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JURY HELD IN DEAD LOCK BY SELKIRK'S VOTING TO ACQUIT

(Continued From Page One.)

to hang on one point and there seems to be no possibility of that point being overcome.

"Some of the jury may dissent from this opinion," continued Mr. Myers, "and I would rather that they express their own opinions, but the jury wished for me to make this statement. There are a few who may dissent from this opinion, but the general opinion is that we can not reach a verdict."

Wanted More Time.

Juror Charles W. Risley rose to his feet and addressed the court.

"There are several of us," he said, "who do not think that the jury should be discharged at this time, but should be given further time for the consideration of the matter."

"Very well," said Judge Wolverton, "I will not discharge the jury at this time." He was interrupted by George Selkirk, who arose from his place.

"Would it be proper," asked the juror, "with the permission of the rest of the jury, for me to submit a question to the court in writing?"

Judge Wolverton gave this permission, and following the receipt of the question, retired for a moment into his chambers with the attorneys. When he returned to the bench he said:

"I have concluded to discharge the jury. In doing so, gentlemen, I desire to thank you for the patient and attention with which you have listened to this case through its five weeks of trial."

Selkirk Holds Out.

The question which Juror Selkirk presented to the court was in substance that he could not, under the dictates of his conscience, vote for a conviction, that this attitude was unchangeable and he asked whether it would be available for the jury to continue its consideration under these conditions.

Hermann's own evidence, according to information coming from the jury room, prevented his acquittal. At the close of the government's case, continues this information had the defense rested and gone to the jury with its case, there would have been a verdict in favor of the defense. The jury however, was changed in its attitude by the evasiveness and the contradictions found in the story of the defendant, and was swayed to the government's side when Mr. Heney, on cross examination, forced the defendant to admit mistakes made on direct examination and qualify his direct testimony.

Meldrum's Story Convincing.

Henry Meldrum told the straighter story of the two, this information contends, while it is also argued that Meldrum's testimnoy regarding the Hermann visit to his office and the meeting there with Mays was corroborated in all its important details by the testimony of Hermann himself, which would not have been true had Hermann not taken the stand in his own defense.

Binger Hermann was indicted on the thirteenth day of the month and 13 ballots were taken to decide whether he was guilty or innocent of the crime charged against him.

For eleven ballots it stood eight for conviction and four for acquittal. On the twelfth ballot Jurors Stephens and Stone changed to the side of conviction and remained there.

Changes Vote.

Stephens, during the early discussions in the jury room, contended that politics had been commingled in the land fraud indictments, but after further discussion decided that this was no bar to conviction in the present case, and changed. Stone, it is understood, cast his first ballots in a complimentary spirit, but changed as the lines drew closer to the final sentiment of the jury.

Following the twelfth ballot the case was discussed again at length and finally the thirteenth and last ballot was cast. Prior to this it had been decided by the jury to put a rider on their verdict and recommend the leniency of the court, recommending that the least penalty provided by law should be given to the defendant when sentence was passed. This was done out of sympathy for him and his family.

Selkirk Left Alone.

With this rider on the verdict Juror Skolfield swung into line for conviction, leaving juror Selkirk alone for acquittal. Skolfield had held out against the extreme penalty from the first, that being his reason for voting for acquittal. As soon as the recommendation for mercy was incorporated in the verdict, he was willing to cast his vote for conviction.

Further discussion was had, and Juror Selkirk made it plain that no number of ballots would change his decision, so no further votes were cast.

It was a disgusted dozen as well as a touselled one, that filed out of the courtroom. Eleven of the number were indignant that one should cause their disagreement. They had made up their minds from the first for some reason that there could be no agreement with Selkirk.

Selkirk Talked to Wife.

His continual use of the telephone and the frequent visits of Mrs. Selkirk finally caused the bailiff in charge of the jury to cut off all communication with the outside world, and this did not increase the harmony existing between the lone advocate of acquittal and the 11 exponents of conviction.

Warm words were passed during several of the discussions in the jury room, and finally when the jurors separated, Selkirk went his way without bidding the remainder the cordial goodbye, expressed between the remaining 11 when they started for their homes.

It is not known when the second trial of Hermann will be held, if ever. Mr. Heney asked that it be set at once, stating that it was the desire of the attorney general to have the land fraud calendar cleared up as soon as possible.

The departure of Colonel Worthington for Washington, and the uncertainty of when he may be able to return, adds another complication. It is possible that a conference between the attorneys held before Mr. Heney leaves for San Francisco, may shed a more definite light on the question.

THE STORY OF THE PEANUT SHELLS.

As everyone knows, C. W. Post of Battle Creek, Michigan, is not only a maker of breakfast foods, but he is a strong individualist who believes that the trades-unions are a menace to the liberty of the country.

Believing this, and being a "natural-born" scrapper for the right, as he sees it, Post, for several years past, has been engaged in a ceaseless warfare against "the Labor Trust," as he likes to call it.

Not being able to secure free and untrammeled expression of his opinions on this subject through the regular reading pages of the newspapers he has bought advertising space for this purpose, just as he is accustomed to for the telling of his Postum "story," and he has thus spent hundreds of thousands of dollars in denouncing trades-unionism.

As a result of Post's activities the people now know a whole lot about these organizations; how they are honeycombed with graft, how they obstruct the development of legitimate business, curtail labor's output, hold up manufacturers, graft upon their own membership, and rob the public. Naturally Post is hated by the trades-unionists, and intensely.

He employes no union labor, so they cannot call out his men, and he defies their efforts at boycotting his products. The latest means of "getting" Post is the widespread publication of the story that a car which was recently wrecked in transmission was found to be loaded with empty peanut shells, which were being shipped from the south to Post's establishment at Battle Creek.

This canard probably originated with President John Fitzgerald of the Chicago Federation of Labor, who, it is said, stated it publicly, as truth.

Post comes back and gives Fitzgerald the lie direct. He denounces Fitzgerald's statement as a deliberate falsehood, an underhanded and cowardly attempt to injure his business, having not the slightest basis in fact. As such an effort it must be regarded. It is significant that this statement about "the peanut shells" is being given wide newspaper publicity. In the "patent inside" of an eastern country paper I find it, and the inference naturally is that labor-unionites are insidiously spreading this lie.

An institution (or a man) which will resort to moral intimidation and to physical force, that will destroy machinery and burn buildings, that will maim and kill if necessary to effect its ends, naturally would not hesitate to spread falsehood for the same purposes.

We admire Post. While we have no enmity toward labor unions, so long as they are conducted in an honest, "live-and-let-live" kind of a way, we have had enough of the tarred end of the stick to sympathize thoroughly with what he is trying to do. He deserves support. A man like Post cannot be killed, even with lies. They are a boomerang, every time. Again we know, for hasn't this weapon, every weapon that could be thought of, been used (and not simply by labor unions) to put us out of business too?

I am going to drink two cups of Postum every morning from this time on, and put myself on a diet of Grape-Nuts. Bully for Post!—Editorial in the American Journal of Clinical Medicine.

LUMBERMEN IN CONCLAVE WOULD SOLVE PROBLEMS

(Continued From Page One.)

men. The association is doing much toward the teaching of a better conception of sound business principles."

He contended that the manufacturer and retail dealer should cooperate in the manufacture and distribution of forest products, to the end that the consuming public may be best served and any unnecessary waste eliminated.

Gain in Membership.

Secretary Treasurer Porter, in his report, shows the membership to be 606, a net gain for the year of 78. He said the splendid attendance proves beyond a question that the association, as a channel through which to secure and disseminate information of an educational character, has no unsuccessful competitors.

"Mail order competition," said Mr. Porter, "has been reduced in the Pacific northwest during the past year to a minimum. The retail dealers have made up their minds that they will keep the business at home regardless of price, for they know they are in position to sell at even a less price than the mail order house."

He announced that during the past few months several retail lumbermen of California have expressed the hope that the association's territory be enlarged to embrace that state, and he suggested that the by-laws be amended to that effect.

Headquarters at Hotel Portland.

Headquarters are maintained at the Portland hotel. The assistant secretary was busy all morning registering the members, many of whom did not arrive until this morning. By noon about 200 had registered from the six states covered by the association, Oregon, Washington, Idaho, Utah, Nevada and Montana. About 150 more are expected to reach the city this afternoon.

Tomorrow's program will consist of papers by A. E. Troyer of Boise, Idaho, U. K. Swift of Seattle, H. W. Yaw of Great Falls, Mont., Benjamin F. Cobb of Kansas City, Mo., A. W. Robinson of Pendleton, Or., and D. E. Swinehart of Butte, Mont. Tomorrow evening the visitors will be invited to attend the Hoo Hoo concatenation for which preparations have been made by Vice-gerent Snark G. A. Griswold of this city.

Wednesday night the visitors will be entertained at a banquet at the Commercial club by the Oregon & Washington Lumber Manufacturers' association.

PEOPLE BURN MORE WOOD THAN FORESTS ARE ABLE TO PRODUCE

C. S. Chapman, district forester of the government forest service, spoke this afternoon on the "Relation Between Forest Growers and Lumber Sellers."

"In the national forests of Washington and Oregon there is more merchantable timber than on similar areas in any other two states," said Mr. Chapman. "The area of these forests, deducting patented lands within their boundaries, is approximately 23,500,000 acres. The best figures available show a stand of merchantable timber of over 275,000,000,000 feet. This timber will, at the present rate of consumption, supply all the mills of the United States for about eight years, or the mills of Washington and Oregon for over 60 years. The importance of the national forests as a source of present as well as future timber supply is therefore apparent.

Rev. W. J. Hindley of Spokane, Wash., chaplain.
D. E. Swinehart of Butte, Mont.

Purpose of National Forests.

"National forests are created to conserve water needed for irrigation, power, and domestic purposes as well as to insure a future supply of timber. But there is no desire to in any way shut out these areas from present use. It is the policy of the government to encourage their fullest use along any lines which do not interfere with the purpose for which they were created. Timber is sold when it has reached maturity. Stock is grazed where this can be done without injury to young growth, and where it will not interfere with the use of streams for irrigation and domestic purposes. Homesteading of land in national forests which is declared upon examination to be chiefly valuable for agriculture is allowed. Since the passage of the act three and one half years ago, nearly 500,000 acres have been put to this use.

"These in brief are some of the ways in which national forests are being used today, and I have mentioned them since from time to time individuals and the press have stated that the resources of the forests are locked up. This is far from the truth.

Work of Forest Service.

"The work of the forest service in the management of the national forests is of importance to everyone engaged in the lumber business. Not only can the government forests be considered as a constant source of timber supply, but they assist, indirectly at least, to maintain agricultural regions which consume a large amount of manufactured lumber.

In Oregon and Washington many of the streams of water which furnish water to irrigate the fruit sections and the desert lands in the eastern parts of the states originate in the national forests. The head waters of these streams must be protected. The settling and building up of these areas depends upon a constant water supply, and that this be furnished is of vital importance to the business interests.

Serve Many Purposes.

"Although our national forests serve a great many purposes, other than the production of timber, the main problem is to make every acre of land not better suited to other purposes produce the greatest amount of timber of the kinds needed in the shortest possible time.

"In the states of Washington and Oregon during the year ending June 30 last, the forest service expended $432,-896.93 in protecting, administering and improving the national forests. A large amount of that was for fire protection, and of the amount, $105,015.10 were spent in the building of trails, roads, telephone lines, fences and cabins.

Up to within the past six months, sales of timber on the national forests of the northwest have been small. This is probably due in part to its remoteness as compared with that in private holdings. There has, however, been a rapid increase in sales during the past six months, and there is every indication that this will continue.

Reforestation Necessary.

"In order to make the forests produce the maximum amount of timber, it will be necessary to carry on extensive reforestation. On the west coast especially this should prove a good investment, for conditions are unusually favorable to the rapid growth of timber. Measurements taken during the past summer show that in 60 years a stand of about 43,000 board feet of fir can reasonably be expected when natural seeding is depended upon, and by planting, yields should be considerably increased.

"Forest management should not, however, be for the government alone. Fully four-fifths of the timber land in the United States is in private holdings, and if the timber industry in all of its phases is to continue as the great industry it is today, private owners as well as the government must take an active part in insuring our future supply of timber. We consume per capita more wood than any other nation.

Consuming Much Wood.

"It is also pretty clearly established that we are consuming three times as much wood each year as our forests produce. These facts make it incumbent upon every timber land owner to see what there is in forest management for him.

"There are many difficulties in the way of the private owner who wishes to grow timber. Fire danger is great, and he may figure out that taxes will, during the long period it takes to grow a forest crop, make his balance on the wrong side of the ledger. The people interested in the timber supply are the ones that will have to get better fire laws and more equitable tax regulations on the statute books; and this is one of the big things we should all co-operate in.

Western Hemlock Has Merit.

"In connection with the interest of the forest service in close and proper utilization of the timber supply, the many desirable qualities of the western hemlock deserve mention. This wood has unquestionably suffered very greatly because of the prejudice against the eastern hemlock.

"In the course of logging operations in this section of the country, it has been customary in past years to allow hemlock to stand as a total loss, or remove only the best of it along with the cedar and fir. In cases where it has been manufactured, an arbitrary commercial name has been chosen for it, and in many instances it is sold as fir.

"Western hemlock, when used for flooring, paneling, moulding or other interior finish, is undoubtedly as satisfactory in many respects as Douglas fir. Retailers, probably more than any one else, are in a position to do a great deal in removing the prejudice against western hemlock."

ANNUAL FOREST FIRE LOSS IN NORTHWEST AVERAGES $40,000,000

E. T. Allen, Forester of the Western Forestry and Conservation association this afternoon called attention to the need of united action for the protection of the timber resources of the country against fire and insect pests. He also pointed out the need of educating the public that nothing is gained by anyone by selling lumber at bargain counter prices any more than to "give away" choice apples. He said:

"Forty million dollars, some years more and some less, is a fair figure for the annual forest fire loss in Mantana, Idaho, Washington, Oregon and California. I do not mean the stumpage loss to the owners, but that if sawed for manufacture the timber destroyed would certainly bring pretty nearly that sum into these five states to be distributed among their inhabitants. If this is an over-estimate it is balanced by other forms of loss due to forest fires.

"Our forests earn nothing unless they are manufactured and sold. They are sold elsewhere mostly, but the price received for them is shared by every family in the states in which they are cut. Almost all goes for labor and supplies and through various channels contributes to the livelihood of everyone in the community. On every thousand feet burned or wasted the people bear over 80 per cent of the loss.

Loss Felt by All.

"These same people are local consumers. Inevitably their loss is felt by the retailer. In the first place, forest destruction by reducing the supply, must help to raise the cost of lumber. At the same time, by destroying the market for labor and supplies, it reduces the money in circulation to buy lumber with.

"Every one of us here today lives directly on the forest. Everybody we deal with lives on them indirectly, for lumber manufacture brings $125,000,000 a year into these five states. Obviously total forest destruction would wipe us out. Partial destruction has its proportional effect. It is bound to, though we don't see it so clearly.

"But we go on burning up our income at the rate of $40,000,000 a year. And all I have said is equally true of injury to forest reproduction. The tree that don't grow is identical, economically, with the tree destroyed.

Perpetuates Industry.

"Perpetuation of the forest in any manner perpetuates industry and revenue, whether they are supported by it directly or indirectly. It maintains the stream flow which makes agriculture possible and makes farmers your customers. It decreases the tax burden on other property. By insuring lumber traffic and a supply of poles, ties and car material, it lessens the cost of rail transportation and consequently of all our commodities. By making lumber cheaper to you, it makes more customers, more yards, and bigger sales. It postpones the exploitation of substitutes.

"The same is true again of conservative use, whether of the supply, by fire or any other means, inevitably injures everybody concerned. The one it injures least is the speculative holder who don't have to cut. If you ever feel in any danger from him, bear in mind that the surest way to avert it is to keep up a supply so big he can't control it."

MISUSE OF SCHOOL FUNDS CHARGED BY CARPENTERS

(Continued From Page One.)

about half a day. He said he paid them out of his own pocket.

"This is the first I have heard of such charges," said I. N. Fleischner, chairman of the school board, when told this morning of the affidavits. "McLeod is sore because he was discharged for not doing his work properly. I do not believe that Mr. Jones or any member of the board has been guilty of such wrong doing as is charged. From what I have known of Mr. Jones I am confident that he would not allow labor or materials used for private individuals to be charged to the school fund.'

AFFIDAVITS MADE BY CARPENTER M'LEOD AND DR. A. B. ESTOCK

State of Oregon, Multnomah County, ss.—I, Alex McLeod, being first duly sworn, say that I worked on a stable for T. J. Jones about two days with three other carpenters from the East Side high school, and that I received my pay for the same from the clerk of school district No. 1, Multnomah county, Oregon; that I helped several other men on the East Side high school to prepare material for J. V. Beach's office in the Board of Trade building at Portland, Oregon, and went to Mr. Beach's office and put the same in place, requiring about five days' time in said office; that I also prepared for shipment to said Beach's farm, near Turner, Oregon, a large well house, and that I was assisted in said work by four other carpenters on the East Side high school; that each of them worked for practically the same length of time I did; that I performed considerable other work with men employed in said high school, for T. J. Jones, and that I received all of my pay for said services from the clerk of school district No. 1, Multnomah county, Oregon; that, assisted by four others of said workmen on said high school, I manufactured at said high school a large massage table, built extension style and adjustable to the size of any person, and delivered the same to the office of Dr. Estock, in the Dekum block, Portland, Oregon, for J. V. Beach, and that I later shipped this table to Beach's ranch near Turner, Oregon; that I used material belonging to said school district No. 1 of Multnomah county in the construction of said table, and that I was paid for said labor by the clerk of said school district, and that all my fellow workmen were paid for their said labor by the clerk of said school district out of the funds belonging to it.

ALEX M'LEOD.

Subscribed and sworn to before me this third day of February, 1910.

JNO. A. JEFFERY,
Notary Public for Oregon.

State of Oregon, County of Multnomah, ss.—I, Dr. A. B. Estock, being first duly sworn, upon oath depose and say that I am a physician and surgeon, engaged in the practice of my profession in Portland, Oregon, and have my office in the Dekum block in said city; that Mr. Alex McLeod constructed at the East Side high school, while the same was under construction, a large massage table for J. V. Beach, and that the same was made under my direction, and was afterward brought to my office and used there for Beach, and not for general practice by myself; that the same was afterwards taken to the ranch of J. V. Beach, near Turner, Oregon.

A. B. ESTOCK.

Subscribed and sworn to before me this 5th day of February, 1910.

JNO. A. JEFFREY,
Notary Public for Oregon.

Bad Blood

Is the cause of all humors, eruptions, boils, pimples, scrofulous sores, eczema or saltrheum, as well as of rheumatism, catarrh and other troubles. The greatest blood remedy for all these troubles, proved by its unequaled record of cures, is

Hood's Sarsaparilla

In usual liquid form or in chocolated tablets known as Sarsatabs. 100 doses $1.

ROOSEVELTISM GETS HOLD ON NEWSPAPER MEN

(Continued From Page One.)

La Follette, 4; Hughes, 4; Pinchot, 2; Dolliver, 1; Bryan, 1.

In summing up the result of the canvass, the paper says:

"Roosevelt has not only a majority of the votes, but his strength runs so uniformly that he is indorsed by a majority of the states. He is strongly in the lead of the lake group, where he has 485 votes to Taft's 427. He leads in the prairie states by 617 to 475, and on the Pacific coast by 164 to 90.

"In the only group where Taft leads, the president's margin is narrow, it being 66 to 64 in the mountain states. The south is evenly divided, 35 to 35.

Roosevelt Leads in 15 States.

"Roosevelt leads in 15 of the 22 states: Michigan, Indiana, Illinois, Iowa, Kansas, Nebraska, Oklahoma, Minnesota, North Dakota, Montana, Washington, Oregon, California, Kentucky and Nevada. These states have a population of 5,501,665 and will poll 294 votes in the Republican national convention.

"Taft leads in Ohio, Missouri, Idaho, Colorado, Wyoming, Tennessee and Arizona. These states together have a popular vote of 2,493,757 and a total of 116 votes in the Republican national convention, or less than half of that of the Roosevelt states.

"La Follette leads in Wisconsin, while Roosevelt and Taft divide the vote evenly in South Dakota, Utah and New Mexico.

"The vote in Ohio is of interest. There Taft has 112 votes, which is only 19 more than Roosevelt.

"Of the lake group, Illinois is most strongly for Roosevelt, the vote being Roosevelt 158 and Taft 110.

Opposition to Ballinger.

"Two interesting features of the straw vote are the ballots cast for Bryan and Pinchot. In many cases the editors give their reasons for these ballots. Most of the 40 who vote for Bryan say they do so because they do not approve of the present policies of the Republican party, although they voted for Taft at the last presidential election.

"The Pinchot vote, which appears in all but six of the states, is generally coupled with doubt of the administration's forestry policy and disapproval of its attitude toward Ballinger.

"No compilation was made of second choices, but a great many ballots gave them, usually saying they were for Taft as the situation stood at present, but their second choice was Roosevelt, or that they were for 'Roosevelt, if he will run,' or some other qualification.

"The compilation of the ballots was strictly impartial, but the outcropping between the lines of many ballots may be read that Roosevelt is even stronger with the editors than would appear from the figures printed herewith."

HIGH FINANCE SHOWS ALARM AT TAFT TALK

(Continued from Page One.)

President Taft has appeared to temporize. He spoke courageously Saturday night. The people like aggressive and well defined leadership."

Representative Hayes of California, one of the leaders of the insurgents in the house, said he liked the speech for its lack of dodging, but he would not discuss its probable effect in the west.

Representative Tawney of Minnesota, in whose defense President Taft made his famous speech at Winona, defending the tariff, was enthusiastic today in his commendation of the tariff and anti-trust features of Saturday night's address.

The opinion generally expressed here is that the speech was one of the most powerful that President Taft ever delivered and that it will be an immense help to the Republicans in the coming congressional campaign.

There was much speculation here today as to whom the Democrats will select to reply in a set, public address, to Taft's statements. It is taken for granted that William J. Bryan and Norman E. Mack will reply through the magazines and it is likely that both the minority leaders in congress, Clark of the house and Money of the senate, will take occasion to present the Democratic viewpoint on the matters which the president discussed.

In commenting on the speech today Senator Bristow of Kansas said:

"I would like to have all the details upon which the president bases his conclusion that the tariff is a revision downward."

Tawney declared:

"It is to be hoped, in the interest of harmony, that the president's comments on the so-called irregularity and insurgency, will be read carefully."

WASHINGTON PAPERS SPEAK APPROVAL OF TAFT'S SPEECH

Washington, Feb. 14.—The local press comments as follows upon the speech delivered by President Taft at the Lincoln day dinner of the Republican club in New York:

Times (independent)—It is clear the president feels that the country won't permit him to stand still in the matter of the Sherman anti-trust law enforcement.

Post (independent)—Perhaps Wall street and its converging channels will now come to see sound principles and honest methods immovably fixed in the policy of the administration.

Herald (independent)—The president's disclaimer that he would not willfully disturb business conditions was unnecessary.

Springfield may build a needed new school building.

RESCUE OF CREW OF FARALLON

Nineteen Survivors Brought to Seattle—Passengers Proceed to Destinations.

(United Press Leased Wire.)

Seattle, Feb. 14.—Bringing 19 survivors of the ill-fated steamer Farallon, which was wrecked near Iliamna bay, Alaska, January 5, the steamer Victoria has arrived in port from Valdez, Alaska. All the survivors brought down by the Victoria were members of the Farallon's crew, the passengers having decided to wait at Valdez and take the next westbound steamer for their original destinations. Many brought down by the Victoria show the effects of their month's camp on the stormbound coast. Several of them are still suffering severely from frost bites.

"Chief Officer Smith, the engineer, one fireman and two sailors remained by the Farallon wreck," said Captain O'Brien today. "We were ashore just 30 days and suffered some from cold, several of the crowd having their ears and hands frostbitten while procuring wood for fire. This was our greatest inconvenience, having to pack our fuel some distance. We had plenty to eat and could have held on indefinitely.

"The Farallon went on the reef in a blinding snowstorm during which we were unable to judge the distance from shore. The wind had been blowing fiercely until we entered the bay, which protected us some from its force. The vessel was proceeding slowly when she struck.

"We had no great difficulty getting ashore. The Farallon soon fell over on her starboard end and remained in that position for several days. Meanwhile she began to take on a great coat of ice and this in time appeared to right and straighten her up. When I last saw her she presented the appearance of being imbedded in a great iceberg, with her nose sticking out. The vessel will prove a total loss."

J. R. FURLONG, VETERAN ACTOR, DIES SUDDENLY

(United Press Leased Wire.)

Oakland, Cal., Feb. 14.—Veteran of a stage career extending over a quarter of a century, John R. Furlong, 54 years old, is dead in this city. Furlong was a member of "The Virginian" company. Shortly after he had gone to his room in his hotel last night he felt coming on him his recurrent heart trouble to which he was subject.

Furlong had a presentiment that he would succumb to the attack, and hurriedly walked to the hotel lobby, where John R. Smiley and Charles R. Gilbert, other members of the company, sat.

"I'm dying, boys," he said. "I can't breathe well now, and I wanted to be with you when the end came."

Gilbert rushed to call a doctor, but Furlong was dead before he returned.

Furlong was known in New York, where his children live.

IDAHO LAND FRAUD TRIALS TOMORROW

(United Press Leased Wire.)

Boise, Idaho, Feb. 14.—The trial of William F. Kettenbach, George H. Kester, William Dwyer and Harvey J. Steffy of Lewiston, on charges of conspiracy to defraud the government out of timber lands along the Clearwater river, will begin in United States district court here tomorrow, having been brought here on a change of venue from the northern district of Idaho. Judge Dietrich has overruled the motion of Kettenbach for a separate trial and sustained the motion of the government for a consolidation of the cases against the defendants. Kettenbach and Kester were until recently officers of the Lewiston National bank.

They are also under indictment for alleged embezzlement of funds of that institution. Kester, Kettenbach and Dwyer were tried and convicted on a conspiracy charge at Moscow three years ago but the United States circuit court of appeals granted a new trial.

SCHUMANN-HEINK TO SING GERMAN LIEDER

The beautiful German lieder, which Schumann-Heink sings with such impassioned feeling, will be given a prominent place on her Portland program when she appears here under the direction of Lois Steers-Wynn Coman on Wednesday, February 23, at the Armory.

These lieder have taken New York by storm. When she sang them at one of her appearances there last winter, the Carnegie hall box office was entirely sold out, and closed by the Thursday noon before the Saturday in which her concert was to take place. That same Saturday was a red-letter day in New York music, since four great operatic stars were making offerings to the public, among them the idolized Caruso in "Il Trovatore." Yet Schumann-Heink led them all.

The sale of seats for Schumann-Heink's Portland concert will open at Sherman-Clay's Saturday, February 19.

Paducah Ordered to Nicaragua.

(United Press Leased Wire.)

New Orleans, La., Feb. 14.—The commander of the United States gunboat Paducah received orders today to sail for Nicaragua. It is supposed the ship is being sent to protect American interests at the Nicaraguan ports.

COURT TAKES UP RATE CASE

Proceedings Instituted by Portland Chamber of Commerce—Attorneys Argue.

Federal Judge Charles E. Wolverton, after dismissing the Hermann jury this morning, immediately took up consideration of the distributive rate case instituted by the Portland chamber of commerce in July, 1907, before the Interstate Commerce Commission. The case was carried to the federal court by the O. R. & N., and the argument today is on a demurrer filed by counsel for the chamber of commerce to the bill of complaint.

In its original complaint, the chamber of commerce attacked the O. R. & N.'s distributive rates in effect from Portland to points east of The Dalles, Or. It was contended that the rates were, in many cases, nearly double what they should reasonably be.

W. W. Cotton, counsel for the railroad company, consumed the morning session with his argument, bringing up the question of whether parcel goods which were shipped to Portland from outside ponits, came under interstate or state commerce acts.

Further arguments will consume the afternoon session of the court.

Fees Cut in Two—County Judge Webster this morning allowed $1000 additional fees to Northrup & Northrup, as attorneys for T. J. Armstrong, executor of the estate of W. C. Noon. They had presented a claim for $2000 in addition to $1500 heretofore allowed, and this was resisted by the attorneys for the heirs. The sum allowed by the court is thus a half way figure. The court also adopted a middle course in the allowance of executor's fees to Armstrong, his claims being allowed in part and disallowed in part. The decision of these questions practically clears the legal situation of the Noon estate. The formal closing will come later, but as the property is now in the hands of the heirs, no further legal difficulties are anticipated.

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