

WHERE TO DIVIDE STOCK IS ASSAILED

Attorney Sees Plan for Union Pacific to Keep Present Advantages.

MODIFICATION IS URGED

Change in Dissolution Programme Proposed So Southern Pacific Shares of Union Will Be Put to Public Sale.

ST. LOUIS, Feb. 24.—The stock distribution plan for the dissolution of the Union Pacific-Southern Pacific merger, which had been agreed upon by the directors of the two companies and Attorney-General Wickersham, was criticized here today in arguments before the Federal judges who must pass on the scheme before it can become effective.

The dissolution plan was placed today before the United States court for the district of Utah, which for this particular purpose was composed of Circuit Judges. The judges who heard the arguments and who now hold the outcome of the famous merger suit in their hands are Walter H. Sanborn, of St. Paul; William C. Hook, of Leavenworth, Kan.; and Walter I. Smith, of Council Bluffs.

Case Referred Back.
The plan argued today was agreed on by the Attorney-General and the representatives of the Harriman lines as carrying out the dissolution decree of the Federal Supreme Court. The Supreme Court, after sustaining the decree of dissolution entered in the lower court, referred the case back to the court of original jurisdiction for enforcement.

The objection to the stock distribution plan was entered in the arguments late today by F. W. Cutchson, counsel for the Western Pacific Railway Company. As the Western Pacific was not a party to the original suit, its attorney was allowed to appear today only as a "friend." In this capacity he was introduced by Attorney-General Wickersham, who explained the dissolution plan to the judges, but made no extended argument.

Plan Held Unnecessary.
The stock distribution plan, to which exception was taken by Attorney Cutchson, contemplates that the Southern Pacific holdings of the Union Pacific should be offered to the shareholders. Individually, of the two companies.

"This disposition of the stock," said Attorney Cutchson, "is entirely unnecessary. The stock just as easily could be placed in the hands of a syndicate and sold to the public. Why was this apportionment of the Southern Pacific shares proposed? For the purpose of retaining for the Union Pacific some of its present advantages."

Mr. Cutchson again urged that the dissolution plan be so modified that the Southern Pacific shares of the Union Pacific be placed on the market and sold to any who would buy.

Use of Cut-off Denounced.
The clause in the dissolution plan providing for the exhaustive use of the Benicia cut-off, the short line between Oakland, Cal., and Sacramento, by the Southern Pacific and the Union Pacific, also was denounced by Mr. Cutchson.

Maxwell Everts, counsel for the Southern Pacific, in discussing the phase of the plan, said:
"The Southern Pacific is willing to grant to the Western Pacific whatever rights it now has in the Benicia cut-off. Those rights the Southern Pacific is willing to perpetuate."

"This offer did not satisfy the attorney for the Western Pacific, and in the closing argument of the day, condemned the plan for the exhaustive use of the cut-off by the Union and Southern Pacific lines as tending opportunities for an evasion of the anti-trust law as completely as could be devised."

General Use Suggested.
"This plan," he continued, "was devised for the purpose of assuring the exhaustive use by these roads of this cut-off. If competition between the Union Pacific and Southern Pacific is good thing, why not competition between four roads?"

Mr. Cutchson suggested that the Western Pacific and the Santa Fe be given the right to use the Benicia cut-off and the Oakland terminals. Otherwise, he urged, the dissolution plan would perpetuate the monopoly.

Under the dissolution plan the cut-off, which now is the property of the Central Pacific, is to go into the hands of the Union Pacific by the transfer of the Central Pacific to the Union Pacific, and the present contract, by which the Central Pacific gives the Southern Pacific the right to use the cut-off, is to be perpetuated.

The plan for the exhaustive use of the cut-off by the two Harriman lines apparently greatly interested the court, for Judge Hook asked John G. Milburn, attorney for the Union Pacific, if the control of the Central Pacific by the Union Pacific would not perpetuate the present monopoly.

Mr. Milburn replied in the negative, stating that any railroad might so become the Interstate Commerce Commission or the California Railroad Commission and ask for rights over the cut-off.

In interrogating the attorneys about this feature of the plan, Judge Hook said: "I do not want this decree to become a judicial travesty."
Attorney-General Wickersham, in explaining the plan to the judge, said he did not think there was any danger of monopoly, because there was no dominant personality like Harriman in the roads to bring it out. Besides, he said, the Sherman anti-trust law is equal to any emergency.

any other competing line on similar terms. These recommendations, together with a half dozen others, were contained in a telegram sent tonight to Attorney-General Wickersham at St. Louis, where the final legal steps in the unmerging began today.

That the California Railroad Commission strongly disapproved the plan of Mr. Wickersham and the railroad officials as previously agreed upon in Washington is set forth in the telegram, and another method of bringing about the dissolution is suggested.

Instead of Southern Pacific selling the Central Pacific, from Ogden to San Francisco, the commission recommends that the Central Pacific be leased for a long term of years by the Union Pacific.

The other requests contained in the joint application of the Southern and Central Pacific respecting certain leases and transfers in the final dissolution contract were approved by the commission. These include the following:

Lease by Central Pacific to Southern Pacific of line from Pchama to the Oregon line for a term of 99 years. Joint trackage rights over bay shore cutoff from Redwood City to San Francisco for a term of 99 years.

Further conditions to the unmerging contemplated by Wickersham and the railroad officials in their agreement, in addition to the denial to the Central Pacific of special favors from the Southern Pacific, are set forth as follows:

The Central Pacific is limited to the line from Sacramento by way of Niles to Oakland, as an exclusive line. The commission imposes condition that Central and Southern Pacific shall file joint rates which shall not exceed the rates now in effect between the same points upon the Southern Pacific within the State of California.

Commission provides that its approval shall not serve to revive or extend any franchises of companies involved in the merger, that railroads involved shall bind themselves to accept conditions imposed before order becomes effective.

THAW TO BE WITNESS
PRISONER TO TELL OF ATTEMPT TO FREE HIM.
Attorney for Slayer Attacks "So-Called Prison Ring" for Conspiracy Against Sulzer.

ALBANY, N. Y., Feb. 24.—Harry K. Thaw will be asked to tell Governor Sulzer's committee of inquiry what he knows about the most recent attempt to procure his release from Matteawan State Hospital for the Criminal Insane, where he has been confined for five years for the killing of Stanford White.

This announcement today by the committee followed a bitter attack by William F. Clark, former secretary of the committee, upon what he termed "the so-called prison ring."

Clark, who has been accused of using Governor Sulzer's name without the executive's authority, in an attempt to bring about the release of Thaw, was permitted to take the stand. Immediately he launched into an attack upon the prison authorities, including Colonel Joseph F. Scott, superintendent of the prison, and Dr. John W. Russell, superintendent at Matteawan. Dr. James V. May, chairman of the state hospital commission, also was connected with Clark's insinuations.

Clark declared that in January information came to him that "the so-called prison ring," made up of superintendent Scott and "his immediate underlings," was engaged in a conspiracy to involve the Governor so they "might be retained in their profitable business in brokerage pardons." He declined to divulge from whom he had received his information, but requested that Thaw himself be questioned.

FAVORITISM IS ALLEGED
HOUSE REPORT ACCUSES POST-OFFICE DEPARTMENT.
"Outrageous" Deal With Brother of Senator Cummins, on Contracts, Declared to Have Existed.

WASHINGTON, Feb. 24.—Charges of favoritism of the Postoffice Department toward B. F. Cummins, a contractor and brother of Senator Cummins, of Iowa, that First Assistant Postmaster-General G. P. Grandfield entered into an "outrageous" arrangement with Cummins and that the department's cancelling machine committee was guilty of gross neglect, were made in the committee on expenditures in the Postoffice Department.

The committee majority reported that B. F. Cummins exerted an influence on both Grandfield and E. T. Bushnell, chief clerk of Grandfield, which was "highly prejudicial to the Government interests." That Grandfield and Bushnell "deliberately and systematically favored the Hime Marking Machine Company and the B. F. Cummins Company, represented by Cummins, that these officials also 'took over the jurisdiction of assignments of cancelling machines in 1910 so as to be unhampered in their favoritism,' and there was an understanding between Cummins and the department officials in the advertisement for four-year contracts for the cancelling machines, and he would receive an exclusive contract.

The report also charged that the cancelling machine committee, comprising Bushnell, chairman, George I. Wood, superintendent of rural mail; N. A. Merritt, postmaster of Washington, and E. L. Andrus, was dominated by Dr. Grandfield so as to render their findings partial.

ATHLETIC BRANCH ASSURED
St. Johns Commercial Club to Hold Younger Members' Interest.

ST. JOHNS, Or., Feb. 24.—(Special.) The board of governors of the St. Johns Commercial Club this afternoon voted to establish an athletic branch as an inducement for the younger members of the club who are interested in baseball and other athletics.

Another matter of importance was the consideration of the proposed change in the routing of cars through the city. It was suggested that the cars be routed alternately both ways around the loop, instead of going in the same direction. The hospital project was also taken under advisement.

DARROW SAID TO HAVE BEEN BIASED

Lecompte Davis Asserts Lawyer Wanted to Get Rid of Juror Bain.

ALLEGED PREJUDICE CITED

Former Associate of Defendant in McNamara Defense Says Latter Urged Exercising Right of Peremptory Challenge.

LOS ANGELES, Feb. 24.—Lecompte Davis, who was associated with Clarence S. Darrow in the McNamara defense, testified today in the second trial of the Chicago lawyer, after Special Prosecutor Gray had devoted more than two hours to the cross-examination of Lincoln Steffens. The magazine writer gave substantially the same answers he made at the first trial.

Davis said Darrow was prejudiced against Robert Bain, the juror he is charged with corrupting, and that at several conferences between counsel for the defense regarding the disposition of the juror, Darrow favored the use of a peremptory challenge to get rid of Bain.

The day before the exercise of peremptories he said Bert Franklin asked him to use his influence with Darrow to have Bain retained, because he, Franklin, knew that "Bob was all right."

Davis corroborated much of Steffens' testimony concerning the compromise in the McNamara case. He said his first knowledge of the negotiations for the plea of guilty came from District Attorney Fredericks in a conversation on November 23, six days before the arrest of Franklin for bribery.

At that time, Davis testified, Fredericks asked him: "Why don't you quit this horseplay, old boy, and come through and plead guilty?"

The witness said he opposed the compromise but was finally convinced that the attitude of those who sought it was the right one.

The day before Franklin's arrest, the witness said, Fredericks told him: "whatever you do has got to be done quickly. This fellow is running for Mayor and you have got to be quick about it."

Davis explained that the prosecutor referred to the Mayoralty campaign between Mayor Alexander and Bob Harriman, an associate counsel in the McNamara case who was the Socialist candidate for Mayor.

PRECAUTION IS TAKEN
WASHINGTON READY IF STORM OCCURS MARCH 4.
Extra Force of Men Retained to Keep Streets Clear of Snow Should It Be Necessary.

WASHINGTON, Feb. 24.—Although the Weather Bureau has promised Washington clear and bright weather for inauguration day, the street cleaning department of the city proposes to be prepared for the repetition of the blizzard that marred the inauguration four years ago. A large force of men has been organized.

Besides 200 men regularly employed, an additional 300 men will be available should conditions make it necessary to keep the line of march free from snow. These men will be held in readiness on the morning of the parade. They will be massed near the beginning of the line of march and if necessary precede the marchers and keep the snow toward the side of the streets at the same time brushing the cleared space as dry as possible.

The line of march this year is nearly two miles long and the entire distance will be watched and kept clear and free from all obstructions.

The isolation of Washington which made the inauguration of President Taft four years ago such a memorable one, cannot occur this year, according to information obtained from the telephone and telegraph companies here. Within the last four years the companies have installed a complete underground system of wires that extends from the capitol to New York and Boston through Baltimore and Philadelphia.

Naylor Denied New Trial.
FOREST GROVE, Feb. 24.—(Special.)—Edward Naylor, recently found guilty

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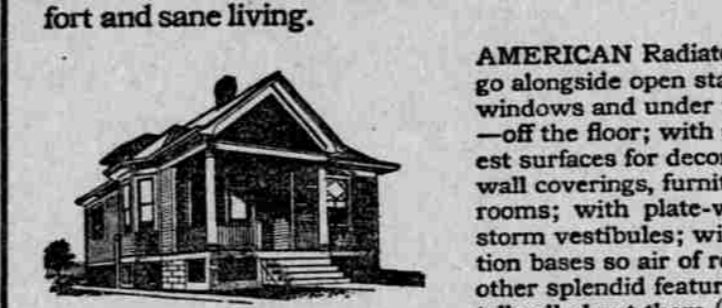
Review your 15 year fuel bill

As you think over the costs and results of using old-fashioned heating devices (which like plenty of coal to eat and are scant to heat)—what kind of history do you find? Dollars going out—comfort and health within? Or, coal bills galore with stern memories of chills, stuffy-air, ash-dirt-ridden rooms, hard lugging of coal and sifting of clinkers? If this is the recompense of years of expense—why not quit, and put in



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Old-fashioned methods mean heating by caprice—hit or miss—you are at the mercy of winds which chill exposed rooms and also draw half the heat of the burning coal up the chimney. An IDEAL Boiler gives you regulated heating, whereby all but a small percentage of the heat made by the burning coal (needed to promote draft) is

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If you are suffering the cold ills and paying the big coal bills of faulty heating, call, phone or write us—today's the best time. We will send you a valuable book on "Ideal Heating," free, and worth much to you.

We have also brought out the first genuinely practical, automatic, durable Vacuum Cleaner. ALL the dirt and trash are drawn from the rooms through small iron suction pipe leading to big, sealed dust-bucket in cellar. Attach hose to iron suction pipe opening in baseboard of any room, turn an electric button to start the machine in cellar, and with a few gentle strokes of the hollow, magical ARCO WAND, you instantly and thoroughly clean carpets, rugs, floor, walls, ceiling, draperies, moldings, mattresses, drawers, corners, crevices, etc. Put with ease into any old or new dwelling or building. Costs little monthly for electricity to run. Ask for catalog of ARCO WAND Vacuum Cleaner.

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in the Circuit Court of an offense against his housekeeper, was today declared under command of Colonel Millard F. Waltz.

Fort Meade Troops En Route.
STURGIS, S. D., Feb. 24.—Four companies of troops, stationed at Fort Meade, left tonight for Texas. They are under command of Colonel Millard F. Waltz.

River Dam Bill Defeated.
WASHINGTON, Feb. 24.—The original Connecticut river dam bill, providing Federal tax and control of

waterpower, was defeated in the Senate again today, 49 to 27, when it was offered by Senator Burton as an amendment to the river and harbor appropriation bill. Immediately afterward Senator McLean secured the adoption, 37 to 35, of an amendment embodying the

bill as it recently passed the Senate, short of its Federal tax feature.

Finance Minister of Peru Quits.
LIMA, Peru, Feb. 24.—The Finance Minister, Baldomero F. Maldonado, resigned today.



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