RESUMPTION OF WORK BEGINS ON O. R. & N. LINE

Orders Issued Today by General Manager O'Brien for Completion of Riparia-Lewiston Branch—Two Large Bridge Crews Leave Portland Tonight.

Orders were issued today by General Manager J. P. O'Brien for completion of the Riparia-Lewiston line of the Oregon, Washington & Idaho railroad. Two large bridge gangs will leave tonight for Lewiston, and bridge steel construction gangs will leave Portland later in the week for the same place. This is the first important evidence of resumption of construction work on the large plans of the Harriman lines in the Pacific northwest.

It is said the Riparia-Lewiston line, 72 miles, will be completed and open to traffic by May 10. The first big event of interest to the commercial bodies of Portland and Lewiston after the opening of the line will be a monster excursion of Portland business men to the inland empire, with Lewiston as the objective point.

Construction work on the Lewiston end of the line was called off last fall at the beginning of the financial stringency, leaving the Clearwater river and a considerable gap without track. Ever since that time the probability of resumption of the work has been of deepest concern to Portland and Lewiston business men.

Chief Engineer G. W. Boschke of the O. R. & N. company, under whose direction the Riparia-Lewiston road has been engineered and built, said today:

"The work will be pushed as fast as conditions will permit, and we hope to have the Lewiston bridge built and the line open for business within 90 days, if weather permits. Two bridge gangs leave Portland tonight, and a steel construction gang will leave Friday night for Lewiston. The work is fully organized, and we expect to make good headway."

The work of bridge construction and ballasting of the remaining track will require about 350 men. The Lewiston bridge steel is on the ground. The bridge will consist of five 150-foot spans, and a 240-foot draw span. The bridge is a modern structure, on concrete piers, and will cost $380,000.

About 35 miles of the track at the Lewiston end of the line remains to be ballasted, and of this there is now 20 miles of ballast distributed along the grade. The work is expected to proceed smoothly, and if the frost leaves the ground reasonably early next spring the line will be in operation early in May, giving Portland the most direct and rapid rail connection with the Lewiston country that is enjoyed by any other large city in the northwest. It means a very large increase of business between Portland and the entire Clearwater basin of Idaho.

CLEETON OFFERED TO BE ATTORNEY

Wired Members of Delegation Last Saturday Asking to Be Considered.

The appointment of T. J. Cleeton to the United States district attorneyship to succeed W. C. Bristol came as a surprise to the Portland politicians, as it was not known that he was an applicant, and his name had not been mentioned in connection with the appointment. The new appoint had never been identified with either faction of the Republican party in Multnomah county, and it was not known that he was on especially friendly political

T. J. Cleeton.

terms with any member of the Oregon delegation, although he was an active supporter of Senator Bourne in his campaign of two years ago and stumped the state for the Republican ticket at the June election in 1906.

When seen this morning Mr. Cleeton had the following to say regarding his selection by the delegation for appointment: "Saturday, last, I sent a telegram to each member of the Oregon delegation, saying that I would like to be considered an applicant for appointment as United States district attorney. I see from the press dispatches that the delegation has united in recommending my name to the president, and it is reasonable to suppose that in due time the president will file my name with the senate. I apprehend no trouble in being confirmed by the senate, as my personal and political record is clean.

"It occurred to me that the name of a new man was required to settle the controversy at Washington over the district attorneyship, and on that theory I announced my candidacy to the delegation. The entire delegation are my personal and political friends. I have always been a Republican and never bolted the party ticket. I never lined up with or against the Mitchell faction, but was always a supporter of Senator George W. McBride, and placed his name before the joint convention of the legislature in 1895; when he was elected to the senate.

"Of course I don't know anything about when I shall take charge of the office, that depending entirely upon the action of the authorities at Washington.

"I wired the delegation at Washington this morning, thanking them for their indorsement. I expect a message during the day, giving me some definite information on the subject."

EAST SIDE HIGH TO HOLD COMMENCEMENT

The first commencement exercises of the East Side High school, which will be in the nature of a dedication ceremony for the new school, will be held tomorrow evening at 8 o'clock. The address to the class will be made by George B. Van Waters, D. D., pastor of St. David's Episcopal church. In the absence of Chairman Wittenberg, H. C. Campbell of the board will present the diplomas. Miss Gusi Bartlett and Dom J. Zan will furnish the musical part of the program. The following comprise the graduating class:

English Department—Edward James Atkinson, Elta Clark, Helen Lois Ostrum, Eva Irene Fortmiller, Kate E. Hiteshing, Robert Lynch McDonnell, Charles Albert Lewis Jr. and Paul R. McKercher.

German Department—Ralph H. Baughman, W. Homer Maris, Merry Alder Burke and Lillian Blasen.

APOLOGIZE TO JUDGE SMITH

Baker City Ministers Retract Statements Made in "Pink Circular."

(Special Dispatch to The Journal.)

Baker City, Feb. 5.—Discovering that they had unjustly accused Judge William Smith in their "pink circular," the Baker Ministers' association made the following public apology:

"We, the Ministers' association, have become thoroughly convinced that the charges in the circular against Judge Smith are untrue, and therefore hasten to correct the same. We are convinced of the error for the following reasons:

We obtained a friendly interview with Judge Smith, after which we made a further careful investigation. We found two well-known attorneys in the Fuller case who gave us the unqualified declaration that during the second trial of the Fuller case, the trial in question, Judge Smith's conduct was absolutely irreproachable. Also the jurors, as far as interviewed, say the same thing. One of the attorneys in this trial further said that Judge Smith was the best judge he ever saw, absolutely fearless and impartial.

"We further apologize to the judge and to the public for allowing these charges against the judge to get into our circular for the following reasons:

1. The charges were entirely irrelevant to the purpose of our circular. Judge Smith believes in the enforcement of the laws as much as we do.

2. We blundered in not seeking an interview with Judge Smith before publishing anything against him. We did interview the other officials whom we mentioned. The blunder evidently was made through the hurried manner and limited time in which the circular was prepared.

3. With humility we confess further our deep regret at making such a blunder as to allow so unfortunate a thing as the testimony of the condemned men, Fuller and Parker, to creep into our circular. We absolutely abhor such a proposition as fellowship with criminals in so noble a cause as that of law enforcement and civic righteousness.

4. We want nothing but what is absolutely clean and fair and just and true; we want the public to know that we are in for fair play and that we are just as fearless and vigorous to correct a mistake as we are to push a righteous campaign against the lawless open town policy. We thank the public for the encouragement given the movement thus far and we assure them that they can depend upon us for fair play.

Respectfully, the Ministers' association, T. S. Dublin, George R. Varney, Jacob Finger, F. L. Hayden, D. D.

It is rumored that the jury that tried Fuller will publish resolutions in Judge Smith's favor.

PORTLAND THANKED BY KING OF SWEDEN

Ruler Expresses Gratitude for Memorial Services Held Here.

Through the legation of Sweden at Washington his majesty, King Gustav V thanks the people of Portland and Oregon for the sympathy expressed in a cablegram on account of the death of the late King Oscar II.

On the evening of December 18, 1907, Swedish-Americans of this city held memorial services in respect to the memory of the late ruler, and the cablegram of sympathy was forwarded to the monarch's son and successor to the throne, Gustav V.

The letter from the legation to Vice-Consul E. M. Cederbergh of this city follows:

"By the order of his majesty, the king, I herewith have the honor to convey to you his majesty's sincere thanks for the token of sympathy received through your telegram on account of the demise of his majesty, King Oscar II.

"Please also convey his majesty's thanks to the Swedish-Americans on whose behalf the telegram was sent.

"Yours truly,

"M. F. G. EKONGREN."

Readers of The Journal, particularly those who took part in the The Journal limerick contest some weeks since, will be interested in the Ghirardelli Cocoa advertisement which appears on page 5 this issue, wherein a can full of silver dollars is offered to the person who supplies a missing line.

SHOT IN COLD BLOOD

Edward Sweeney Receives Three Bullets From Hand of John Donahue, His Cousin, at Jefferson Street Depot This Afternoon.

John Donahue, who shot Edward Sweeney at the Jefferson street depot this afternoon, was captured by Captain of Detectives Brain and a Journal reporter in the Exchange saloon, 1265 Macadam road, about 2:30 o'clock. Donahue offered no resistance and showed he had been drinking.

A 32-calibre revolver was found in his possession, with which the shooting was done. Donahue had passed down the railroad track as far as Zimmerman's packing plant, where he left the railroad and took the road. Captain Brain and the newspaper man tracked him to the saloon where they found him quietly sitting at a table.

John Donahue shot and probably fatally wounded his cousin, Edward Sweeney, at the Jefferson street depot at 1:10 o'clock this afternoon. Donahue shot at Sweeney three times, each shot taking effect. One bullet lodged in the brain, another passed through the cheek of the victim and the third inflicted a flesh wound in the arm. Sweeney was taken to St. Vincent's hospital.

Sweeney was a dock sweeper employed by the Southern Pacific and is about 65 years old. Donahue is a younger man, supposed to be about 35 years old. Sweeney refused to supply Donahue with money when asked for it, and Donahue thereupon drew his gun and took deliberate aim at Sweeney's head.

Donahue is still at large. He was last seen going south toward Fulton on the railroad track and officers are in pursuit. Donahue lives at 185 Clay street and supports a family, while Sweeney is unmarried. Donahue, it is said, threatened Sweeney prior to this and laid for him with a belaying pin, but Sweeney was warned and did not fall into the trap. The refusal of the demand for money is the only apparent cause given out.

Section Foreman John Smith, who was an eye witness to the tragedy, declares Donahue shot without warning. Smith was in the freight shed with Sweeney when Donahue entered.

"How do you do?" said Donahue to Sweeney.

"How do you do?" Sweeney replied.

Donahue then turned to Sweeney with a look of contempt, saying:

"Who the h—— are you?"

With that he leveled his weapon and commenced firing. Three shots rang out in quick succession, one bullet taking effect in Sweeney's head, on in the cheek and the third in the arm. The wounded man fell and Smith hurried from the shed, fearing that the visitor was bent on murdering everybody in sight.

Smith says Donahue also hurried from the shed and sped away in a northerly direction.

Sweeney had befriended Donahue on many occasions and sent him money to buy his way to this country, so friends of the dying man declare. Donahue, on the other hand, they say has been a worthless character ever since he came here and a source of much trouble to the man who befriended him.

PROMINENT MINISTER DIES AT BELLINGHAM

(United Press Leased Wire.)

Bellingham, Wash., Feb. 5.—Ending a career as a minister that extended over 40 years, death came to the Rev. William Addison Sample yesterday evening at his home in South Bellingham. Heart disease was the cause of the death. Mr. Sample was one of the best known pastors in the Presbyterian church in the western part of the state and had reached the age of 70 years when he passed away. Forty years ago he was ordained and began work as a missionary in the church at Fort Worth, Arkansas. The Rev. Mr. Sample was born in Charlotte, North Carolina, June 25, 1838.

THREE POSSES HUNT OUTLAW IN MONTANA

(United Press Leased Wire.)

Butte, Feb. 5.—Three posses are searching the Bear Tooth mountains for Bill Mosney, a half breed outlaw, who is charged with murdering Robert Holmes last September. He was located yesterday near Cascade. Mosney took refuge in a ranchhouse, and from the upper story fired on the deputies, wounding James Dowdney, then escaped on a horse, the posse firing after him.

One posse is trailing him and another has cut through the mountains to head him off. A third was organized this morning to intersect him in the mountain pass.

EX-CONVICT SHOT FOR BLOWING SAFE

(United Press Leased Wire.)

Stockton, Cal., Feb. 5.—Fred Ellis, an ex-convict, who has done time at San Quentin and Folsom, was shot in the Elite saloon this morning after he had blown the safe and was in the act of making away with $1,000. It is believed he will recover.

Ed Lavin, proprietor of the Elite, shot as the latter was in the act of removing the sack of money.

SHOT FOR ENTERING HOUSE BY MISTAKE

(United Press Leased Wire.)

San Jose, Cal., Feb. 5.—William Cooley, a Stanford student from Kalispell, Montana, was shot and killed early this morning at Palo Alto, while entering by mistake the home of Walter Uhlman. Uhlman thought Cooley was a burglar and fired at him, sending a bullet through his head.

SENATORS IN FAVOR OF JAPAN EXHIBIT

(United Press Leased Wire.)

Washington, Feb. 5.—The Cullom bill appropriating $350,000 for United States participation in the Tokio exposition was reported favorably today by the senate committee on foreign relations.

Falknor Out of Politics.

(Special Dispatch to The Journal.)

Olympia, Wash., Feb. 5.—Assistant Attorney-General A. J. Falknor, who has had charge of the legal matters of the railroad commission, will retire from office March 1 to accept a position as counsel for the Seattle Electric company, and Attorney-General Atkinson has invited the railroad commission to select his successor. Mr. Falknor's resignation means also his retirement from politics. He was an avowed candidate to succeed Mr. Atkinson, who it is understood is to become a candidate for governor.

HENEY FLAYS HALL IN HIS OPENING ARGUMENT

Says People Do Not Enjoy Liberty Because United States District Attorneys Are Appointed Through Crooked Senators—Office Used for Political Ambitions.

Holding John H. Hall up to the jury as a man who had used his office for political purposes and for the advancement of his own personal ambitions instead of for the protection and relief of the people, pointing to him as one of a class who, appointed by the president upon the recommendation of crooked senators, were responsible for the corrupt conditions existing in government offices and scoring him for neglect of duty and protection of crime, Francis J. Heney began his argument for the prosecution in the John Hall case this morning. When noon came he was only well under way, and may have to hold close to the mass of evidence introduced by him in order to finish by the time for court to adjourn this afternoon.

The defense will begin its argument after Mr. Heney has finished his opening statement and practically all of tomorrow will be required for the argument to be made by Judge Webster. Mr. Heney will then close, so that it is not believed the case can be sent to the consideration of the jury before Friday.

Delay Argument for Evidence.

The court room was packed this morning when Judge Hunt took his place on the bench. Some little time was lost while Mr. Heney and Judge Webster considered the introduction of some letters and telegrams overlooked by the prosecution and dealing with the instructions issued by the land office to E. D. Stratford and C. E. Loomis to begin the investigation of the Steiwer fencing case. This was introduced to show that it had been the land office and not Hall who had sent the special agents into the field to make the investigations into the Steiwer case.

In beginning his argument Mr. Heney told the jury that he would not take their time were it not for the belief that he considered it to be his duty to do so. He said that since the attorneys in a case, even with the evidence written before them, add their familiarity with the testimony, could not remember all of the points it could not be expected that the members of the jury could do so. Lest some faulty memory or confused evidence cause a difference of opinion therefore he felt it his duty to review the case to refresh the memories of the jury on what had been brought out in the trial of the case.

"But first," he continued, "we ought to start with a perfect understanding of what the government is attempting to prove, a conspiracy to fence the land of the government, between Hall, Steiwer, Hendricks and the others, and that they had reached an understanding.

"If we prove that Zachary, Hendricks and Steiwer had put the fence up to enclose the lands, the next thing we must prove is that Hall understandingly colluded with them; that he refrained from taking action knowingly."

The Government's Contention.

"We do not expect to show that he expected to control Steiwer's vote but that he knew the fence was up as early as 1900, that the lands were taken for the purpose of enclosing the government range and that knowing these things he was playing politics to this extent that when the duties of his office brought him into conflict with men of political power he stalled in his duty until he could drop the case and he violated the oath of his office. We expect to show in the Burke and Goslin deal he laid down quick because Burke and Goslin were men of political importance, because Hammond and Fulton put the political pull on him.

"In this case on trial here today we will show that Hall learned in March of 1900 from Hendricks that Steiwer was to be the state senator from Wheeler county. Hall did not want to antasonize the politicians. The moment it was suggested to him that he could use a lever on Steiwer through the fencing case, knowing Steiwer to be an anti-Mitchell man, he concluded not to take action in the fencing case under investigation. If he then knowingly concluded not to interfere with that fence constructed by Steiwer he became a party to the conspiracy, even if they had never met. They may have pursued entirely different paths, but if the object was accomplished then they became conspirators. If by refraining from action he aided them, then he is guilty. It makes no difference to him whether the law was a bad law or a good law. It was his business to enforce the law.

Heney Outlines Defense.

"I propose to show you by Hall's own testimony that he was in the habit of construing the fencing law strictly when it did not interfere with Hall. In the Brown case it was a chance to help Hall by prosecuting and he did it vigorously. We will show that Hall got ready to act on the little fellows, but there was always a good excuse for the big fellow with the political pull.

"Now, then, let us outline the defense," said Mr. Heney, turning to the other side. "When a man is charged with a crime he can only plead one of two things, guilty or not guilty. Now, if he pleads not guilty when he is guilty he can do two things, either trust to luck and hope that the government will not be able to make out a sufficiently strong case to convict him or, after listening to all the evidence which the government had to offer, he can take the stand in his own defense.

"It takes a clever and a cool man to take the witness stand in such a case, one who can think clearly and who can admit all those things which do not harm his chances, explain those things by which he might be bound and deny all those high points which would convict.

"What are the high points in this case? The letters that Putnam wrote saying that he had secured a map from the land office, marked it with the illegal claims and fences and sent it to Hall. That is one of them. So it struck Hall who is a lawyer and knows about such things. 'If I received that map which is a full basis for an action either civil or criminal, and did not act for a year when I had it in my possession it will convict me. So I must deny it.' And he did

Denies Loomis Conversation.

"Mays, who has escaped from this case only to plunge himself into a perjury charge, denied it. But we produce the man who made the map and show that he mailed it to Putnam who in turn mailed it to Hall with all the marks upon it, and all this done in 1899.

"Hall would have gone after Zachary if Steiwer had not been tied up in the case, but he did not want to offend Steiwer who was a politician and might be useful to Hall.

"Hall is a good letter writer and worded his letters carefully, never allowing anything to slip into them which would not be on the face of it right and proper. But he did not write to Loomis as was his custom to instruct him to begin the investigation of the Butte Creek company but now says he instructed Loomis personally to make the investigation.

"Loomis was a good friend of Hall and escaped indictment because Hall did not want him indicted. Why, then, did he not put him on the stand to tell about his having made these investigations, and about Hall instructing him to do so? He did not do it because we could have cross-examined him and could have shown the inside of the story. Why did he not give Loomis the map when he sent him out personally to make the investigation? I will tell you, because he never talked to Loomis about the fence.

"Why didn't Hall bring a criminal suit against Carr and the rest? Didn't he know that the threat of a criminal suit put the fear of God in the hearts of men? Didn't he know that men of wealth would rather pay any fine than to spend a moment in jail? Didn't he know that an Oregon jury would convict these men and an Oregon court would send them to jail for a year for keeping up these miles and miles of fence?"

Crooked Senators the Cause.

"Didn't these poor men who had to earn their bread by the sweat of their brows write that the government was getting rotten after they had labored for months to get some relief? Yes, it was getting rotten when a government officer could not be gotten to do what he should do to protect the people of the state. The English people fought for hundreds of years to gain the degree of liberty we should enjoy. And do we enjoy it? Unless officers do their duty, unless the property of the people is conserved, unless the officials keep faith who have sworn to do their duty then the government is rotten. And why is it rotten? Because United States attorneys appointed by the president of the United States upon the recommendation of crooked United States senators do not do their duty, but use their offices for the furtherance of their political ends and ambitions."

Mr. Heney then went into the discussion of the maps and plats which had been sent to Hall by the settlers in the vicinity of the Steiwer fence. Throughout his address he kept close to the mass of evidence which had been introduced by the prosecution, taking up the correspondence and reviewing the case step by step up to the end.

Refute Bristol's Testimony.

The decks were cleared for argument by both the government and the defense yesterday afternoon just prior to the adjournment hour at 4 o'clock. A recess was then taken until this morning at 10 o'clock in order to allow the attorneys to arrange their arguments and thus facilitate their presentation to the jury.

The chief happening of interest during the afternoon session was the fight made over the testimony given for the defense by W. C. Bristol, who had been summoned during the early part of the defense to controvert the testimony of H. H. Hendricks.

Hendricks had told of having visited Bristol following his conviction for subornation of perjury in August, 1906, at which time he said Bristol had promised him immunity if he would become a witness for the government. Bristol denied that he had discussed the matter with Hendricks and said that Hendricks had come to his office the evening of August 4, when he had complained at the injustice of the verdict but had not discussed becoming a government witness.

Mr. Heney, in order to sustain the credibility of his witness, Hendricks, put witnesses on the stand to contradict the evidence of Bristol and show that he was mistaken about the dates of his conversation with Hendricks and therefore liable to be mistaken about the fact of his not having offered the immunity.

Irwin Rittenhouse, Heney's private secretary, testified to having discussed the proposition with Bristol and having sent a telegram to Heney asking for instructions after having been directed to do so by Bristol. Bristol had denied having directed that such a telegram be sent.

Horace Stevens, formerly a newspaperman, was called to fix one of the dates in the controversy, and then T. B. Neuhausen told of having seen Hendricks call to see Bristol on the night of August 10. He also said that Hendricks had not been in the office on the night of August 4. Neuhausen also told of having been present at a meeting between Bristol, Heney, Hendricks and Rittenhouse when Hendricks told of his visit to Bristol on the night of August 10 and of his having then been given the promise of a postponement of sentence until he could confer with Heney regarding his testimony.

Heney Telephones.

He said the next morning he received a telephone message from Heney, who was in San Francisco, directing that the Hendricks sentence be postponed until his return to Portland. He had received the message just before the opening of court on August 11 and had sent Rittenhouse to tell Bristol, who had in turn asked that the passing of sentence be put over for a time.

H. H. Hendricks was recalled by Heney and testified that he had made his call upon Bristol on the night of August 10. At that time, the witness said, Bristol told him he would have to telegraph to Heney before promising anything, as Heney had charge of the case.

Heney then took the stand himself and was questioned by his assistant, T. C. Becker. Heney said that Neuhausen had been associated with him in the cases. He had, however, never taken the initiative but on all matters of importance had consulted Heney before making a move in one of the cases, this applying particularly to those cases over which Heney had assumed absolute charge.

He told of having received the telegram in regard to the Hendricks matter, sent August 10 and of having much difficulty in getting the district attorney's office in Portland before the time for court to open. Heney said he had returned to Portland August 15 and at that time had discussed the Hendricks matter with Bristol. At the conclusion of Mr. Heney's testimony the prosecution announced that its case had been closed.

Bristol Again on Stand.

Mr. Bristol was then put on the stand by Judge Webster. He said the Hendricks verdict had been returned the evening of August 4 and that Hendricks had come to see him in his office that evening. He had complained to Bristol about the injustice of the verdict and had discussed the probability of a new trial, telling of allegations which he intended to set out in his motion for a new trial. Bristol said he had not seen Hendricks after that until he had come into the office after Mr. Heney's return from San Francisco.

After Mr. Bristol had been questioned Judge Webster called R. L. Durham to the stand and questioned him regarding the testimony of J. W. Heidelck. Durham having been one of the grand jury of March, 1904. The purpose of Durham's testimony was to support the contention of Hall that Heidelck had not implicated Special Agent Loomis in dishonest practices, but had given Hall the impression that he had fooled Loomis into making a false report.

It had been charged by the prosecution that Hall had failed in his duty because he did not prosecute Loomis after hearing Heidelck's testimony. Sylvester Farrel, who had been the foreman of the grand jury of October, 1902, was the last witness called by the defense to show that Hall had been called by the grand jury to instruct it on the law during the investigation of the Thayer case in 1902.

The court then adjourned after a short conference between Judge Hunt and the attorneys for the government and the defense.

BROTHERS WITH GUNS IN FIERCE QUARREL

Patrolman Craddock happened along in front of 43½ Sixth street last evening in time to interfere in what he believes would have developed into a serious clash between R. H. and August Holly, brothers, and John Mergens, proprietor of the butcher shop at the number named.

The men had engaged in a dispute over the payment of an old bill, and at the moment the officer arrived one of the Holly brothers had a revolver in his hand. As the other brother was also armed fith a revolver Craddock placed them under arrest and took them to the police station, where a charge of carrying concealed weapons was placed against them. In the police court this morning hearing of the charge was set for Friday morning.

NO LAW TO COVER CASE

Heymans Will Probably Escape Punishment for Alleged Criminal Operation—District Attorney Scores Doctors.

So lax are the laws of Oregon concerning the performance of criminal operations that in all probability Ernest Heymans, formerly manager of the X-Radium institute, will not be convicted of causing the death of Golda Rowland even though he be captured.

District Attorney Manning says that the laws of the state are such that it is almost impossible to convict any person accused of such a crime as Heymans is supposed to be guilty of.

"Not only are the laws insufficient but reputable physicians stand by one another and by these miserable criminals and make it impossible to secure a conviction," said the district attorney.

Heymans is believed by Mr. Manning to have gone to Seattle, while others who know him say that he has not left the city and it is said that he was seen in the rooms of the X-Radium institute last night.

Says Heymans Was Drunk.

According to Dr. Eisen, who was convicted of illegal practice a short time ago, Heymans was intoxicated during the time Miss Rowland was in the institute and while she was dying he and an assistant carried her from the operating table and dropped her several times, while the chloroform cloth was allowed to remain over her face, until she was dead.

There is a general scramble upon the part of all concerned in the case to get out of the affair. Coroner Finley declares that he never before heard of Dr. Mary Lane, or the X-Radium institute and supposed that both names stood for all that is respectable in medicine.

District Attorney Manning admits that he told Heymans to leave the city, although at that time he knew that an operation had been performed, and knew that the girl had died in Heymans' hospital.

Dr. Cora Talbott, whose name was forged to the death certificate, and who it is claimed attended the girl, says that she had nothing to do with her as soon as she found out that Miss Rowland had no money.

No Money, No Treatment.

"I found that she had no money the first time I talked to her," said Dr. Talbott this morning, "and then I dropped the matter entirely. I have the papers to prove, however, that the girl gave Mr. Heymans $35 and that her mother paid his wife $65. I can also show that I had nothing to do with that, and never posed as Dr. Mary Lane."

It is probable that the City and County Medical society of Portland will take up the matter at its regular meeting tonight, and that some action will be taken by the society demanding that the questionable hospitals and institutes, of which there are several in Portland, be suppressed. A year ago the society censured the district attorney for not closing up the illegal places and stopping illegal operations.

This has smarted for some time and Mr. Manning declared today that he would bring Heymans back here and try him whether he could send him to the penitentiary or not.

Believes He Will Confess.

"I believe that he will tell everything he knows," said the district attorney, "and that I will be able to expose the practices of some prominent citizens of Portland that will make the biggest scandal this city has had for some time. Too many doctors whose names are high in the community are playing the same tricks that Heymans is supposed to have turned."

According to Mrs. Catherine Rowland, the mother of the dead girl, who saw District Attorney Manning this morning, the charges that her daughter was in a delicate condition or dishonest in any way are absolutely false and she will try to sue to make good her daughter's name. She believes that the girl was deceived into having an operation by the people at X-Radium institute and that the operation was entirely unnecessary.

Dr. Eisen also says that the operation was unnecessary.

"I was called in to see the girl by Heymans," said Eisen, "on the day she died. He told me he had a bad case and asked me to come up and see it. I went up to the institute and saw that the girl was dead. He wouldn't believe it, however, but said that he and his wife and an assistant had tried to carry her away from the operating table and had dropped her several times. I examined her and am sure that she needed no operation at that or any other time. I believe she was frightened into the case by Heymans, who was after the fee."

Made Out Certificate.

Coroner Finley sticks to his statement that he never heard of Dr. Mary Lane or of the X-Radium institute. He says he supposed that the institute was a perfectly conducted hospital.

The coroner admits that contrary to the rule of the office the death certificate for the city health department was made out in his own handwriting and says that he must have made a mistake in assigning the place of the girl's death as her home on Macadam road instead of at the hospital. He is unable to account for the mistake by any other theory.

It is known that Heymans borrowed $700 on a house and lot owned by him in Montavilla a week ago last Saturday. He came to John W. Rometsch, who runs a saloon at 253 Morrison street, and asked him to lend him $1,000 on his house. Rometsch inspected the property and gave him $700 for it.

It is probable that Heymans was planning to make his escape at that time, as Mr. Manning had given him two days in which to leave the city and close out his business.

One effect of the publicity given the case is that in the future all death certificates coming from the institutes similar to the X-Radium affair and signed by questionable doctors will be rigidly investigated by that office. Dr. Pohl gave orders to that effect today and instructed that all such cases be referred to the coroner for examination.

NEW INTERURBAN LINE ASSURED BY TRIPP

(United Press Leased Wire.)

Bellingham, Wash., Feb. 5.—"That the Skagit Valley Interurban railway will be built is beyond question. The only necessity now for further consultation is to decide certain details connected with the route and to plan how best to secure the right of way."

In the above words, G. E. Tripp, one of the stockholders and directors of the Stone & Webster interests, spoke last evening of the proposed railway extension, which is of vital interest to the people of Bellingham and the population in the territory between this city and Seattle.

Readers of The Journal, particularly those who took part in the The Journal limerick contest some weeks since, will be interested in the Ghirardelli Cocoa advertisement which appears on page 5 this issue, wherein a can full of silver dollars is offered to the person who supplies a missing line.

"AT HOME WITH THE GRIP"

This is so general that in many offices and mercantile houses business is almost suspended. The epidemic may yet break the record of that of 1889, the worst in history. If you are drowsy, languid or low-spirited, if you have headache, backache, or are feverish, don't delay, take a dose of Hood's Pills to move the bowels and begin treatment with Hood's Sarsaparilla, the foe to the grip germ in the blood, and the best appetizer, stomach tonic and strength-giver.

A Bad Attack.—"I had a bad attack of the grip. I got a bottle of Hood's Sarsaparilla and it saved me a big doctor's bill. Did me more good than any other medicine."—Mrs. Alice Barr, Smyrna, Pa.

A Good Medicine.—"I was down with the grip and a bottle of Hood's Sarsaparilla brought me up and made me feel like a new woman. I recommend Hood's to all who want a good medicine."—Durell Nurford, Clemont, Va.

Hood's Sarsaparilla is sold everywhere. In the usual liquid, or in tablet form called **Sarsatabs.** One hundred doses one dollar.

HUGE GRAFT IN CITY'S BOTTLES

Sh! Cork It Up, It May Leak Out—Awful Discovery by Councilmen.

Councilman Wills stated today that he intends to order an investigation of the methods employed by Superintendent of Crematory C. L. Daggett in disposing of bottles carried out to the crematory and thrown on the dump. Mr. Wills said he was at the crematory yesterday with Councilman Belding and discovered a junk man carting away a load of bottles, for which he paid about $5 or $6. Mr. Wills said that Superintendent Daggett informed him that the employes of the crematory had been in the practice of selling bottles and dividing the money.

The councilman questioned Daggett upon the procedure and said that Daggett told him the city charter provided that all city property should be sold after it had been advertised for sale. Mr. Daggett then explained that he had never been able to secure bidders in reply to the advertisements and that the men had sold the bottles and kept the money.

"I do not approve of such methods," said Mr. Wills today. "That money belongs to the city and Mr. Daggett could as well have turned the money over to the city as he could to the employes. The whole affair does not look right to me and I intend that an investigation shall be held to determine whether or not the city can take the money.

"This crematory proposition does not look good to me anyway. Superintendent Daggett has asked for $2,500 to improve the roadway leading to the crematory. I made an investigation yesterday and am satisfied in my own mind that 25 cents is about all that is needed. Mr. Daggett says the roadway is rotten and should be replaced. I found but one place where such improvement would be necessary to make the roadway safe, and a piece of wood six inches by six inches and two feet long properly placed would remedy this defect.

"In regard to selling bottles I think Mr. Daggett has taken the wrong stand. If there is no way by which he could legally turn that money into the city treasury, he at least has no right to allow the men to take it. I do not know whether Mr. Daggett got any of the money or not and do not care. My interest is to see that the city gets it and I am going to ask for an investigation that will decide the matter."

Efforts to locate Mr. Daggett this morning to get his side of the question were unavailing. The sale of bottles left on the dump has been up several times, and Mr. Daggett has told the councilmen that he often advertised the bottles for sale, but had not received bids in reply. Several months ago he asked the council to advise him in the matter as to how he should proceed, but no definite action was taken. Nothing was said at that time about selling bottles privately and dividing the money among the city employes.

TWO ENCAMPMENTS AT AMERICAN LAKE

Smaller Number of Guards in Field, to Intensify Instruction.

(Special Dispatch to The Journal.)

Olympia, Wash., Feb. 5.—There will be practically two encampments of the national guard and the regulars at American Lake this year instead of one. The first encampment will be of regulars from the department of the Columbia and the national guard of Washington and Oregon, held early in August. Immediately following it the national guard of Montana and Idaho will go into camp, also with regulars.

Adjutant-General Hamilton has returned from Washington with an outline of the work of the encampment. Last year the national guard manned the coast defenses. The year before there was a big encampment of the national guard of Washington, Idaho, Oregon and Montana in conjunction with federal troops at American Lake. Two years ago the work was largely maneuvers and difficult problems of strategy and warfare. The secretary of war believes these maneuvers were attempted without sufficient preliminary instruction of the national guard. The encampments this year, therefore, are to be more in the line of schools of instruction. It has been deemed wiser to keep the body of guardsmen down to a smaller number and for that reason there will be two encampments in this department.

SUIT TO UNLOOSEN LAND GRANT GRAB

With the names of 60 persons attached to the petition as complainants and nearly half that number being mentioned as the defendants, John R. Herron et al. filed papers with the clerk of the United States circuit court this morning against the Southern Oregon company, and others, in the Oregon & California land grant case. The list of complainants and those of the defendants makes one of the longest lists ever filed in the federal courts of this district.

This case is similar to the one filed some time ago by A. W. Lafferty against the Oregon & California railroad to compel the companies to turn over a certain amount of land at $2.50 an acre for the benefit of settlers.

The Coos Bay Wagon Road company is also named as one of the defendants. In addition among the defendants are 10 John Does, nearly as many Richard Roes and Mr. John Black.