

HARRIMAN MERGER FIGHT IS RENEWED

Government Attorneys Criticize Lower Court in Appeal to Washington.

EFFECT DECLARED PLAIN

Brief Contents That Rates Have Been Increased, Service Has Been Terminated and New Lines Have Been Shut Out.

WASHINGTON, March 12.—The Government's fight to split the merger of the Union Pacific and Southern Pacific systems opened today in the Supreme Court of the United States. Attorney-General Wickersham and his special assistants, Frank R. Kellogg and Cordell E. Severance, filed a comprehensive brief of their argument to be made orally in court shortly after April 1.

In addition to the brief of arguments, a second brief of 600 pages was required to set forth the "facts" in the case. The court was told in the second brief that the railway combination now sought to be dissolved originated with Edward H. Harriman, Jacob H. Schiff and associates.

It brought under a common control, the Government contended, the Union Pacific, the Southern Pacific and the San Pedro, Los Angeles & Salt Lake, with various ocean steamship lines, among which was the Pacific Mail Steamship Company, which forms a part of the Panama Canal route. It secured an influential voice in the management of the Atchafalaya, Topeka & Santa Fe Railway.

Court of Appeals Criticized.
The Government criticized severely the Circuit Court of Appeals of the Ninth Circuit, which dismissed the petition for dissolution of the merger. Judge Hook alone dissented.

The brief asserts that the Government cannot understand how the court below became impressed that the Government did not seek to control the Union Pacific for business a thousand miles or more away from its lines. "This statement is contrary to the claim in the petition and in argument," says the brief, "and is contrary to the evidence of scores of witnesses."

The decision was attacked because the court held that the Union Pacific could not be a competitor of the Southern Pacific, by reason of the fact that its traffic moved to California points through the Southern Pacific from Ogden.

Effect of Merger Characterized.
"It is possible," says the brief, "that the Union Pacific, with its thousands of miles of railway and steamship lines reaching from the Missouri River to Portland and San Francisco, has no appreciable effect on commerce in its competition with another complete system reaching the same general territory."

The Government asserted that the trial court was wrong in holding two railroads could not be competitors unless the competitive business could be handled by them wholly by their own rails. Instead of there being no impairment of service, the Government asserted that the merger resulted in gross increase of rates, prevention of construction of new lines into competitive territory, and a "sensible deterioration" of service.

The Government attorneys contended that the "rule of reason" applied by the court in the standard Oil and Tobacco cases was not to be applied in passing upon this merger.

"The court did not decide that when it appears there is a restraint on interstate commerce, it is proper for the Government to sue to stop it," says the brief. "It is proper for it to substitute its judgment as to whether such restraint is reasonable or unreasonable. Such restraints were illegal in these cases."

KIMMEL'S SLAYER ALIVE

such Is Declaration of Lawyer for Insurance Company.

ST. LOUIS, March 12.—J. Johnson, supposed slayer of George A. Kimmel, is alive, instead of being in a grave in the woods near Coon Bay, Or., according to Edward O'Bryan, chief counsel for the insurance company which was defendant in the famous identity case over which a jury in the United States District Court here disagreed a week ago.

John Boone Swinney, New Mexican ranchman, testified at the trial that he killed Johnson and buried him a few minutes after Johnson killed Kimmel, who was accompanying him on a treasure hunt. O'Bryan, while in this city, said Johnson would be produced at the next trial. Johnson, he said, is a jockey, and at one time was a race-horse owner and in fairly prosperous circumstances.

WESTERN ROADS SECURED

Harriman Estate Gets Possession of Bellingham Bay Line.

SEATTLE, Wash., March 12.—Purchase of the Bellingham Bay & British Columbia Railway and the Bellingham Terminals Company by Kuhn, Loeb & Co., for \$14,000,000, was announced in New York yesterday. The property was owned by the D. O. Mills and P. H. Cornwall estates of San Francisco, and the transfer will be made to the Harriman estate for the use of the Harriman railway system.

It is expected that the railroad will be used jointly by the Union Pacific and Milwaukee railroads in their Seattle-Vancouver extension. The railroad already built runs from Bellingham to Sumas and up the Nooksack River.

GUARD IS NOT AVAILABLE

(Continued From First Page.)

Just out, Mr. Taft's attitude, the ambassador said, has had a beneficial effect.

The most alarming report made by Mr. Wilson was to the effect that many Americans in the western part of Mexico were deserting, that they needed help to get out of the country. Consideration probably will be given by the State Department to the best means to get them out by way of western ports.

Consular reports today indicated that Zapotlan, in Jalisco, has been isolated, that Tlapacotal, in Chihuahua, is isolated; that

the Juchitane Indians have been checked and that the Tampico district is quiet.

REBELS AIMS TO BE STOPPED

Shipment of Rifles Is Expected Today by Forces in Juarez.

EL PASO, Tex., March 12.—The rebel garrison in Ciudad Juarez today received advice from Chihuahua to the effect that Colonel Antonio Rojas will not return to that city, but will be kept in Chihuahua by General Pascual Orozco.

A shipment of 2000 rifles ordered from the East, together with a quantity of ammunition for the rebels, is expected to arrive here tomorrow, according to the Juarez authorities.

In the absence of definite instruction from Washington, indications are that the military authorities here will not permit the shipment to enter Juarez.

Brigade Post Idea Assuming Form.

ST. PAUL, March 12.—The plan of the War Department to make Fort Snelling a brigade post has begun to assume definite form, according to orders received at Army headquarters today. Two squadrons of the Second United States Cavalry, now stationed in the Philippines under orders to sail from Manila July 15, will be stationed at Fort Snelling.

Taft Would Recompense Texas.

WASHINGTON, March 12.—President Taft today sent to Congress a brief recommending an appropriation sufficient to reimburse the State of Texas for the pay of additional Texas Rangers employed in policing and patrolling the Mexican border.

DANIEL W. WEINER DEAD

FORMER DETECTIVE KNOWN AS CAPTOR OF TRACEY.

End Comes From Sudden Attack of Heart Disease While on Train From California.

Daniel W. Weiner, known in police circles throughout the West as "Danny" and as the captor of the notorious outlaw Harry Tracey, prior to Tracey's sensational escape from Salem penitentiary, dropped dead yesterday on a Southern Pacific train just after it left Oakland, Cal., on its way to this city, where Weiner had lived since 1878. The cause of death was heart disease.

Weiner was a member of the Portland detective force for eight years. He retired about seven years ago and since then was employed by the United States National Bank as special officer. While in the service of the bank he worked in concert with his old partner, the other detectives, and more than once frustrated attempts to defraud or rob the bank. His most recent activity in that work was in rendering assistance toward identifying the men now held under suspicion of having committed the famous robbery of the bank at Westminster, B. C.

Weiner's greatest exploit was the capture of Tracey, following his series of sensational holdups, committed in balloons here in 1898. Tracey was trailed to the house of his partner, Dave Merrill, where Detectives Ford, Cordano, and Weiner kept watch for many days, but failed to capture Tracey in a position where he could make no resistance. Weiner at length devised the plan of pursuing him to the city, where he was caught and that it was his only chance to flee.

Tracey took the bait, but later became suspicious and tried to escape by boarding a locomotive on the Fourth-street line. He knocked the engineer senseless, but another detective, who was on the air brakes and the train was stopped. Then Tracey ran, but was wounded and captured. His subsequent escape from the penitentiary, bushwhacking battles and death are well known.

Weiner was 54 years old. He was born in New York City, went to sea, and arrived in Portland in 1878. He was part owner of the New Grand Central Hotel before he entered the detective service. He owned some property in Portland, part being a residence at Fourteenth and Taylor streets, where his brother, H. Weiner, had no other relations in this section.

Cashier Schmeer, of the bank where Weiner was employed, has ordered the body shipped here. On arrival it will be prepared for transportation and will be shipped to San Francisco for interment there.

TALKER LOSES HIS WIFE

Judge Gives Divorce to Woman Who Complained of Monologues.

SAN FRANCISCO, March 12.—Intolerable locution was the ground upon which Judge Mogan granted a divorce today from Thaddeus Moore by Superior Judge Mogan.

"He was a good husband, Judge, but he talked too much," complained the wife as she related to the court how Moore had kept her awake at night talking about baseball, woman suffrage, National politics, the war in China, and other current topics. "I simply could not make him desist."

Moore, who is a barber, offered no defense, and Judge Mogan granted the wife an interlocutory decree.

YOUTHS STEAL HANDCAR

As Punishment Baker Boys Have to Walk 12 Miles.

BAKIER, Or., March 12.—(Special.)—Superintendent Barton, of the Sumpter Valley Railroad, is having trouble with boys and handcars.

Following the ride of five youths, who stole a handcar and started for Salisbury, but who were caught and brought into court yesterday, six smaller lads later took the handcar and traveled over the same route.

Superintendent Barton again used his trusty gasoline speeder and caught these 12 miles from the city. The boys scammed, and to teach them a practical lesson he brought back the handcar and let the boys walk home.

SHIP HITS ROCK IN GALE

(Continued From First Page.)

The ship, which had arrived here two days ago from Honolulu, was straining at her anchor and it was feared that she, too, would be wrecked. Late today, however, sea became calmer and the Falls of Clyde secured safe anchorage about 200 feet from shore.

The ship reported as being sighted bottom up off this coast might be the Honolulu of the Hines-Rolph line, the belief expressed here tonight. The Honolulu brought 1000 tons of coal here from Nansaimo, and, after discharging her cargo, departed March 2 for Portland. The Honolulu was a sailing vessel and had no auxiliary power. She left Santa Barbara with very light ballast. The Honolulu crewed Captain Nielsen, his wife and a crew of eight men.

SENATE STORM OPPOSES PITNEY

Nominee for Supreme Court Attacked Because of Picketing Decision.

CLOSE VOTE IS PROBABLE

Regular Republicans Unsuccessful in Bringing About Vote—Executive Session One of Longest in Recent History.

WASHINGTON, March 12.—For more than three hours tonight the Senate, in one of the stormiest and most protracted executive sessions in recent history, debated the confirmation of

William H. Taft's nomination of Nathan W. Pitney, of New Jersey, to the United States Supreme Court.

The Senate finally agreed to resume debate at noon tomorrow and to vote on the confirmation at 4 o'clock.

A rough canvass made by Chancellor Pitney's supporters after the fray tonight showed the vote probably will be close, and that there was some danger of his rejection. Senator Culberson, of Texas, led in the attack, and in his speech and those of other Senators, the New Jersey Judge was assailed in bitter language, which extended to an attack even upon his general fitness for the bench.

Labor Decisions Attacked.
The fight was based mainly upon Chancellor Pitney's decision in the glass bottle blowers' case. That decision restrained journeymen glass bottle blowers, their officers and the members who struck against a glass bottle house, where he lived. He operated a glass bottle house for many years, and from using coercion or persuasion to make loyal employees leave their work in breach of contract or of the master and servant doctrine.

The decision prohibited the strikers from personally molesting the strike-breakers in any way, and interdicted picketing or boycotting.

Senator Cummings, of Iowa, pictured the decision as oppressive to American labor.

Dismissing Opinion Quoted.
Senator O'Gorman and Senator Reed characterized it as showing a dangerous trend of thought. Senator Williams and Senator Shively joined the attack, but Senators Bailey, Clark of Arkansas, Root and William Alden Smith, of Michigan, spoke in Mr. Pitney's favor.

Much stress was laid by the opposition on the dissenting opinion in the glassworkers' case, which held the lower courts in error because they enjoined strikers from the peaceful persuasion of employees who were not up to contract to serve the company. All the Senators had copies of the decision and quoted freely from it.

The regular Republicans unsuccessfully sought to have the nomination pressed to a vote tonight, and contended that the protracted consideration and discussion was agitating labor interests unnecessarily.

175,000 GET INCREASE

HIGHER WAGES SPREAD OVER NEW ENGLAND.

Strike Called in North Adams Textile Mill Only Hour Before Announcement Is Made.

BOSTON, March 12.—The crest of the higher wage movement in New England textile circles reached Fall River this afternoon. The 25,000 employees of 100 print cloth mills there will receive a 5 per cent advance March 25. This increases to 175,000 the total number of New England textile workers who will get better pay.

An advance of 5 per cent also was announced by the cotton mills of Taunton, Mass., Chicopee and other places, as well as the Worcester woolen mills and the Hosiery Cotton Company's mills at North Adams. At the latter plant 300 operatives of the spinning department went out on strike for an increase of pay and better working conditions an hour before the advance was announced. It was expected, however, that all would return tomorrow.

Cotton and woolen mills in New England employing about 100,000 persons have not made a formal announcement regarding the wage question, but notices probably will be posted shortly in many additional establishments, announcing higher schedules.

Many of the fine cotton goods manufacturers in Rhode Island, Connecticut and Western Massachusetts are awaiting the outcome of a wage demand in New Bedford, where there are 20,000 operatives, before acting.

When business is in first-class condition there are about 20,000 textile operatives in New England. It is estimated that the general advance of from 5 to 7 per cent will cost the

1500 textile manufacturers \$3,000,000 a year.

In some of the Lawrence mills it is understood the increase will be at least 12 per cent for many classes of help.

ARBOR DAY BOOK IS OUT

Superintendent Alderman Issues Instructions to All Schools.

SALEM, Or., March 12.—(Special.)—The bulletin for Arbor day in Oregon is completed under the direction of Superintendent Alderman and his assistant, E. F. Carlton, and will be sent throughout the state during the next few days. Arbor day this year is April 12.

The bulletin is quite extensive, containing, besides a sketch of J. Sterling Morton, founder of Arbor day, extracts from the school law in that respect, several poems and songs appropriate to the day; advice as to planting trees; an interesting essay on the value of Oregon's wild birds, written by William L. Finley, state game warden; information as to how to build bird houses; information as to the forests of Oregon, and a history of Oregon's first apple trees, written by Caroline Wasson Thomsen.

The following suggested programme is offered for the benefit of school teachers:

Ask your pupils to find out and report on the following topics for Arbor day: The trees on the farm. What trees grow best in Oregon? What different kinds of trees are growing in the neighborhood? What kind of trees grow best in dry places and what in wet? How many kinds of birds have been seen in the trees around the school? Tell all about the meadow lark and what it is good for. What do the game laws do for some birds? What does the Government do for birds in this country? Topics for development for Arbor Day and all through the term: Forestry; civic improvement; schoolroom renovation; school grounds; birds; flowers; agriculture.

MUSCLES ARE GRAFTED

Delicate Surgery Performed to Restore Girl After Illness.

BALTIMORE, March 12.—(Special.)—Performing an operation made possible by recent discoveries in surgery, Dr. William S. Baer today transplanted the muscles of Miss Ruth Coffey, of Lenox, N. C., in an effort to stay the ravages upon her system caused by infantile paralysis. Miss Coffey is a cousin of Dr. Robert C. Coffey, of Portland, Or., upon whose recommendation the operation was performed.

To connect the paralyzed and paralyzed muscles, it was necessary to lance the joints of the patient and cut off useless ends and transplant broken thereby connecting them to the useful and healthy cords and await a natural knitting of the flesh.

Dr. R. C. Coffey, who resides at 667 Gileston street, said last night that he had visited in Lenox, N. C., last December and had made arrangements for the operation on his cousin, Ruth Coffey, who is a girl 12 years old. He has received no word of the operation other than through The Oregonian.

49 PLEAD NOT GUILTY

(Continued From First Page.)

The conspiracy is alleged to have begun in 1908, acts are alleged to have been committed in furtherance thereof as late as April, 1911.

Motions to quash were not made as to the indictment against eight defendants who did not appear in court. Among them are the McNamara brothers, in San Quentin prison, California, and Orville McNamara, in jail at Los Angeles.

District Attorney Miller attempted, unsuccessfully, to have the trial set for May.

Vancouver Man Falls Dead.

VANCOUVER, Wash., March 12.—(Special.)—When a block from the Thornton Rooming house, where he lived, Peter Ortel, 65 years old, a retired farmer and landlady, fell forward on the sidewalk at noon today and expired before medical aid reached him. A coroner's jury decided death was due to natural causes. A letter in Ortel's pocket indicated that he was contemplating a visit to New York City, where his family lives.

Yakima Couple Travels Far to Wed.

VANCOUVER, Wash., March 12.—(Special.)—James E. Hill and Miss Alpha Patterson, accompanied by W. R. Cummings, came all the way from North Yakima, Washington, today to secure a marriage license here. Marriage licenses were also issued to J. H. Flick, of Milly, Saskatchewan, Canada, and Mrs. Maude G. Peacock, of Vancouver, Miss Belle Sanderson of this city was witness, and Roydon R. Coster and Vivian E. Porter, of Portland, were accompanied by Mrs. M. E. Porter.

Warehouse Sold Pianos Must Go

First General Piano Sale in Over an Eighth of a Century by the Largest and Oldest Music Store in the City.

WAS \$300

NOW \$125

\$10 DOWN

\$1.50 PER WEEK

\$650

Player Piano

\$375

Reasons Why

WAS \$325

NOW \$162

\$10 DOWN

\$1.50 PER WEEK

Some time ago a good opportunity offered, so we sold our piano warehouse, ground, building and all at 65-67 Park st., North, and we have now been compelled to give complete possession, hence this general sale of our large stock of pianos and player pianos; brand new ones; some used in demonstrating; and others of discontinued styles, and as we are determined to sell every one of them within the next ten days, we are offering them at much lower prices than have ever been heard of before. We doubt if one piano will remain unsold by the end of the week.

This is the first general sale of pianos that we have had in 14 years in the music business, and we are simply forced into this one. At one time we were forced to sell off our rent stock, and another time we bought out a competing dealer, and sold out his pianos at bargain prices that have never been duplicated since by any other dealer, and in this, our first general sale, we are offering you bigger values for less money than has heretofore been attempted in the history of piano selling. Here are some of the bargains:

Steinway Grand	\$485	Emerson	\$165	Bradford	\$235
Hardman Upright	\$265	Hoffman (sold)	\$180	Everett	\$185
Ludwig (sold)	\$230	Gardner & Son	\$162	Hallett & Davis	\$125
Wagner	\$157	Bradford Player	\$375	Ivers & Pond	\$145
Marshall & Wendell	\$185	Smith & Barnes	\$178	Strober	\$237

Also Many Other Pianos to Select From at No Profit Prices.

If you are in doubt as to our reputation and standing for fair dealings, ask any music teacher in the state, or any business man—in fact, ask our business neighbors. If they tell you we are all right, then come in and investigate and verify for yourself every word that we have here to say.

LITTLE MONEY DOWN

Graves Music Co.

111 Fourth Street

STORE OPEN EVENINGS

COAL PARLEY SECRET

NO HINT OF RESULT GIVEN OUT IN LONDON.

Momentous Conference Adjourns Until Today—Public Criticizes Policy of Concealment.

LONDON, March 12.—A general discussion of the situation took place, and the conference adjourned until tomorrow morning.

This was all the information divulged by the official statement concerning the results of the momentous conference at the foreign office today, on which hangs the last hope of settlement of the coal strike without recourse to legislation. The conference, which was attended by representatives of the coal owners and miners, as well as of the Cabinet, was held under the presidency of Premier Asquith.

The government is being subjected to severe criticism for veiling with secrecy negotiations that involve the vital industries of the nation.

The coal owners of the federated district, which comprises the purely English colliery men, who had already signified the concession in principle of a fixed minimum wage for miners, found no difficulty in accepting the Premier's invitation. They had, however, to wrestle strenuously with the Welsh and Scottish coal masters in order to induce them to modify their opposition to a conference with the men, from which the miners had expressly barred the discussion of the principle of a minimum wage.

There are still many difficulties in the way of an immediate settlement of the dispute, but the fact that the two parties had again come together for negotiations has brightened the atmosphere and brought a feeling of hope.

STRIKE CONFRONTS BELGIUM

Increased Wages Demanded Since Owners Get Higher Prices.

BRUSSELS, March 12.—There is every probability of a coal strike throughout Belgium, affecting 45,000 colliers. The miners in the Liege basin have charged their delegates to ask for higher wages and those in the vicinity of Charleroi will ask a 15 per cent increase.

If their demands are not granted, all threaten to strike. The miners justify their demands by the higher prices of coal due to the British strike.

There is Only One "Bromo Quinine"

That is Laxative Bromo Quinine. Used The World Over to Cure a Cold in One Day. Always remember the full name. Look for this signature on every box.

There are still many difficulties in the way of an immediate settlement of the dispute, but the fact that the two parties had again come together for negotiations has brightened the atmosphere and brought a feeling of hope.

CLOTHING FOR Men and Women — ON — CREDIT

SI A WEEK WILL KEEF YOU WELL DRESSED HERE. GOOD CLOTHES FOR MEN AND WOMEN \$15 TO \$35. Very Latest Spring Models in Ladies' and Gentle men's Suits and Coats. Open an account.

The Appointment of an Administrator

entails considerable personal anxiety and is somewhat in the nature of a favor to ask of your friends. We do it as a matter of business and you know it will be properly done.

This is but one of the departments in which we can help you, as we do a general banking and trust business.

Lincoln OUTFITTING CO.
WASHINGTON NEAR PARK NAJESTIC THEATRE BLDG UP STAIRS
SECURITY SAVINGS & TRUST COMPANY
FIFTH AND MORRISON STS. Capital and Surplus \$1,400,000

Should Be in Every Household

TYRE'S POWDER ANTISEPTIC

Every house, no matter how small, should have TYRE'S ANTISEPTIC POWDER on hand as a germicide at all times.

Used on cuts, lacerations, burns, bruises and other accidents its promptness of application oftentimes prevents infection and all its attendant dangers.

TYRE'S Antiseptic Powder
Has 100 hygienic uses. Used by physicians for the last 21 years. Unexcelled as a preservative. Dissolves instantly in water. Ideal for double, 25-cent packages make two gallons standard solution. Sold by druggists everywhere.

Look for YOUR DOCTOR or read the booklet. J. S. TYRE, Chemist, Washington, D. C.

The Wretchedness of Constipation

Can quickly be overcome by CARTER'S LITTLE LIVER PILLS.

Purely vegetable—no sugar and no gruel on the liver. Cure Bilemness, Headache, Dizziness, Indigestion. They do your duty. Small Pill, Small Dose, Small Price. Genuine must bear Signature.

A SKIN OF BEAUTY IS A JOY FOREVER

Dr. T. Felix Couraud's Oriental Cream or Magical Beautifier.

Removes Tan, Pimples, Freckles, Moth, Dryness, Itch, and every blemish on the face. Skin becomes soft, smooth, and every blemish disappears. It is the best of all skin preparations. It is the best of all skin preparations. It is the best of all skin preparations.

'Couraud's Cream' is the best of all skin preparations. It is the best of all skin preparations. It is the best of all skin preparations.

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