Marion W. Roberts Grieves to Death Over Brother's Tragic End.

SALEM, Or., Dec. 8.—(Special.)—Marion W. Roberts, one of the well-known farmers in the southern part of Marion County, died today, after grieving many weeks over the death of his brother, J. E. Roberts, who was murdered on the reform school bridge near this city.

Bright's disease is given as the direct cause of his death, but relatives declare he lost health from the moment he heard of the tragedy. Mr. Roberts was 64 years of age. He is survived by a widow and three sons, C. M. Roberts, of Salem; Earl and Ernest Roberts, both of Turner.

FIRE PURSUES AUTO FIRM

Two Machines Are Damaged by Flames in One Night.

ILLIAC pursued the Harrison Auto Livery Company last night, two of its machines being damaged by fire within a space of six hours.

At 6 o'clock last evening, a \$2000 touring car belonging to the company caught fire near the ten-mile post on Base Line road and was damaged to the extent of \$2000.

At 12:30 o'clock this morning, the fire department responded to an alarm turned in at Sixth and Washington streets to quench a blaze in a landaulet car, caused from a back fire. The loss on this machine was nominal.

TURKISH COUP RUMORED

Military Dictatorship at Constantinople Is Not Confirmed.

LONDON, Dec. 8.—According to special dispatches, rumors have reached Berlin and Vienna of a projected coup at Constantinople to establish a military dictatorship.

No confirmation of this report has been received here.

CHURCH GETS BULK OF EDDY FORTUNE

Board of Directors to Control Bequest.

SON DOES NOT GET CENT

Instruction of Poor Persons in Science Is Recommended.

COUSIN GETS KEEPSAKE

Members of Household Staff for Six Years Receive Bequests of From \$1000 to \$10,000 and ex-Congressman Is Administrator.

BOSTON, Mass., Dec. 8.—(Special.)—The terms of the will of Mrs. Mary Baker G. Eddy were learned here late tonight. To the Christian Science Church, the source from which it came, goes the bulk of her estate, which, inclusive of the value of copyrights, is about \$2,000,000. This part of the estate, which will be about \$2,000,000, is under the terms of the will to be devoted to the propagation of the faith.

To the board of directors is left the final decision as to the form which this bequest will take; but in her will Mrs. Eddy has left several suggestions and it is said the principal one relates to the instruction of needy persons who may desire to become Christian Science healers.

The construction of a college for indigent students may be the outcome of this provision of the will, but it is considered equally probable that the bequest will be devoted to the spreading of the faith in foreign lands.

Ideas among both these lines are said to have been included in the will.

Mother Church Gets Bulk.

Other provisions of the will are as follows:

The estate at Chestnut Hill is bequeathed to the Mother Church. Its future will be determined by the board of directors.

The house numbered 326 Commonwealth avenue also becomes the property of the church. It is the residence of Judge Clifford P. Smith, the first reader, and is next door to the residence which Mrs. Eddy deeded to the church but retained a life interest.

"Pleasant View," the splendid estate at Concord, N. H., where Mrs. Eddy made her home before coming to Chestnut Hill, is to be sold.

The will specifies the administrator of the estate must sell Pleasant View, either at private sale or auction. The administrator of the estate is ex-Congressman Henry M. Baker, of Bow, N. H. He was the favorite relative of Mrs. Eddy and she affectionately called him "Dorothy Henry," but all he gets under the terms of the will is a keepsake, something that will be valuable merely as a remembrance.

Members of Mrs. Eddy's household are (Concluded on Page 4.)

INDEX OF TODAY'S NEWS

The Weather.
YESTERDAY'S—Maximum temperature, 52 degrees; minimum, 46 degrees.
TODAY'S—Occasional rain; cooler; westerly winds.

Foreign.
Anonymous Japanese Vice-Admiral, in Tokio newspaper, warns country to prepare for war with United States. Page 1.
Chinese throne succeeds to popular demand for constitutional cabinet. Page 1.
British elections bring practically no change in position of parties. Page 6.

National.
Panics no longer necessary, or even respectable, says MacVeagh. Page 1.
President calls cabinet to consider Supreme Court appointments. Page 10.
Champ Clark predicts approval of Federal Government of inland waterways by House of Representatives. Page 7.
Government loses all but one of cases charging conspiracy in restraint of anthracite coal trade. Page 6.

Political.
In proposed reappointment of Congressional districts, Multnomah is entitled to Representative. Page 2.
Visiting Logan predicts nomination of Cummings as President. Page 8.
Woodrow Wilson calls on New Jersey Legislature to elect direct primary choice Senator. Page 2.

Domestic.
Witness in Hattie Le Blanc trial says Mrs. Oliver threatened to shoot husband. Page 2.
Racetrack men have poor memories at graft inquiry. Page 1.
Fifteen Celestial Airways entering San Francisco successfully. Immigration man double vigilance over steamers. Page 9.
Lou Wita Smith accuses sanitarium proprietor on stand. Page 2.
Spokane's census, 194,402, increase of 198 since 1900. Page 1.
Mrs. Eddy's will bequests bulk of estate to Mother Church. Page 1.

Sports.
Many members of Multnomah Club go to beach tomorrow to attend women's swimming races. Page 8.
New Ball doesn't want to play ball with Portland team. Page 8.
Commercial and Marine.
Potato shipping season has opened. Page 22.
Stocks close at best prices of day. Page 23.
Holiday orders for apples. Page 22.

Pacific Northwest.
Evidence in Le Grande murder case proves most contradictory. Page 2.
Man confesses to murder of woman who was thought killed by train. Page 1.
Nan Patterson, former chorus-girl, tried for murder of Cassius Young, the bride of Captain Sumner Prescott, residing at Seattle. Page 2.
"Wagon" makes noisy demonstration at Stella-stone. Page 6.
Portland and Vicinity.
L. F. Limerick's entry takes blue ribbon in parade class at the county show. Page 16.
Port of Portland Commission will issue \$60,000 of 4 per cent bonds. Page 22.
San Francisco banker says Panama Canal will do much to build up Pacific Coast. Page 10.
Modifications of liquor license ordinance discussed by council committee. Page 17.
Accused "slayer" sent to reformatory for maximum term. Page 17.
Milwaukee road is said to be planning entrance to Portland by Chassey line and traffic agreement. Page 18.
Chief of Police says warms hotelkeepers to expel undesirable women. Page 14.
Woman's yell in courtroom stuns audience. Page 10.
Mt. Hood Railway will ask of council permit to cross side streets. Page 10.
Good roads advocates propose tax on automobiles. Page 4.
Postoffice site not yet made public. Page 4.
Commercial Club would bring urban home-seekers from East. Page 18.

NINE NEED SIGN VERDICT

Damage Case Arises Under New Law Recently Passed.

FOR the first time in the history of the Multnomah County Circuit Court a jury was instructed yesterday that only nine of the jurors need sign the verdict. This instruction was given by Circuit Judge Hamilton in the case of George K. Kunitake, a Japanese, sued Bahl, a German farmer, for \$12,907 damages, alleging Bahl set fire to a barn, and caused the disastrous Gresham fire last August. A large part of Kunitake's cordwood was burned. The jury was instructed to return a sealed verdict.

MAN SAYS HE IS WOMAN'S SLAYER

SHE IS THOUGHT TRAIN'S VICTIM UNTIL HE SPEAKS.

NATIVE OF SWITZERLAND DECLARES HE MURDERED HER WHEN SHE REFUSED TO GIVE HIM FIFTY CENTS.

MEDFORD, Or., Dec. 8.—(Special.)—Besides the Southern Pacific tracks a mile south of Medford there was found, yesterday morning, the body of a woman and it was supposed that she had been killed by a train, until, tonight, E. G. Brooks, a native of Switzerland, surrendered himself to the local police and confessed that he had murdered her because she refused to give him 50 cents.

The dead woman has been identified as Mrs. Belle Ellis, and when found she was lying beside the ties, her face lying in the blood which oozed from a wound in her head. Immediately the conclusion was reached by the authorities that she had been struck by the Shasta Limited, and the story of her murder would never have been known had not Brooks' conscience led him to confess.

Broke told the police tonight that he met the woman on the track in the darkness early Wednesday morning and asked her to give him 50 cents. When she refused, he says, he pulled a hammer from his pocket and hit her over the head. Then he threw the hammer away.

The woman did not speak afterward. He searched her clothing and found \$15 in her pocket. He put the money in his pocket and walked to Medford. He came here from Albany and says he has a brother living in Didsburg, Alberta, Canada.

The murdered woman was seen on the streets of Medford several days ago. She continually made inquiries for a man named "Fred" and acted as if she was drunk. Ordered off the streets by the police, she started toward the depot.

CHINA ADVANCES ANOTHER STRIDE

Creation of Cabinet to End Absolutism.

PROGRAMME IS PROGRESSIVE

Revolution Under Forms of Law Seems Successful.

PEOPLE ARE UNDISMAYED

Throne Cannot Overawe Spirit of Liberty in Senate and Leaders

From Provinces Evince Determination to Succeed.

PEKIN, Dec. 8.—It seems safe to announce that the ancient absolute regime in China will exist only historically after the Chinese New Year in January, 1911. It is stated that the throne has decided to accede to the resolution of the Imperial Senate praying for the immediate creation of a constitutional cabinet.

Political events in China have moved with a rapidity that appears almost revolutionary when it is considered that the provincial assemblies representing the first step toward popular government in the Empire's history of thousands of years were inaugurated so recently as October 14, 1909.

The first Imperial Senate met October 3 last.

The late Empress Dowager decreed that a general representative legislative body, to be known as the Imperial Parliament, be convened in 1911, at the end of a nine-year period of preparation.

Taste Increases Ambition.

However, the people, having had a taste of popular government, were impatient and the Senate, soon after it was organized, demanded the immediate convocation of a general Parliament. The throne and grand council yielded to the extent of advancing the date for the inauguration of Parliament to 1913, a decree making this effective being promulgated November 4.

It was at first thought that the Senate, one-half of the membership of which was appointed by the throne, would be subservient, but early in its existence it developed a striking independence and exhibited a spirit almost rebellious.

Leaders Not Discouraged.

When a few weeks ago this attitude was changed the general belief was that the body had been intimidated. An increased number of troops in the streets was mistaken as an evidence of the government's determination to suppress the activities of the provincial delegates and their supporters.

It appears now that these and others who urged a still earlier meeting of Parliament had no intention of abandoning their campaign but simply altered their tactics and embarked upon a plan of private though undoubtedly forceful persuasion.

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RACETRACK MEN'S MEMORIES BLANK

Graft Inquiry Fails to Trace \$20,000 Item.

BOOKMAKERS KEEP NO BOOKS

"Legal Expenses" Allowed Without Question or Voucher.

CASH BORROWED TO PAY

Item of \$250 for Missionary Work Among Ministers Appears—Betting by Women Is Stopped After Protest Is Made.

NEW YORK, Dec. 8.—Missing books, missing witnesses, faulty memories and the easy-going methods of the Metropolitan Turf Association (the bookmakers' organization) netted the mills of the joint legislative committee only a meager list of new facts today.

Isaiore Kresel, assistant counsel for the committee, tried to get John J. Evans, treasurer of the Metropolitan Turf Association, to explain the origin of \$20,000 deposited to the credit of the association with the Mutual Bank. He had little success.

Amasa Thornton, a New York lawyer, who spread the pro-racing views of certain clergymen, according to August Belmont's testimony yesterday, told how he earned a fee of \$250 from the Westchester Racing Association.

Richard T. Wilson, Jr., president of the Saratoga Racing Association since 1906, explained that he did not take office until after the Hughes anti-racing programme had been carried through and that, therefore, he knew nothing of the activities of the association in 1908, when the books of the association show that it spent \$18,244 for legal services, as against \$1185 the year previous and \$8750 the year following.

Treasurer Has No Records.

John J. Evans, of the Bookmakers' Association, was the most important witness of the day. He repeated again and again that as treasurer he kept no books and no correspondence and that he could not be expected to remember where all the money went that passed through his hands, or where it came from. He did keep a check book and a bank pass book, and the entries and stubs in these gave the Assistant District Attorney hints for most of his questions.

Mr. Kresel, for instance, sought to find out about a payment of \$4500 to Edward Burke, chairman of the Association.

"The way I did was this," explained Evans. "We were at the track, and were talking about the way business was going and he said: 'John, I got a bill for \$4500, and I wish you would give me the money.'"

"Legal Expenses" Paid.

"All right; what for?" I asked.

"Legal expenses," says he.

"When do you want it?"

"Want it now?"

"Check or cash?"

"Check."

"I went and borrowed the cash from a man at the track and gave it to him."

Burke is now in Havana. Evans did not know why he went. "Never had asked him—or when he would be back," he said. "Burke," he added, "was a very uncertain man."

Item of \$20,000 Forgotten.

"I don't know," replied the witness, after some parleying.

"Isn't it a fact that \$20,000 was collected as a result of a special assessment?"

"Not as far as I know."

The witness said he would try to find out. He admitted that the day after the \$20,000 was deposited he took out a deposit slip for \$15,000 for counsel fees.

Evans admitted payments of \$15,500 to other attorneys, but said this was not for fighting the racetrack bills but to look after members of the association who might be arrested.

It was made to appear from payment of loans to the Mutual Bank that in 1908 the bookmakers' association borrowed about \$19,500 in two loans, one of \$12,000 and one of \$7500. But it was impossible to prove this, because a ledger containing the bookmakers' association accounts for 1908 had been lost.

Betting by Women Stopped.

Thornton, who testified concerning his dealings with ministers, said:

"In a conversation with several ministers in the Fall of 1896 the question came up of the conduct of racing at Aqueduct. The secretary of one of these ministers suggested I go down there. I found some 2500 women and 1000 men there. I did not like the way the crowds were acting, especially the women. I went back to the church people and reported to them.

"I knew Mr. Belmont and told him of conditions as I found them. I told him I thought if the messengers were taken from the grandstands so that women could not bet, a good thing would be done. This was done in 1907.

"One day in the Fall of 1908 I called at Mr. Belmont's office at his request. I saw some ministers and I made reports back to Mr. Belmont."

CHINA ADVANCES ANOTHER STRIDE

Creation of Cabinet to End Absolutism.

PROGRAMME IS PROGRESSIVE