

GOOD EVENING.
The Weather.
Tonight and Saturday, probably fair; winds mostly northerly.

Oregon Journal

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PROOF NOT SUFFICIENT

And So the Conspirators Against Heney Will Probably Escape.

MANY WITNESSES ARE HEARD BY GRAND JURY

Everything Points to Fact That Desperate Effort Was Made to Destroy Prosecutor's Influence.

There will probably not be any indictments returned by the federal grand jury on the charge of conspiring to obstruct justice by defaming District Attorney Francis J. Heney. In the public mind there is no doubt that the conspiracy was formed, and attempted to be put in execution, but the scheme was nipped in the bud by the counter of the government in bringing all possibly connected with it before the grand jury and making them testify as to what they had heard and done.

In the words of a government official, "there has been rapid scurrying to cover." As soon as the men in the scheme learned that District Attorney Heney's service force was working on the case, the whole project collapsed. It had just taken sufficient form to indicate its purpose and scope, but with Marie Ware and Alice White having the government full particulars of what had been said to them and the inducements offered, there was no hope of the conspiracy being carried out. Numerous other witnesses testified that satisfied the investigators of the conspiracy. If there had not been some concerted plan to trap Mr. Heney, it is argued that all of the work cropping in various quarters by men most interested in his destruction, would not have been observed.

Most of the witnesses at hand. A. P. Caylor is away, but may be secured later. If Judge Bellinger rules that District Attorney Manning must sell to the federal grand jury the names of all persons who approached him and urged what he thought to be a conspiracy against Mr. Heney, the case will be vastly strengthened, for he can be proved the Mr. Manning said he had been approached. The decision of the judge on this point will be eagerly awaited by both the government and the public, as it is the universal desire to have all the facts brought out.

Witnesses Tell of Plot.

A. J. Vantyne, a lawyer, was before the grand jury this morning to testify in regard to the alleged conspiracy. His testimony relates to some of the reports that were circulated in some effort to get witnesses to swear against Mr. Heney.

F. D. McCully, of Joseph, Wallawa county, whose name was associated in the affair, was called to the stand. His partner in business, who is in the city at the present time, asked Mr. Heney this morning if Mr. McCully's testimony was essential, and was assured that the witness would appear. He will probably not reach here before Monday.

Charles F. Lord, attorney, was before the grand jury late yesterday afternoon. A. F. Caylor, formerly of Wallawa county, who is in the city in the manner with the plot for execution at the Palmer house, has not yet been found. Caylor knew McCully out in Wallawa county, and their names have been used in the reports received by the government, and which prompts the present inquiry.

F. A. Young and S. D. Shepard, with their wives and two chambermaids, who were subpoenaed from the Palmer house yesterday afternoon denied that they knew of the plot.

No report will be made in this matter until Monday, or possibly later, as Judge Bellinger will not be home until tomorrow morning, and McCully's testimony is yet to be given.

Judge Carey's Statement.

Judge Charles H. Carey telephoned The Journal this morning from Astoria, where he was called on by a newspaper, refuting the statement in the morning paper that he was implicated in a conspiracy against Francis J. Heney. He said that he had freely set forth all he knew of the affair, and by no possible distortion could this be made to implicate him in any design against Mr. Heney or other official.

Judge Carey states that the only time he ever discussed the affair was with John Hall. This occasion has been mentioned, and covered no more than telling Mr. Hall that statements had been made involving Mr. Heney. If there were true, he thought they should be investigated, but if they were not true, of course they merited no attention.

(Continued on Page Six.)

BOY OF NINE MAY DIE OF HAZING

(Journal Special Service.)
Alameda, Cal., Feb. 3.—As the result of a hazing, Clarence Lubben, the 2-year-old son of John G. Lubbin, lies at the point of death at his father's home suffering from spinal meningitis and in all probability with a fractured skull. He is in a state of coma, and attending physicians hold out no hope for his recovery.



From Left to Right, Grand Dukes Andras Vladimir, Pierre Nicholas, Paul Alexander, Vladimir, the Czarina, Grand Duchesses Helene and Marie, the Czar, Prince Pierre of Oldenburg, Grand Dukes Constantine, Sergei and Dmitri.

SIR THOMAS LIPTON WILL SEE THE FAIR

British Yachtsman, Expects to Pay Pacific Coast His First Visit.

COMING TO PORTLAND SOME TIME IN AUTUMN

His Agent, Mr. Lyndon, Has Word That the Noble Sportsman Will See the West.

Sir Thomas Lipton will visit Portland during the Lewis and Clark exposition. This is the announcement which has been made by Mr. Lyndon, the special American agent of business interests of the prominent yachtsman, who has been in Portland for the past week.

Mr. Lyndon has told friends that Sir Thomas stated to him while on a recent trip to England that he intended coming to the Pacific coast next fall. He has never been any further west on the American continent than Butte, Mont., where he went to investigate his mining interests several years ago. Mr. Lyndon says Sir Thomas is charmed with the Americans and their customs, and is determined if possible to visit the Lewis and Clark fair some time during the fall.

He states that the challenger of the America cup is making elaborate arrangements to entertain the Yacht Club of Philadelphia at the Henley regatta next summer. He intends to give the Americans a grand reception and will entertain them during their stay in London.

FADELESS FLOWER TO ADORN PARIS BONNETS

(Journal Special Service.)
Santa Rosa, Cal., Feb. 3.—Luther Burbank, the horticultural wizard, has given his refusal of his fadeless flower to Paris, London and San Francisco, millinery concerns. It is understood that no price has been set and that Burbank will not "let a price" until the flower is brought to a full state of perfection.

BATTLE WITH RED-HOT FLAT IRONS AS WEAPONS

(Special Dispatch to The Journal.)
Wardner, Idaho, Feb. 3.—In a quarrel over a woman George Kreiss and J. Bassett grabbed hot flat irons from a stove and attacked each other. Both were arrested for assault and battery. Both plead self defense. Kreiss is badly burned.

SANTA FE ROAD WILFULLY VIOLATED NATIONAL LAWS

Interstate Commerce Commission Finds the Atchison Guilty of Continuously, In Face of Injunction, Giving Rebates to the Colorado Fuel & Iron Company—Secretary of the Navy Mortenson, Under Whose Regime the Rebating Was Done, Is Not Mentioned.

(Journal Special Service.)
Washington, Feb. 3.—The interstate commerce commission today formally announced its opinion in the Santa Fe rebate case, holding that the company, for the last five years "wilfully and continuously violated the provisions of the law which requires common carriers to publish and adhere to 'tariffs.'"

The statement calls attention to the fact that after the company was enjoined in 1902 to observe this feature of the Elkins law, yet from that date to November 27, 1904, the company continuously disregarded the court's order. The opinion also charges the Colorado Fuel & Iron company with systematically violating the provisions of the act in accepting a tariff on coal less than the published rate.

Secretary of the Navy Paul Morton's name is not mentioned in the opinion which was prepared by Commissioner Prouty. The entire matter has been placed by the commission in the hands of the attorney-general for such further proceedings as he may deem proper under the law.

The opinion says that the evidence produced shows that competition was

shut out by the agreement of the railroad and the Colorado Fuel & Iron company, and that the railroad and the coal company were virtually partners in business.

The Atchison, Topeka & Santa Fe railroad was charged with violations of the Sherman interstate commerce law and Elkins anti-rebate laws in carrying out its contract with the Colorado Fuel & Iron company, granting it heavy rebates on all shipments of coal and ore, thus preventing competition.

The railroad's published schedule for carrying coal was \$2.10 a ton from the mines to Denver. This was the price quoted other shippers than the fuel company. The company, however, was given a rebate of \$1.10 on each ton, making the net cost to them of \$1 a ton.

The contract was drawn up and signed by Paul Morton, then vice-president of the Santa Fe, now secretary of the navy. In his defense President Ripley of the Santa Fe stated that the railroad agreed to carry the coal from the mines for \$2.10 a ton and collected in addition to its own freight the sum of \$1.10 for the Colorado Fuel & Iron company and that through some inexplicable mistake the

joint rate was put in force to cover this arrangement. The tariff, he stated, should have shown upon its face that the rate included the price of the coal, but failed to disclose such fact, and while it might have been an unintentional violation of the law, no one could have been injured because the fuel company received nothing more than the contract price for its coal and there were no other shippers in the field.

The case was first brought to the attention of congress by Representative Baker, of New York, who last December made a savage attack upon Paul Morton for his open violation of the law in this case and requested his impeachment.

The Santa Fe's contention that no one was injured by the rebate is disproved by the case of the Caledonia company versus the Colorado Fuel & Iron company, now before the supreme court. The Caledonia company demands \$400,000 damages from the Santa Fe because it was "ruined" by rebates paid by the railroad company to the Colorado Fuel & Iron company which forced the Caledonia to close its mines and rendered its investment worthless.

STEEL WORKS CAUSE DELAY ON WARSHIPS

Navy Department Shows That Government Yards Are Discriminated Against.

(Journal Special Service.)
Washington, Feb. 3.—Acting Secretary of the Navy Darling has transmitted to the house reports from the various bureaus of his department relative to the delivery of material for the battleship Connecticut that is being constructed in the New York navy yard in competition with the Louisiana, that is being built in private yards.

The information is in response to an inquiry made on a resolution prompted by a complaint of the Central Federated union of New York in March, 1904. The complaint distinctly charged that armor plate intended for the Connecticut was delayed, in order to make it appear that the building of battleships could not be done as expeditiously in government yards as in private yards.

It was shown that the Carnegie company did cause a delay on the Connecticut, and when the Carnegie works got so much behind the department took the contract from them and turned it over to the Bethlehem works. Since that time there has been no further complaint. The correspondence shows that the delays in deliveries of armor for the Connecticut were greater than for the Louisiana.

THIRTY MILLIONS IS GIVEN SISTER

Favored Children of Millionaire Make Present to Less Fortunate Relative.

(Journal Special Service.)
Pittsburg, Feb. 3.—Four favored children of the late multi-millionaire, Charles Lockhart, who were left many millions by his will to the defunct Mrs. W. S. Flower, a daughter whom he cut off with an income of \$200,000, have decided to assist their less fortunate sister, and each brother and sister will hand over to Mrs. Flower \$7,500,000, making her fortune \$30,000,000, the same as their own.

Mrs. Flower years ago offended her father by eloping with a poor dentist, Dr. W. E. Flower, and later offended him more deeply by not naming her first born after a member of the Lockhart family.

It became known today that from Mr. Lockhart's Standard Oil holdings alone his income was \$18,000,000 a year. His wealth was estimated to be at least \$150,000,000, or perhaps more than Andrew Carnegie's.

MAKING FOR DEEPER CHANNEL AT PORTLAND

(Washington Bureau of The Journal.)
Washington, D. C., Feb. 3.—Congressman Williamson has introduced a bill conferring on the secretary of war the jurisdiction of the Willamette river above the Madison street bridge, so that the department may lower the water mains across the river bed and be enabled to increase the depth of the channel.

JUDGE SWAYNE MAKES ANSWER TO CHARGES

Senate Resolves Itself Into Court of Impeachment to Receive Reply.

(Journal Special Service.)
Washington, Feb. 3.—The senate at 12:30 o'clock today resolved itself into a court of impeachment to receive the formal reply of Judge Swayne's impeachment charges. Senator Thurston, counsel for Swayne, read the answer of the respondent to the charge of returning an expense account of \$10 a day while outside of his district.

The respondent declared that he believed the law intended to allow that amount as a reasonable compensation. As proof of his construction of the law proper copies of similar charges made by the judge in the third, fifth, seventh and ninth districts are appended.

DELAY IN REPAIRING SHAFT OF NEW BRIDGE

Putting a new main shaft in the controlling machinery of the Morrison street bridge required a day longer than was expected, and the bridge will not be ready to be opened to the public until this afternoon. The draw span has remained anchored over the channel of the river since 1:30 o'clock yesterday morning. All street cars and other travel has been diverted to Burnside street bridge, which has been severely taxed to accommodate both the traveling public and the river traffic.

SEB MONTREAL FIRE

(Journal Special Service.)
Montreal, Feb. 3.—Fire today destroyed Tuckett's cigar factory, the Merchants' telephone exchange and the Peoples Gaslight company's establishment. The loss is \$100,000.

UNCLE SAM TAKES OVER THE CUSTOMS

Fulfills Agreement With Morales by Receiving San Domingo Revenues.

DENIAL IS ISSUED AT WASHINGTON OF AFFAIR

Projected Agreement Said to Have Been Rejected and New Protocol Coming.

(Journal Special Service.)
San Domingo, Feb. 3.—Representatives of the United States took control of the custom house receipts yesterday in accordance with the terms of the protocol signed January 20. There has been no outbreak on the part of the opponents of President Morales as yet.

The rebels are in possession of Sanchez, Samana and Monte Cristi on the north coast. They are especially strong at Monte Cristi, as in making terms of peace at the close of the last revolution it was agreed by President Morales that they should remain in possession of the custom house at that port.

There may be trouble with the rebels at Samana and Sanchez also. Puerto Plata is the only port on the north where the Morales government is in charge of Judge Abbott, who is diverting the receipts to payment of the claims of the Dominican Improvement company.

DENIED AT WASHINGTON.

Agreement Stated to Have Been Rejected—New One to Be Made.

(Journal Special Service.)
Washington, Feb. 3.—Notwithstanding the reports from San Domingo that the United States has taken over the management of the customs in accordance with the recent agreement, the state department announced today that the agreement has been rejected by the government. It is stated, however, that a new protocol will be submitted to the senate for ratification, covering the main points of the first agreement.

SUSPECT MURDER.

(Journal Special Service.)
Sault Ste. Marie, Mich., Feb. 3.—Joseph Raicuk, a wealthy Californian who has been securing options on farm property in this section, has mysteriously disappeared, and his friends believe he has been killed by highwaymen and his body hid in the woods. He is said to have had a large sum of money on his person when he disappeared.

STRIKERS FIRED ON

Six Workmen Are Killed, Forty-Eight Injured by Troops at Lodz.

COAL MINERS GO OUT TYING UP FACTORIES

Czar Will Receive a Deputation of Workmen at the Government Printery—Many Reforms Promised.

(Journal Special Service.)
Warsaw, Feb. 3.—A dispatch from Lodz states that a large body of strikers, while attempting to compel the employees of a lace factory to quit work, were fired upon by troops. It is reported that the fighting continues this afternoon.

Coal miners struck this morning in the districts of Dombrowa and Sosnowice. It is feared that this will have a serious effect on the industrial situation generally, as many manufacturing centers are dependent upon these districts for coal.

The number of lives lost as a result of rioting here is now estimated at 300. The unidentified dead will be buried tonight.

In the fighting at Lodz six strikers were killed and 48 wounded. The shooting occurred at Kounitzer factory and the Keller lace factory.

RUSSIAN REFORMS.

Committee of Ministers Makes Many Important Recommendations.

(Journal Special Service.)
St. Petersburg, Feb. 3.—It is reported that a committee of ministers makes many important recommendations regarding the increasing of the powers of the senate over the ministry, and safeguarding its independence. The right of the senate to legislative initiative is to be enlarged and lower administrative tribunals connected with the senate will be established if the council's plans are adopted.

Gorky, the author, has not been released from prison and his continued confinement has embittered the people against the government.

The situation throughout Russia is quieter than at any time within the past two weeks. Workmen in Warsaw are returning to work and conditions are peaceful there, although in other Polish cities riotous demonstrations and bloodshed continues. The collapse of the strike in Poland is due to lack of money.

ORAR TO MEET HERE.

(Journal Special Service.)
London, Feb. 3.—A St. Petersburg dispatch states that the czar has decided to receive a deputation of workmen at the government printing works.

AMERICAN WARSHIPS TO ENFORCE NEUTRALITY.

(Journal Special Service.)
Manila, Feb. 3.—Naval activity indicates that there is an expectation that fighting between Japan and Russia will soon be resumed. In pursuance of the warning of Secretary of the Navy Morton relative to the observance of neutrality in Philippine ports between Japan and Russia, Admiral Stringer will distribute his fleet.

The Baltimore, Rear-Admiral Folger's flagship, and the Raleigh are in readiness to sail south. Three smaller gunboats have been ordered to form a southern patrol and six torpedo boats are expected to assist. They will also be coastguard cutters on watch.

The Japanese endeavor is said to be the island of Tawee, in the Malay archipelago, northwest of Borneo. The island is one of the Sulu group, which is a portion of the Philippines, therefore in United States territory. Russian scout ships have been sighted between Borneo and the Sulu islands.

EMBEZZLERS STOLE \$10,000,000 IN 1904

(Journal Special Service.)
New York, Feb. 3.—Ten million dollars were embezzled in the United States during the year 1904, according to a statement just compiled by the Fidelity & Casualty company of this city. These figures do not include the operations of Mrs. Cassie L. Chadwick, but regular straight-out steals followed by the consumption of the guilty ones, or by the disappearance of the guilty ones.