RAILROADS' TURN COMES THIS WEEK

Case Against Demands of Locomotive Engineers Ready for Presentation.

STONE IS FIGHTING ALONE

Brotherhood Chief Pitted Against Able Counsel, but Is Holding Own Well—Nephew of McKinley Leading Opponent.

NEW YORK, July 21.—(Special.)—In the great battle of the Brotherhood of Locomotive Engineers before the arbitration commission, which will be resumed tomorrow morning for the second week of its hearing, with a yearly prize of $20,000,000 at stake, the chief of the brotherhood, with a salary of $10,000 a year, is pitted against a quartet of lawyers whose salaries aggregate high in six figures. It is the first time that such a momentous question has been pooled for an entire group of corporations, instead of being decided as an individual case, allowing that to set the standard.

At last week's sessions Warren S. Stone, grand chief of the engineers' brotherhood, marshaled nearly a score of witnesses to present the claims of the railroad employes. These witnesses told of the responsibilities involved in their work, of the long hours they are often compelled to serve, of the inequalities in pay, of the dangers involved, and the racking of the physical man, of the high cost of living, and other phases of their work.

Brotherhood Chief Alert.

Chief Stone is lawyer, witness and advisor. He leads his witnesses carefully. Several times he has tripped the other side and turned its cross-examination to his own account. He never loses his poise and injects enough good nature into the case to keep it from lagging. Mr. Stone has been a fireman and engine driver in the Rock Island service all his life and he knows the position of his men fully. He has fought the railroad presidents time and time again and it is no new battle he is waging.

William McKinley Duncan, the chief inquisitor for the railroads, is a keen, enthusiastic young lawyer who believes in keeping after his opponent all the time. Sometimes he has overreached his mark and the keen labor leader has been quick to turn the line of questioning to his own advantage.

Mr. Duncan is a nephew of the late President McKinley, his mother and the President having been sister and brother. He comes from Cleveland, and has been a lawyer 20 years, although he is only 29 years old. He is general counsel and receiver for the Wheeling & Lake Erie and was chosen to represent the railroads, as he has had charge of many other important hearings within the last few years. He conducted the Lake coal rate case for the Pennsylvania Railroad when the rates out of Pittsburg were under dispute, and last April he conducted the case for the Wheeling & Lake Erie in the Supreme Court at Washington.

Tables Turned This Week.

The railroads will present their case during the coming week and then the tables will be turned. It will be Mr. Duncan's duty to guide the witnesses, while Mr. Stone will pick flaws in their testimony.

It is declared that it would cost the railroads $20,000,000 a year to grant the demands made for wage increases. The issue is being tried before a commission of arbitrators consisting of Oscar S. Straus, chairman; Charles R. Van Hise, president of the University of Wisconsin; Frederick N. Judson, a leading attorney of St. Louis; Otto M. Eidlitz, ex-president of the Mason Builders' Association; Dr. Albert Shaw, editor of the Review of Reviews; Daniel Willard, president of the Baltimore & Ohio Railroad, and P. H. Morrissey, ex-president of the Brotherhood of Locomotive Firemen.

BALLOT TITLE IN APPEAL

W. M. Davis Dislikes Name Given Port of Portland Amendment.

SALEM, Or., July 21.—(Special.)—W. M. Davis, of Portland, who notified Attorney-General Crawford yesterday that he intended to take an appeal from the ballot title which was framed by the Attorney-General for the Port of Portland amendment came several hours too late, according to the Attorney-General. The law provides that appeals must be taken within ten days from the time the Attorney-General files the ballot titles with the Secretary of State. The ballot titles were filed July 9 and the ten days were up Friday.

Davis said that the title as prepared by the Attorney-General was not as satisfactory as the one which was prepared on the bill itself. The Attorney-General states that his ballot title was prepared with an end in view to incorporating in the title reference to all of the important changes in the old Port of Portland commission act, which the title to the bill as prepared by the framers did not do.

PORTUGAL IS PEACEFUL

Troops Scour North for Royalists, Finding None.

LISBON, July 21.—Conditions are peaceful tonight at both Lisbon and Oporto. Flying columns of Republican troops continue the search in the north for Royalist bands, but no more have been found.

Several army officers have been arrested, charged with complicity in the monarchist plot. The Minister of War says the government has mobilized 5,500 men and spent $2,200,000 to quell the rising.

LORIMER HURT IN AUTO

(Continued From First Page.)

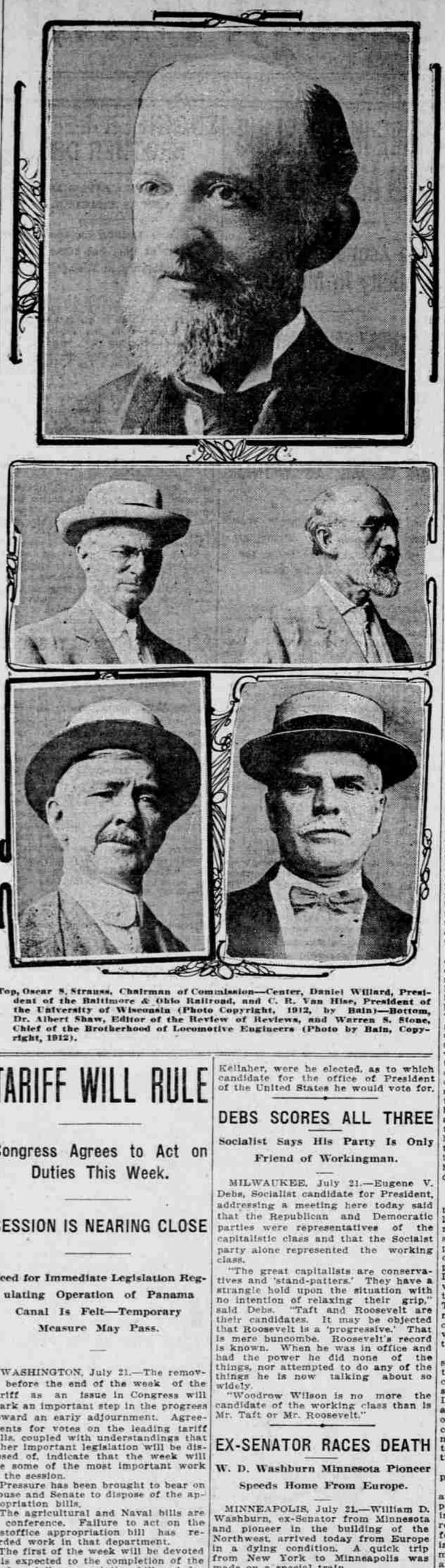
and his followers have been shorn of their former almost invincible political power in his absence.

However, one of his acquaintances here remarked tonight that Mr. Lorimer still has a prosperous bank and one of the most attractive and loyal families in the country and need not worry over his political troubles.

Cut Hay Injured at La Grande.

LA GRANDE, Or., July 21.—(Special.)—Threatening thunder storms with intermittent showers have been the rule here for two days. Cut hay alone has suffered any injury. Sultry weather this evening indicates electric disturbances tonight.

MEMBERS OF ARBITRATION BOARD NOW DELIBERATING OVER CLAIMS OF 30,000 ENGINEERS, AND CHIEF OF BROTHERHOOD.



Top, Oscar S. Strauss, Chairman of Commission—Center, Daniel Willard, President of the Baltimore & Ohio Railroad, and C. R. Van Hise, President of the University of Wisconsin (Photo Copyright, 1912, by Bain)—Bottom, Dr. Albert Shaw, Editor of the Review of Reviews, and Warren S. Stone, Chief of the Brotherhood of Locomotive Engineers (Photo by Bain, Copyright, 1912).

TARIFF WILL RULE

Congress Agrees to Act on Duties This Week.

SESSION IS NEARING CLOSE

Need for Immediate Legislation Regulating Operation of Panama Canal Is Felt—Temporary Measure May Pass.

WASHINGTON, July 21.—The removal before the end of the week of the tariff as an issue in Congress will mark an important step in the progress toward an early adjournment. Agreements for votes on the leading tariff bills, coupled with understandings that other important legislation will be disposed of, indicate that the week will see some of the most important work of the session.

Pressure has been brought to bear on House and Senate to dispose of the appropriation bills.

The agricultural and Naval bills are in conference. Failure to act on the postoffice appropriation bill has retarded work in that department.

The first of the week will be devoted it is expected to the completion of the sundry civil appropriation bill and debate on the Panama Canal administrative bill in the Senate.

The Democratic wool tariff bill will be voted on Thursday, the excise tax bill Friday and the sugar tariff Saturday. On each measure the debate will be limited to the single day set for the vote.

The House will consider measures regulating employment of seamen on American ships; the eight-hour law covering Government work; the "free ship" bill, for the admission without tariff duty of materials used in American ships, and the wireless telegraph measure agreed upon by the two houses.

The need for immediate legislation regulating the operation of the Panama Canal is fully appreciated in the Senate, where the fight over free tolls for American ships threatens to hold up the bill already passed by the House. A plan has been broached in the Senate to pass a temporary measure giving President Taft executive authority to operate the canal, and to fix a temporary toll rate leaving the permanent question to be settled at the next session.

Kellaher May Run on Two Tickets.

SALEM, Or., July 21.—(Special.)—That it will probably be possible for Dan Kellaher to appear on the ballot as a candidate for elector on both the Republican and Progressive party tickets was an informal opinion expressed by Attorney-General Crawford yesterday. He stated it would probably not be possible for the name of Kellaher to appear twice on the ballot, but the names Republican and Progressive could probably both appear after his name. In that event, he states, it would probably lie in the discretion of Kellaher, were he elected, as to which candidate for the office of President of the United States he would vote for.

DEBS SCORES ALL THREE

Socialist Says His Party Is Only Friend of Workingman.

MILWAUKEE, July 21.—Eugene V. Debs, Socialist candidate for President, addressing a meeting here today said that the Republican and Democratic parties were representatives of the capitalistic class and that the Socialist party alone represented the working class.

"The great capitalists are conservatives and 'stand-patters.' They have a strangle hold upon the situation with no intention of relaxing their grip," said Debs. "Taft and Roosevelt are their candidates. It may be objected that Roosevelt is a 'progressive.' That is mere buncombe. Roosevelt's record is known. When he was in office and had the power he did none of the things, nor attempted to do any of the things he is now talking about so widely.

"Woodrow Wilson is no more the candidate of the working class than is Mr. Taft or Mr. Roosevelt."

EX-SENATOR RACES DEATH

W. D. Washburn Minnesota Pioneer Speeds Home From Europe.

MINNEAPOLIS, July 21.—William D. Washburn, ex-Senator from Minnesota and pioneer in the building of the Northwest, arrived today from Europe in a dying condition. A quick trip from New York to Minneapolis was made on a special train.

Physicians say death is a question of hours, as the Senator has been unconscious virtually all day. He is 81 years old.

THREE DIE FROM PLAGUE

Vaccine Administered to All in Infected Porto Rico Districts.

SAN JUAN, P. R., July 21.—Three deaths occurred yesterday in the suburbs of San Juan from bubonic plague. One suspect has been found. Three cases were reported to the authorities. Since the outbreak of the plague there have been 37 cases and 26 deaths throughout Porto Rico.

The Haffakine vaccine has been administered to all persons residing in the infected districts.

Milk Condenser to Open.

NEWBERG, Or., July 21.—(Special.)—Announcement is made that the Newberg milk condenser, which was burned about a year and a half ago, will resume operations September 1. The establishment had been in operation two years when the plant was destroyed. This region is especially adapted to dairying and a superior grade of cows is being raised in this vicinity. The resumption of work at the condenser will be hailed with satisfaction by the farmers. The company expects to distribute from $60,000 to $100,000 during the coming year, the bulk of which will be for labor and milk.

Bagdad has opened bids for installing an electric lighting plant, and the army post is considering a telephone system for the whole city.

LAND BILL WOULD ADJUST EQUITIES

House Committee Substitutes Measure of Its Own for One by Lafferty.

UNIFORM BASIS PROPOSED

Compromise Suggested to Confirm Titles Does Not Affect Main Litigation With Oregon & California Railroad.

OREGONIAN NEWS BUREAU, Washington, July 21.—The House committee on public lands, in reporting the bill for the relief of innocent purchasers of land from the Oregon & California Railroad Company, struck out all the provisions of the original Lafferty bill, and substituted a bill of its own, which preserves the substance of the innocent purchaser clauses of the first bill, but provides a different disposition of lands that may be recovered by the Government from the railroad company as a result of its suit. Representative Robinson, chairman of the committee, in reporting the substitute bill, reviews the history of the Oregon and California grant, and adds:

"From the two grants approximately 820,000 acres were sold prior to the withdrawal of the lands by the railroad company from sale on January 1, 1903. Of this 820,000 acres, 296,000 acres were sold to 4930 purchasers in quantities not exceeding 160 acres to a single purchaser; 524,000 acres were sold to 376 purchasers in quantities exceeding a quarter section to the purchaser; of the 524,000 acres that were sold in quantities not exceeding 160 acres to the purchaser 400,000 acres were in quantities exceeding 1000 acres to the purchaser.

Patents Did Not Limit Sales.

"The Government in patenting the lands to the railroad company did not place any limitations or conditions in the patents. The first act, to wit, that of July 25, 1866, did not limit the sales to actual settlers in areas of 160 acres. That provision was contained in the act of April, 1869. Some of the lands were patented under the former act alone, while other patents were issued under both acts. The most of them as appears from the statement of the Assistant Attorney-General refer only to the act of July 25, 1866, which did not contain the restrictions. Titles from the railroad company to this land acquired by said company through patents from the Government were examined and approved without question by the leading lawyers of Oregon. The Department of the Interior examined the abstracts and approved the titles in exchanges with the Oregon & California Railroad Company, receiving back said lands and giving fee to lands in other parts of the country—that is, the Interior Department to the extent of 50,000 acres of land approved the title of purchasers.

"No question seems to have arisen concerning the validity of these titles either in Oregon or with the Government until quite recently. Much of the lands sold by the Government have been acquired by timber operators who have made considerable investments. The evidence also shows that the greater portion of the land is situated on steep hillsides, is rocky, and not susceptible of cultivation. It is chiefly valuable for timber. The industrial activity of a considerable portion of Oregon is grounded on these titles. It is of importance to the whole public that some adjustment be made as to the title to the lands which have been sold by the railroad company. Passing over any legal question as to the right of the Government to forfeit lands which have been sold by the railroad under the conditions hereinbefore set forth, it is manifest that these purchasers have equities which ought not to be disregarded.

Equities Are Recognized.

"It is the purpose of this legislation to recognize these equities. The legislation is, in actual effect, rather in the nature of a confirmation of titles. The suggestion made by the Interior Department that compromises be effected only upon the joint action of the Department of Justice and the Interior Department was for the purpose of investigating each case and recognizing the varying equities of the purchasers. This course would require the employment of a numerous field force of special agents, would prolong the controversy, and probably result in failure to settle in many instances.

"The committee, after carefully considering the whole subject and this feature of it in detail, have reached the conclusion that the best course to pursue is that originally suggested by the Department of Justice, namely, treat all purchasers alike and settle with all of them on a uniform basis. Any other course would be no material improvement on proceeding through the courts to a final determination of the litigation.

"A brief and partial analysis of the paragraphs is now presented.

"Paragraph 1 is designed to confirm and give Congressional sanction to the proceedings for forfeiture heretofore instituted and now pending under the resolution of 1908. The desirability for this provision is manifest when it is stated that objections have been made by the defendants to the form and procedure adopted by the Government.

"Section 2 provides that the lands when recovered shall not become subject to entry under the public-land laws until further legislation is had. Your committee, after carefully considering the matter, decided that until the lands have been recovered and it has been ascertained just what lands are for disposition under the public-land laws, it will prevent confusion and many conflicts from arising to deal with that feature of the subject separately. Moreover, it is also necessary in order to enable the Government to carry out the compromise features with the purchasers.

New Suits Not Forbidden.

"Section 3 limits to one year the period in which other suits may be brought. The Departemnt of Justice in the beginning doubted the advisability of suing any purchaser from the railroad company. It may not institute other suits than those now pending. However, the committee recognizes the fact that circumstances may hereafter come to light which would make desirable the institution of new suits, and it is not thought best to now forbid that.

"Section 4 is the most important provision in the bill. It deals with the method and terms of compromise to be made by the Government with purchasers from the railroad company.

"Decrees based on stipulations are to be entered adjudging that the lands are forfeited to the United States. The defendants are to be permitted to purchase the lands claimed by them at $2.50 per acre. This is to operate as a compromise of all claims of the United States for waste or trespass. This provision applies only to lands patented to the railroad company and sold by it. It does not apply to lands that have not been patented or to lands that the railroad still claims.

"Section 5 makes clear that section 4 as to compromise does not apply to the main suit against the Oregon & California Railroad Company et al.

"Section 6 merely seeks to preserve the right of forfeiture by declaring that nothing in this act shall be taken as a condonation or waiver of any condition in the grants or right of the United States to forfeiture.

"The bill on the whole is designed to guard and strengthen the rights of the Government as agains the railroad company, which in the opinion of the committee can present no equities or claims to equitable consideration. It also recognizes the equities of purchasers from the railroad company and seeks to provide for a fair and speedy adjustment with them. Taking into consideration the terms of the original grants, the failure to place the conditions of the act of 1869 in the patents, the acquiescence by the Government in the sales and the acceptance by it of titles from the railroad; having regard also to the character of the lands, which render the greater portion of them unfit for cultivation; and considering local conditions in Oregon, as well as the rights and interests of the Government, it is believed that this legislation presents the fairest solution of the controversy that can be devised."

Text of Bill as Reported.

The text of the bill as reported follows:

That all claims of forfeiture heertofore or hereafter asserted by the Attorney-General on behalf of the United States in or by any and all suits in equity, actions at law, or other judicial proceedings instituted pursuant to the joint resolutions of Congress approved April 30, 1908, entitled, "Joint resolution instructing the Attorney-General to institute certain suits," and so forth, be and the same are hereby ratified and confirmed and are hereby declared to be of the same force and effect as declarations of forfeiture by the Congress of the United States.

Section 2. That none of the lands reverting to the United States by virtue of any right of forfeiture thereto as aforesaid shall be or become subject to entry under any of the public-land laws of the United States or to the initiation of any right whatever under any of the public-land laws of the United States.

Section 3. That no suits in equity, actions at law, or other judicial proceedings shall be instituted pursuant to said joint resolution approved April 13, 1908, that shall involve any lands sold by the Oregon & California Railroad Company prior to April 30, 1908, unless the same shall be instituted within one year from the date of the approval of this act; provided, that this section shall not be construed to apply to any suits in equity heretofore instituted, nor to any of the parties thereto, nor to any of the lands involved therein, nor to the institution of any further suits in equity, actions at law, or other judicial proceedings relating to any of the lands that are involved in said pending suits.

Section 4. That the Attorney-General is hereby authorized to compromise, in the manner hereinafter provided, any suit heretofore or hereafter instituted pursuant to the provisions of said joint resolution approved April 30, 1908, involving lands purchased from the said Oregon & California Railroad Company prior to September 4, 1908. In any such suit the Attorney-General may, in his discretion, stipulate with the defendant or defendants who purchased said lands, or are the successors or assigns of such purchaser or purchasers, that decree shall be entered adjudging that the lands involved therein have been and are forfeited to the United States. Such decree shall recite that the same was entered pursuant to such stipulation. If said purchaser defendant or defendants, or their successors or assigns, shall within six months from the entry of such decree file with the Secretary of the Interior a certified copy of said decree, together with an application to purchase all of the lands adjudged by said decree to have been forfeited to the United States as aforesaid, and shall pay to the Treasurer of the United States the sum of $2.50 per acre for all of the lands so applied for, the Secretary of the Interior shall cause patents to be issued conveying to said purchaser defendant or defendants, and their successors and assigns, all of the right, title and interest of the United States in and to all of said lands; and such purchase shall operate as a compromise of any and all claims of the United States for waste or trespass upon any of said lands committed by such purchaser defendant or defendants, or their successors or assigns, respectively; provided, that the benefits of this section shall not be exercised or enjoyed except in cases where decree shall have been entered pursuant to stipulation entered into as aforesaid; And provided further, that the provisions of this section shall not apply to any lands that have not been patented to said Oregon & California Railroad Company; And provided further, that the aforesaid privilege of purchasing said forfeited lands shall not be exercised or enjoyed as to less than all of the lands involved in said suits, respectively, the purpose hereof being to prevent the elimination from any such purchase of any lands from which timber has been removed or upon which any other waste or trespass has been committed, or the elimination of any part whatever of any land from such purchase.

Section 5. That the provisions of section four of this act shall not be construed to apply to the suit, involving approximately 2,360,000 acres, now pending in the District Court of the United States for the District of Oregon, wherein the United States of America is complainant and the Oregon & California Railroad Company, Southern Pacific Company, Stephen T. Gage, Union Trust Company and others are defendants, being designated in the records and files of said court as suit numbered 3340; nor shall the provisions of said section four of this act be construed to apply to any of the lands involved in said last-described suit, nor to create any rights or privileges whatever in favor of any of the defendants therein.

Section 6. That nothing in this act contained, nor action taken pursuant to the provisins of this act, shall be construed as a condonation of any of the breaches of any of the conditions or provisions annexed to any of the grants designated in said joint resolution approved April 30, 1908, nor as a waiver of any of said conditions or provisions, nor as a waiver of any rights of forfeiture in favor of the United States on account of any breach, or breaches, of any of said conditions, nor as a waiver of any cause of action or remedy of the United States on account of any breach or breaches of any said conditions or provisions, nor as a waiver of any other rights or remedies existing in favor of the United States.

WILSON HAS LONG SLEEP

CANDIDATE WEARIED BY ACTIVITIES OF WEEK.

Committee Plans Opening "Dollar Subscription Lists" in Aid of Campaign Fund.

SEAGIRT, N. J., July 21.—Governor Wilson eschewed politics today and remained in seclusion at the home of a friend not far away. He slept 12 hours and expected to retire early again tonight. He was thoroughly tired, he said, from the activities of the week, and did not intend to return to Seagirt until tomorrow, when he will see Senator Reed, of Missouri, a member of the National campaign committee. Representative Henry, of Texas, probably will accompany Senator Reed.

A telegram today from Colonel Robert L. Ewing, National committeeman from Louisiana and a member of the campaign committee, announced that he had again started a public subscription list for the campaign fund through the columns of his newspaper. Several other publishers, including Norman E. Mack, of Buffalo, have also sent word of the opening of similar subscriptions. One of the things the campaign committee has in mind is the opening of "dollar subscription lists" throughout the country.

Edward E. Grosscup, chairman of the Democratic committee of New Jersey, announced today that he was planning a rally day at Seagirt early in August for all the Democratic clubs in New Jersey. Mr. Grosscup hopes to have a New Jersey Democrat on every yard of the rifle range, which extends 1200 yards in front of the Governor's cottage to the ocean, and is half a mile wide.

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CANNON AIDS SETTLER

DISCRETION OF LAND SERVICE TO BE LIMITED.

Former Speaker Insists on Amendment to Act Governing Assignments of Entries.

OREGONIAN NEWS BUREAU, Washington, July 21.—"Uncle Joe" Cannon is not supposed to be greatly interested in the welfare of settlers on the public lands of the West, but he did some of them a good turn a few days ago, when the House was considering and passing a bill permitting the assignment of desert land entries included within Government irrigation projects. The bill provided that a desert land entry within the exterior limits of any Government project might be assigned in whole or in part, and contained the added clause that "all such assignments heretofore made in good faith may be recognized under this act."

The former Speaker listened to the debate and then suggested changing the word "may" in the last clause to "shall," explaining that it was not wise to place too much discretion in the hands of officials of the Interior Department. "It is putting a premium on blackmail," said Mr. Cannon. "Attorneys, claim agents and perhaps unworthy people connected with the land service would find an opportunity to obtain an undue advantage," he said.

Representative Raker, defending the bill, thought the change was not necessary. He thought the department would not abuse its authority, but Mr. Cannon insisted upon his amendment, and it was agreed to. Evidently the former Speaker has heard something of the manner in which the Interior Department, as now operated, is taking to itself far greater power than Congress ever intended to confer. Mr. Cannon believes in cutting down this discretion.

Friends Meet After 20 Years.

ALBANY, Or., July 21.—(Special.)—When C. O. Anderson, an Albany jeweler, walked into an Albany market yesterday and met John Eggemeir, of Oklahoma City, Okla., it was the first time these two friends had met for more than 20 years. Eggemeir is now on a tour of Pacific Coast cities looking for a location and probably will come here to live. He and Anderson were close friends when both lived in Sheldon, Ia.

Socialists' Picnic at Grand Mound.

CENTRALIA, Wash., July 21.—(Special.)—Between 500 and 600 attended the Socialist picnic at Grand Mound today, held under the auspices of the Socialist locals of Rochester, Grand Mound and Centralia. Leslie Aller, the Socialist candidate for Congress from this district, was orator of the day.

Rayville Mill Starts Work.

CENTRALIA, Wash., July 21.—(Special.)—Peterson's mill at Rayville has resumed operations after having been closed for several months past.

YOUNG MOTHERS

No young woman, in the joy of coming motherhood, should neglect to prepare her system for the physical ordeal she is to undergo. The health of both herself and the coming child depends largely upon the care she bestows upon herself during the waiting months. Mother's Friend prepares the expectant mother's system for the coming event, and its use makes her comfortable during all the term. The baby, too, is more apt to be perfect and strong where the mother has thus prepared herself for nature's supreme function. No better advice could be given a young expectant mother than that she use Mother's Friend; it is a medicine that has proven its value in thousands of cases. Mother's Friend is sold at drug stores. Write for free book for expectant mothers.

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September 4, 5, 6, 7, 8, 11, 12, 30.

Chicago and Return	$ 72.50
St. Louis and Return	70.00
New York and Return	108.50
Boston and Return	110.00
Buffalo and Return	91.50

St. Paul, Minneapolis, Duluth, Omaha, Sioux City, St. Joe, Kansas City, Winnipeg, Port Arthur and Return $60.00

Tickets allow 15 days for going passage, good for return to October 31st. Good going one road, returning another. Stopovers allowed within limit in each direction.

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