

JOHN D. TELLS HOW HE SIGNED PROXIES

Giving of Authority to Vote His Stock Frequent Matter of Routine.

AIDES ARE RELIED UPON

Uttermeyer, Representing Waters-Pierce Oil Interests, Severe in Examination of Standard Company's Head.

NEW YORK, May 28.—John D. Rockefeller, organizer and former president of the Standard Oil Company, took the witness stand here this afternoon in a suit through which the Standard interests seek to obtain control of the Waters-Pierce Company.

The fact that the "Standard Oil King" was to testify attracted a large crowd in the building at 37 Wall street, where the hearing is being held in the offices of Samuel Uttermeyer, attorney for the Waters-Pierce interests.

Where do you live, Mr. Rockefeller?

"I live in the city."

"Do you remember executing a proxy for Waters-Pierce Oil Company stock?"

"I do."

"Who presented you the proxy?"

"My secretary."

"Did he tell you what he wanted the proxies for?"

"He did not."

"Did you ask?"

"I did not."

"Had you heard that there was a controversy at that time over the stock?"

"Not at that time."

Mr. Rockefeller explained that he signed proxies almost every day, as sent from his office.

"Do you know that there is frequently a contest over proxies?"

"Yes."

"How do you determine for which party you should sign?"

"I have never found proxies sent from my office that were not right for me to sign. There has never been any difficulty with them. I sign the proxies as a matter of routine," he answered.

"They have a certain discretion in the office and as to what they shall send you to sign, haven't they?"

"They have been in my office for 20 or 25 years, and they know my investments and my affairs."

"Have they invested in them any discretion?"

"I don't know that that question has ever come up," said the witness. "How much discretion I don't know. We have never been caught on signing proxies."

"What do you mean by being caught?"

"We have never made a mistake."

"You mean you never have signed any against your interest?"

"Yes."

Counsel Clash Over Question.

After his personal counsel, George W. Murray, had spoken a word to him in a quiet voice, Mr. Rockefeller said he knew M. M. Van Buren and Walter F. Taylor, to whom the proxies were assigned.

"Is there anything on the face of that proxy to indicate how you are voting?" he was asked.

"There is one of many proxies," began the witness.

"You are not answering the question," interrupted Mr. Uttermeyer.

"I signed this proxy because it came from some of the directors of the Standard Oil Company," replied Mr. Rockefeller. "I assumed that these persons were the ones that were carrying out the management of the company."

Here the Waters-Pierce attorney wanted to know what persons he had in mind.

Mr. Rockefeller started to answer Mr. Uttermeyer said sharply.

"Name them."

Attorney Murray interposed an objection that Mr. Uttermeyer was "not questioning the witness in a gentlemanly manner."

"Mr. Rockefeller is quite capable of protecting himself," retorted Mr. Uttermeyer.

Judgment of Others Accepted.

The witness then named over Mr. Moffatt, Mr. Bedford, Mr. Pratt, Mr. Archibald and Mr. Jennings as those engaged in the reorganization of the Standard Oil Company.

"I looked on them as a group of men," he explained, "who were conducting the reorganization. I assumed that these gentlemen were familiar with the oil business and knew what was best, and I did not know what was best; I had to accept their judgment."

Previous testimony at the hearing had shown Mr. Rockefeller's holdings of Waters-Pierce stock, amounting to about one-quarter of the total, were turned over to be voted in favor of the Standard Oil men as officers of the Waters-Pierce Company. His proxies and that of other Standard Oil directors were turned down by the inspectors at the election at St. Louis last February on the ground that to vote them would have been in violation of a decree of the United States Supreme Court.

"Did you understand that holdings of these gentlemen added to your own, constituted a control of the Waters-Pierce Company?" continued Mr. Uttermeyer.

"I know that the Pierce interests did not have a control and that my holdings liberated would give the gentleman whose interests were outside of Mr. Pierce's a control."

Uttermeyer Grows Threatening.

"You haven't answered my question."

"I am unable to tell all the holdings of these gentlemen," said the witness, firmly.

Mr. Rockefeller, almost shouted "Get through," threatened Mr. Uttermeyer. "I submit that I am not getting proper answers to these questions, and I am unable to get a categorical answer on a single one. But I am going to get an answer, if I have to stay here all day," he reiterated.

"It is not intentional. I am trying

OREGON BIDS NURSERYMEN

Portland Would Entertain National Convention in 1913.

Nurserymen of the Nation, who assemble in Boston early in June, will be invited to hold their 1912 convention in Portland. J. H. Pilkington will represent Portland nursery interests at the meeting, and will extend the invitation for the convention here.

Mr. Pilkington leaves this week for Salt Lake, where he will attend the meeting of the Pacific Coast Nurserymen's Association. With several others from the Coast, he will go to Boston for the annual session of the American Nurserymen's Association. He is supplied with an abundance of literature on Portland and Oregon and with plenty of advertising matter for the Rose Festival and other special attractions in the Northwest.

BANKERS HOLD BANQUET

Addresses Are Made by Prominent Portland Business Men.

LOS ANGELES, May 28.—Bert H. Franklin, former chief detective for

TWO RECENT PICTURES OF HEAD OF OIL TRUST AND OPPOSING LAWYER WHO IS CONDUCTING EXAMINATION.



Left—Samuel Uttermeyer. Right, Above and Below—John D. Rockefeller.

land Chapter, American Institute of Banking, held last night at the Imperial Hotel, at which were present representatives from all the banks in the city, addresses were made by A. L. Mills, E. C. Cookingham, C. L. Loveland, Lyell Baker, John A. Keating, Dr. Andrew C. Smith and others on questions relating to banks and banking.

Mr. Mills referred to the opportunities which the Pacific Northwest offer to the industrious, ambitious young man, particularly with reference to banking.

Mr. Cookingham dwelt upon the many financial, economical, social and other problems which confront the community today and urged his hearers to devote some study to their solution.

Dr. Andrew C. Smith spoke briefly on the value of co-operation, declaring that the societies or associations which do not interchange views and interests with others do not advance, and are of little value to the world. A. R. Stricker, Jr., was toastmaster.

The Portland Chapter will be represented at the National convention of the American Institute of Banking, to be held in Salt Lake City, by C. B. Sewall, F. O. Bates, J. King Bryson, Fred Webber, J. D. Leonard, Curtis Sommera, Walter Brown.

SULLY MEETS OLD FRIENDS

Actor Recalls Playing at Marquam Grand, Standard and Royal.

John F. Sully, father of the family of Sullys at the Orpheum, is an old-time Portland actor, having appeared here in the vaudeville act in reality the whole family of six taken part. Vincent Sully, 6 years old, attending props behind the scenes while his father, mother, sister and two brothers are engaged in portraying the troubles of "The Information Bureau."

LIQUOR DEALER IN COURT

Delivery of "Wet Goods" in Dry Territory Bone of Contention.

The right of liquor dealers to make deliveries in local option precincts will be tested in two cases now in the Justice Court, in which Henry Meister, of the Mount Hood brewery, and the Spring Valley Wine Company, are accused of violating the local option law. Complaints are made by citizens of the dry precincts.

Attorneys who have discussed the question say the law does not forbid such deliveries, providing that the actual sale is made in "wet" territory. The law forbids the sale, exchange or gift of liquor in the prohibited district, but the contention is that the contract and purchase are completed when the liquor is accepted at the office of the company.

CRESWELL IS OBJECTIVE

Oregon Electric Plans Extension South From Eugene.

EUGENE, Or., May 28.—(Special.)—Extension of the Portland, Eugene & Eastern Railway southward 15 miles to Creswell is considered by officers of the company as a desirable statement of President Welch. Mr. Welch passed yesterday looking over the ground and examining surveys.

Right of way for the proposed line has been secured, except franchises for use of a street in Eugene and of a county road out of Creswell, but no difficulty is expected on either of these. The deeds for this right of way were made out in the name of P. E. Snodgrass, cashier of the First National Bank of Eugene.

FRANKLIN INSISTS DARROW GUILTY

Detective Says Lawyer Gave Him \$1000 Check to Bribe Jurors.

LOCKWOOD REPEATS STORY

Defense Unable to Shake Testimony but Holds Attorney Is Victim of Conspiracy — Star Witness Tells of Visit to Bain.

LOS ANGELES, May 28.—Bert H. Franklin, former chief detective for

continued Franklin, "and had decided to spend \$5000 on the jury, \$4000 of which was to be given to jurors and \$1000 to myself."

Jury's Wife Tempted.

Franklin then told of taking the check for \$1000 to the bank and depositing it in his own name. After drawing a check for \$500 against the deposit, he said, he went out to Bain's house. No one was at home and later he made another call and found Mrs. Bain. He ascertained from her, he said, that she would look with favor on his proposition, and told her he would give Bain \$500 down if Bain agreed to comply with his conditions, and a further sum of \$2500 after he had cast his vote for the acquittal of J. B. McNamara.

At this stage court adjourned until tomorrow morning at 9:30 o'clock.

The contempt citation of Robert J. Foster, the National Erector Association detective, which threatened yesterday to divert the activities of the court from the Darrow trial, was transferred today to Presiding Judge Wilkie's department of the Superior Court, where it was set for hearing on next Friday.

LOCKWOOD'S STORY UNSHAKES.

George N. Lockwood was the first witness. A grueling cross-examination by Chief Counsel Rogers of the defense failed to shake the witness' original story. It brought out, however, and accentuated certain facts, which the defense said would go far toward establishing an alleged conspiracy to involve Darrow in the bribery negotiations between Lockwood and Franklin, asserted by the defense to have been directed by the District Attorney.

Lockwood admitted on cross-examination that he had never been served as a juror in the McNamara case, although he had been told by Franklin that his name had been drawn. The defense undertook to show that Lockwood's name had been drawn after he had consulted with the District Attorney and as a part of the proposed culmination of an alleged conspiracy against Darrow.

Prospective Jurors Investigated.

Franklin took the stand after brief re-direct and re-cross-examinations of Lockwood. After the usual preliminary questions he said that he had entered the employ of the McNamara defense on June 23, 1911. Darrow, he said, wanted him to investigate all of the prospective jurors who might be called in the McNamara case as to their views regarding the Times explosion, the McNamara case and as to union labor. Job Harriman, he said, was present at the meeting at which means were discussed of acquiring the information desired.

Asked who paid him, Franklin said that Darrow usually did, but several times he received checks from Job Harriman.

"Did you ever receive money from Darrow except for the purpose of paying your men?" asked Assistant District Attorney W. J. Ward, who conducted the examination.

"Yes, on October 6 I received a check for \$1000 from Mr. Darrow," was the reply.

Subject of Bribery Discussed.

"Did you ever discuss the question of bribing jurors with Mr. Darrow?" was the next question.

"Yes, sir," said Franklin.

The witness said that he discussed with Darrow first on October 5, which was six days before the McNamara trial was called. "We were walking along Spring street," he said, "and Mr. Darrow made the remark: 'It's about time for us to get busy with the jury.' He said he wanted to talk with me about it."

Franklin, asked regarding his acquaintance with Robert F. Bain, said he had known him for 20 years and had had numerous talks with Darrow about Bain. The first conversation with reference to the bribery of Bain, he said, took place on the morning he received the check for \$1000 from Darrow. He had told Darrow, he said, that Bain would be a poor juror for the McNamara because of his prejudice against union labor. He thought he could "get him," however.

"We had talked the matter over,"



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Y.M.C.A. GRADUATES 285

E. B. PIPER AND B. F. JONES WILL MAKE ADDRESSES.

Activities in Educational Department Cover 27 Courses—Classes Will Be Continued.

Annual commencement exercises of the educational department of the Portland Young Men's Christian Association will be held in the Y. M. C. A. auditorium Friday night at 8 o'clock.

The annual address will be delivered by Edgar B. Piper, and the address to the graduates of the school of pharmacy by Dr. B. F. Jones. W. M. Ladd will preside. E. B. MacNaughton will present certificates and Dr. A. G. Bettman will confer degrees in pharmacy.

BAKER MAY CHANGE RULE

City to Vote Whether to Abolish Commission Government.

BAKER, Or., May 28.—(Special.)—That Baker shall vote at the general election next November whether to retain the commission form of government or return to the councilmanic form was decided today by the City Commissioners. Those dissatisfied with the platform had prepared a petition asking that a vote be taken, and city officials decided to place the petition on the regular ballot next Fall.

The officials also will present a revised form of the present charter and a commission is now drawing up the changes. The principal objection to the present charter is that it does not allow trial by jury or an appeal in city cases and that street improvement petitions require a three-fourths vote to be killed.

Grange Gives Drama.

CATHLAMET, Wash., May 28.—(Special.)—The Elchohman Grange played the drama "Tompkins' Hired Man," to a crowded house here Saturday night. The drama was followed by a dance. The proceeds of the affair are to be used for the erection of a new grange hall.

Would You Part With Your Umbrella for \$3?

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County Clerk's Rights Doubled.

SALEM, Or., May 28.—(Special.)—Attorney-General Crawford gave an opinion yesterday at the request of State Game Warden Finley, in which it is held that it is doubtful whether county clerks have a right to charge a fee for administering an oath to applicants for game licenses. It appears that in some counties, clerks have been charging 10 and 25 cents as fees in addition to the charge provided by the statute for game licenses. The Attorney-General cannot find in the statute any authority for such extra charges.

Eugene to Honor Young.

EUGENE, Or., May 28.—(Special.)—Plans are maturing for a banquet to be given in Eugene Monday night, June 3, in honor of J. H. Young, the new president of the Oregon Electric. When President J. S. Maglady, of the Eugene Commercial Club, was in Portland a week ago attending the Gray-Young banquet, he extended an invitation to the Oregon Electric officials to pay Eugene a formal visit, and this they agreed to do. The Commercial Club, at its meeting last evening, directed the appointment of a committee of three to make preparations for the banquet.

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