

PEOPLE TO DECIDE  
RAILROAD'S PLANS

Extensions to Be Made if Adverse Sentiment Does Not Prevent Bond Sale.

WARNING HAS BEEN GIVEN

Large Block of 4 Per Cents to Be Offered Early in Year and Par Will Be Expected—Added Security Provided.

Whether the newly-formed Oregon-Washington Railroad & Navigation Company will spend money for the extension of its lines in the Northwest, further than completing the improvements already under way, depends largely upon the people of the Northwest themselves—not directly, but indirectly.

At the time the new company was formed the announcement was made that a bond issue would be made soon after organization was completed. If the company is able to raise this block of bonds the money thus derived will be used in extending its lines in the Northwest. If the bond-buying public does not rally to the support of these securities the Northwest may have to wait for a more favorable market.

Result Lies With Oregon. Officials of the company say that in leading strength to the bond market the people of Oregon are the greatest factor. If they point out, the state is an antagonistic state against the railroad and if the members of the State Railroad Commission, through public sentiment or from their own judgment, see fit to reduce the chances of obtaining a ready sale for these securities are not likely to be bright. On the other hand, they argue, if the state of Oregon take a minimum, the chances of obtaining a ready sale for these securities may be interpreted as favorable, bonds may be subscribed for in full and at a good price.

The one theme that has predominated the recent utterances of all the railroad officials who have addressed Portland in the last few weeks has been that of alleged adverse legislation. Samuel Moody and C. J. Kimball, assistant general passenger agent and manager of traffic manager, respectively, of the Pennsylvania Lines, when they were here, dwell upon this subject. Howard Elliott, president of the Northern Pacific, brought out the same point, as did President Earling of the Milwaukee. Julius Kruttschnitt, head of the operating and managing department of the Harriman system, likewise pointed to this condition, but the most conspicuous figure of all in calling attention to the railroad's position was James J. Hill.

Market May Be Affected. New officials of the new road say that they fear the market may be affected by this alleged attitude.

It is understood that they propose to place a large block of 4 per cents on the market early in the year. They expect to sell the bonds at a price which will secure that price with little difficulty their future work in Oregon will be outlined. Many of the extensions for which the new road has been waiting for many years will depend upon the response to this offer of securities. It is not expected that the people of Oregon will react exactly in these bonds, most of which will be disposed of in the East. European bidders also may figure in the transaction.

The new company has already announced with the idea of obtaining additional security for bond issues. The old O. R. & N. Company had already issued \$12,000,000 of bonds. This debt will be assumed as a first mortgage against the new concern. The new corporation has a capital of \$10,000,000 and will have power to issue bonds to the extent of \$175,000,000. However, it is not likely that this amount will be placed on the market at the start. Under the old or present arrangement the extensions are made with money advanced by the Union Pacific.

Miller to Govern Traffic. Traffic jurisdiction over all the lines acquired by the new system will be extended to R. R. Miller, although the general management will be divided, as at present. J. P. Quinn will continue to be general manager of the O. R. & N. and associated lines, while Robert Strahler, in Spokane, will exercise authority over the North Coast. J. D. Farrell, in Seattle, will continue in charge of the line in Western Washington as at present.

None of the present improvements will be affected by the merger and will be completed according to the programme without change.

MRS. KERSH IS CONVICTED

(Continued from First Page.)

ballot to list with the votes that favored the noose.

Jury Holds Record. It was the shortness of Mr. Tomasini that kept the jury pondering over the murder case for nearly 72 hours, the longest period of deliberation by a jury ever recorded in Portland.

From a member of the jury, who seemed to be a power in the body, it was learned that Mr. Tomasini was the cause of their three days of community life on the top floor of the Courthouse, where they ate, slept, read and played under lock and key of the law. Other information given by the same juror was:

After the jury had received the case in their hands shortly after 5 o'clock Saturday afternoon the first ballot showed nine for first-degree murder, two for second-degree murder and one for acquittal. The jurors who favored capital punishment for Mrs. Kersh were F. Halliok, J. C. Stevens, James Kenny, N. Newell, John Miller, Foreman; J. A. Brandt, D. S. Scothmayde, G. L. Steelman and John Jarvis. George Whitaker and Donald Allison voted to find the woman guilty of second-degree murder and Tomasini favored acquittal.

Allison and Whitaker, after a short conference with the nine who voted for a first-degree verdict over evidence which puzzled them, in succeeding ballots joined them in voting that Mrs. Kersh be found guilty of the highest degree of murder. Thus the halcyon mood Saturday night late in the night, the jury retiring with 11 ready to send Mrs. Kersh to the scaffold and the 12th

contending that she was innocent of crime.

Sunday Proves Strenuous.

Sunday the jury labored from early morning to late at night in an endeavor to induce Mr. Tomasini to adopt their belief, but in vain. Even subterfuge was followed to coax him to at least be convinced that the evidence showed the woman was guilty of manslaughter. Several times the jurymen who favored a first-degree verdict voted to find the woman guilty of second-degree murder, to see if Mr. Tomasini would not abandon his stand and make one step toward them. This failing, the jury retired in the same frame of mind that kept them from uniting on a verdict the night before.

Monday showed weakening on the part of the jurymen who were less certain of the guilt of Mrs. Kersh, but because all their efforts to move Tomasini were futile. Twice they sought further instructions, not because the solid, if did not understand their duties or were puzzled over evidence, but felt a ray of hope that clearer instructions by Judge Morrow would convince Tomasini that he was in the wrong. Monday night the jury retired, it advocating a verdict of second-degree murder with a recommendation for clemency, and one, Tomasini, for acquittal.

From Tuesday morning until late in the afternoon the 11 wrestled with Tomasini again, but he held out for acquittal.



MRS. CARRIE KERSH, WHO WAS CONVICTED OF MANSLAUGHTER.

until 5 o'clock. Then Tomasini decided to give his vote from acquittal to manslaughter. From 3 o'clock until nearly 5 the 11 tried in vain to get Tomasini to go a step higher. He refused and the 12th jurymen compromised on a manslaughter verdict.

"We gave Tomasini 56 per cent and he would not give us more than 5 per cent," remarked one of the jurymen. Detailed track of the ballots was not kept, but it is judged by most of the jurymen that certainly more than 50 ballots were cast. A few were positive that the jury voted 100 times in attempts to induce Tomasini to meet the half-way line.

The 12th jurymen were restless in their chairs in the courtroom, so anxious were they to return to their homes after a three days' enforced absence. When Judge Morrow had praised them for their tireless energy, commended their record in leaving the scene of fatigue behind them, Mr. Tomasini was the first to depart.

Tale of Murder Retold. Mrs. Kersh, found guilty yesterday, met the murdered man, Johnson, in Spokane last Summer. Johnson had several times informed her that he had purchased a large trunk from a North End pawnshop-keeper. She ordered it delivered to her rooms at the hotel.

Piecing together the testimony told by witnesses in both trials, Webb had ordered Johnson and stuffed his body in Mrs. Kersh's old trunk at the hotel, just at the time she visited the pawnshop.

Trunk Ordered Removed. A few hours later Webb ordered the trunk containing Johnson's body removed to the Grand Central station. Engaging an expressman Webb boarded the express wagon and drove to the depot with it. He checked the trunk to North Puyallup, Wash., paying excess baggage without hesitancy. At 10:10 P. M. baggage men removed the trunk from the baggage car, when the crime was discovered.

The police were immediately notified. In exactly five hours after the discovery of the body in the trunk the police captured Johnson and Mrs. Kersh as they returned to the city from a "joyride." Webb is under sentence to be hanged, execution of the sentence being delayed that he might testify in the Kersh trial.

Many Years Spent on Farm. The greater part of his life was spent on his farm, excepting about 10 years in Eugene, where he moved to educate his children. He moved to Brownsville, Or., in 1902.

Mr. Keeney is the last of that type of Scotch-Irish Keeneys that came over the Atlantic many years ago to settle in New York. From there they migrated to Tennessee, Missouri and Kentucky.

Dr. Homer I. Keeney, of Portland, is among the children who survive.

GOOD CHEER. Royal Dainties, rich plum pudding, royal, flaky pie, spicy little German cakes. Order right away for the Christmas feast. Either branch Royal Baker.

ELIAS KEENEY DIES

Pioneer of 1846 and Father of Dr. Keeney Passes.

VETERAN OF INDIAN WARS

After Whitman Massacre Mr. Keeney Helps to Bury Dead—Gold Is Dug in California and Lonely Trip East Made.

Oregon lost one of its oldest pioneers and most highly respected citizens in the death of Elias Keeney, who died at 11 o'clock yesterday morning at Good Samaritan Hospital after a prolonged illness. Funeral services will be conducted at Brownsville, Thursday morn-



ELIAS KEENEY, PIONEER OF 1846 AND FATHER OF DR. KEENEY.

ing. Brownsville was Mr. Keeney's home for 40 years. Mr. Keeney was born in Ray County, Missouri, December 18, 1828. His youthful days were spent with his father on the Keeney homestead.

On May 10, 1846, he with his brother, Captain Jonathan Keeney, and an immigrant train of about 40 wagons, started across the plains and after a long, perilous journey reached the Willamette Valley, September 14, 1846. Mr. Keeney soon after took up a claim, near where the town of Brownsville is now located, and during the first winter of pioneer life he wore buckskin clothes, split 6000 rails and fenced and prepared for cultivation 20 acres of land. His subsistence that winter was mainly boiled wheat and wild game.

Veteran of Indian Wars. In 1847 the Cayuse War broke out and he, with others, formed a company to go to the relief of the settlers in Eastern Oregon. One of their first camps was on the Willamette River near where the Burnside bridge now stands. There was then no settlement in Portland and all the country was virtually a wilderness.

The company then proceeded to Walla Walla, where they found the bodies of the Whitman party scattered over the battleground. The dead were buried at the foot of the steep hill, where the Whitman monument now stands. After burying the bodies the party went in search of the Indians and on the third day the redskins were found and several hard fights fought. In the battle of Tokulson River, about 20 miles north of Walla Walla, Mr. Keeney escaped without injury, although both the front and back horns of his saddle were shot off by the Indians.

Lonely Trip Made to East. After the Indians were routed he returned to his farm, where he remained until 1849. Hearing of the discovery of gold in California he went with his brother Jonathan south in search of wealth. They brought back about \$15,000 in gold dust and this he conveyed to Missouri horseback and alone. He traveled for three weeks without seeing a white person.

On reaching home the gold dust was cashed and most of the money spent for Oregon and stocking or helping to stock this country. Another immigrant train was formed and with most of his relatives and the cattle a third trip over the long, lonely road was started in the Spring of 1851. After the usual difficulties and trials of the long journey they reached the Cascade Range, where a heavy storm caused the cattle to stampede. The Indians then helped to scatter them and but few were ever seen again by the whites.

Keeney also served in the Rogue River War, where his brother Jonathan was a Captain. In 1850 he was married to Miss Margaret Brown, who died in 1861, leaving four children. In 1867 he married Miss Lucinda Van Winkle, who died in 1885, leaving six children. In 1887 Mr. Keeney was married the third time to Mrs. Matilda Noffsinger, who died in May, 1907.

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GOOD CHEER. Royal Dainties, rich plum pudding, royal, flaky pie, spicy little German cakes. Order right away for the Christmas feast. Either branch Royal Baker.



The shoppers on the downtown thoroughfares yesterday were treated to this novel sight. Frank L. Smith selected four big oxen to deliver Christmas meats to his 22 markets. In the picture you will see the prize-winning steer that hangs in Smith's market at 226 Alder street. The ox-team will haul beef every day and can be seen at Smith's. The actual weight of the four oxen is 8350 pounds.

TRAVEL NOW HEAVY

Joy and Gladness and Sorrow and Pathos Mix.

GIRL, SAD, IS MADE HAPPY

Prosperous - Appearing Traveler Comes to Maid's Relief, Buying Transportation for Her to Vancouver—Little Boy Lost.

This season of approaching joy and gladness is not without its sorrow and pathos, as is witnessed almost every day by incidents at the Union and North Bank depots.

In the rush of eager travelers to reach their homes for the holiday season a few pitiful cases daily are sifted out that detract somewhat from the general joyous tone.

Yesterday a little girl, who had come to Portland from Hillsboro on the electric line, with barely enough money to buy a ticket to Vancouver, reported at the union depot that she had lost her purse and that she did not know anyone in the city who might help her. A prosperous-looking traveler came to her relief and purchased transportation to Vancouver on the electric road. The girl, who cried when she told her tale, cried again when she was given her ticket—but this time from joy.

Family Gets Separated. The trip of a party of three—a mother and her two sons—was necessarily delayed for a day because of the separation of one of the boys from the others just before train time. The distracted mother and anxious brother conducted a painful search for the little fellow. Soon they were joined by depot attendants and some of the passengers. The missing boy finally was found on Seventh street. He had become lost in the maze of hotel waiting-rooms and had wandered out to the street in a vain hope of joining his mother in that direction. He was not so much excited as the others because he had started to San Francisco to spend the holidays with friends was intercepted here yesterday by a message that told him the serious illness of his mother at Seattle. He took the next train for the northern city and telegraphed his friends in California that he will not be there for Christmas.

At least one ticket between Portland and Spokane will not be used as soon as was intended and maybe not in time for Christmas because the owner was delayed by illness. He sent the coupon to the depot yesterday, requesting a refund for this reason.

First Christmas Home Trip On. An old man who passed through Portland on his way to Omaha yesterday told one of the station officers that he was on his first Christmas home trip for 33 years. He has been living in Southwestern Washington, for that length of time and has held infrequent communication with his family. He does not know whether or not any of the members are living, but he expects to find enough of them to extend him a Christmas welcome.

Travel out of Portland has been unusually heavy this year, but the long trips don't seem to be as numerous as formerly. Transcontinental travel is now about over. The number of people leaving Portland on account of the Christmas rush was greater Monday fore than yesterday. By leaving Monday people could have the advantage of reaching their destination a day or two before Christmas.

The traffic to Chicago and Missouri River points is not heavy this year, but the last few days have witnessed many inquiries with reference to trips to the intermountain region. Many Portland people have been recruited from these sections and are eager to return home during the holiday period.

Heavy Is European Travel. European travel has been heavy. Much of this started out of Portland late in November. Beginning with the early part of December and continuing until the early part of last week most persons desiring to spend Christmas in various European cities started their long journeys. By leaving here a week ago Monday it was possible, by close connections in New York, to reach England in time.

The influx of travelers also has been noticeable at the depot in the last two or three days. From now until Saturday evening and Sunday morning the steady stream of people desiring to be in Portland on the one great festival of the year will pour through the gates at the local depots. The electric line will bring others.

The most noticeable rush, however, will be on the last few days when the

students from the various state schools and the people living in small cities in the state will begin to arrive.

LAW OF BAPTISM RELAXED

Presbyterians Omit Requirement for Pouring or Sprinkling.

Portland Presbytery approved and disapproved of a number of overtures from the General Assembly yesterday at the adoption of this overture, arguing that it would extend the scope of the church and induce recognition of methods employed by other churches in baptismal services, even recognizing Catholic baptism as valid.

The Presbytery refused to ratify the recommendation of the assembly to change the present fiscal year of the church to the calendar year.

The Presbytery also declined to approve the movement to limit publications on pending subjects in the church and at sessions of the General Assembly.

Rev. William Parsons vigorously attacked this proposition, declaring it not a privilege, but the right of every Presbyterian to be heard in print if necessary.

"We don't want centralization of power," declared Mr. Parsons, "that would deprive a Presbyterian of the right to print his side of the case, and we oppose the development of any such centralization in the Presbyterian Church. I am too much a Democrat to tolerate anything of that sort. It is not my privilege, but my right to be heard, and if a man is a poor speaker he should be allowed to print his side."

Rev. W. R. Spies, of the Congregational Association of Montana, who received a call from Trinity Presbyterian Church, of Portland, was received into the Portland Presbytery on recommendation of the committee. He had been a Presbyterian and yet, before entering the Congregational Association, had been pastor of Trinity Presbyterian Church in the near future.

The matter of the call of Rev. M. C. Martin to Kenilworth Presbyterian Church, his case was continued until next meeting of the Presbytery, as his credentials had not yet been received from the Minneapolis Presbytery. He will continue in the pulpit of Kenilworth Church.

J. H. Lewis, treasurer, reported the following balances in the Home Mission fund: Emergency, \$98.60; contingency, \$45.24; balance on hand, \$1187.35.

Rev. W. S. Holt and others talked of home missions.

At noon women of the church served refreshments in the lecture room and addresses were made by Rev. Henry Marcol, Rev. John W. Welch, Rev. J. E. Snyder, Rev. E. M. Sharp and Rev. W. S. Holt.

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LAWYER CONFESSES BLUFF

Yankwich Admits He Got \$1683 on Just Claim of \$23.

That he used "threats, persuasion and argument" to get \$1683 for his clients, knowing they were entitled to only \$23, and that the contractor which he thus dragged out \$150,000 on the job, were admissions made by Attorney Harry Yankwich, on preliminary hearing for larceny by bailie, in Justice Bell's court yesterday.

Five Roumanians, laborers on the Natron-Eugene Railroad, allege Yankwich collected the money for them with the agreement he was to have one-fourth, but retained \$1500. One of the claimants said he had been offered \$500 by Yankwich to flee the country and bear the blame of having taken all the money.

Testifying in his own defense, Yankwich presented a second contract, whereby he was to have the first \$1900 collected. He said that upon going to Eugene, he found his clients were entitled to almost nothing, but he managed to slip in certain charges, which the contractor allowed, upon Yankwich's promise to release the liens.

"I made the contractor believe his contract with my clients was no good," said Yankwich. After returning to Portland, the attorney was informed his clients refused to release the liens. The hearing has occupied two afternoon sessions of the court, and will continue today.

"SMALL FRY" ARE CAUGHT

Indictments of "Red Light" Leaders Are Expected Later.

With the arrest of three alleged undesirable yesterday the first endeavor of the December grand jury to sweep the "red light" district came to a halt. Yesterday's prisoners were A. Georgi,

have a seating capacity of 900. It will be devoted to social functions. There will be a raised platform for the musicians at the east end of the hall, with dressing-rooms beneath and a banquet hall and kitchen on the same level with the music. The floor will be polished hardwood. The hall will be completed by January 10.

Social Hall Nearing Completion.

OREGON CITY, Or., Dec. 20.—(Special.)—Burch's Hall, on Eleventh street, is fast nearing completion and when finished will be the most commodious hall in the city. The hall, when completed, will

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Have you ever considered the practicality of going East by a Southern route, now that we are in the grip of Winter?

Then, why not travel via Sunny California and the Santa Fe?

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