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The weather—Fair tonight; Friday probably fair, cooler.

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VOL. IX. NO. 40. PORTLAND, OREGON, THURSDAY EVENING, APRIL 21, 1910.—TWENTY-TWO PAGES. PRICE TWO CENTS. ON TRAINS AND NEWS STANDS FIVE CENTS

CONVICTS OF FEDERAL PRISON AT LEAVENWORTH MAKE DASH FOR LIBERTY

NOTORIOUS TRAIN ROBBER GRIGWARE ONE OF GANG

Yard Locomotive Used as a Battering Ram to Knock Down Prison Gates--Two Recaptured.

(United Press Leased Wire.)

Leavenworth, Kan., April 21.—Five of the most dangerous convicts in the federal prison here overpowered the crew of a switch engine in the prison yards, forced the engineer to run the locomotive out into the country and escaped.

Two men, unarmed, were quickly recaptured. The others were armed, and told the engineer they would not be taken alive.

Forty guards of the prison and a company of soldiers boarded a special train and started in pursuit of the fugitives.

The escaped convicts were later reported to be in hiding in a wine cellar nine miles from the prison. The convicts are Arthur Huitt, Frank Grigware and Thomas Keating, all sentenced to the prison for life. Huitt and Keating were ringleaders in the prison break of 1901, when 26 prisoners escaped and three were killed by guards.

Following that escape Huitt and Keating were convicted of murder and sentenced to life imprisonment. Grigware was one of the Union Pacific train robbers recently sentenced from Omaha. He was captured in Idaho after the robbery.

It is believed that the fugitives got their arms from ex-convicts. The escape from the prison yard was one of the most spectacular ever recorded here. The convicts compelled the engineer to use the locomotive as a battering ram in breaking down the prison gates. At first the engineer refused, but when three of the prisoners drew revolvers and threatened to shoot him, he consented. After smashing the gates, the engine ran a distance of four miles, where it was stopped by a broken bridge.

The two men who were unarmed and recaptured were Bob Clark and John Gideon.

SORENSON READY TO RECITE FACTS

One Night in Jail Alters Man's Opinion of Census Enumerator's Queries.

"I am a free American citizen, and I don't understand why I must tell a man I do not know all about myself."

Nels P. Sorenson, a carpenter of 215 Eleventh street, who, however, is not an American citizen, having been refused second papers several months ago, made this statement this morning to United States Commissioner Cannon, before whom he was arraigned on a charge of refusing to answer questions put to him by an authorized census enumerator.

Then Sorenson told the commissioner he desired a preliminary hearing, so he was allowed to go in $250 bail, to appear tomorrow morning at 10 o'clock to hear what evidence the government has amassed against him. Assistant United States District Attorney Walter Evans will conduct the governments' case.

An example probably will be made of Sorenson to impress upon the minds of the residents of the state the fact that the enumerators are not to be trifled with. When Enumerator Phil Harrison called at Sorenson's address yesterday the man refused to answer any of the questions, and the enumerator reported he was insolent and insulting.

Sorenson said today he did not know Harrison was an enumerator and that he did not show his enumerator's badge. But Harrison makes a statement to the contrary. Sorenson was arrested last night by Deputy United States Marshal Clyde Nicholsen, and stayed in the county jail all night. He was ready to answer questions when he was taken before the commissioner today.

CITY DECLINES TO APPROVE CONTRACT FOR INCINERATOR

Superintendent Napier Objects to Wording of Document; Present Form Would Give Chance to Delay the Work.

With the awarding of the contract for the construction of the new city crematory to the Public Works Engineering company, it was generally thought that the final obstacle to the building of the badly needed incinerator had been overcome, but the fact that the "crematory isn't built yet" was called to the attention of Mayor Simon yesterday afternoon by Superintendent H. N. Napier, of the present garbage burning plant.

Mr. Napier was designated by the health board to look after the interests of the city in drawing up a contract with the engineering company. The contract presented to him by Engineer Fred P. Smith of the company has not met with the approval of the superintendent and he has refused his indorsement. Mayor Simon heard Mr. Napier's reasons for refusing his sanction and assured the superintendent that the health board would back him up.

The particular objection to the contract presented lies in the fact that it permits the contractors, "at the direction of the engineer in charge," to make alterations, etc., subject to the approval of the city engineer. Superintendent Napier wants the words "engineer in charge," eliminated. In another section of the contract the term is defined to mean Fred P. Smith, of the Public Works Engineering company.

It is said that Smith so worded the contract that the Public Works company, to which the award for the construction of the crematory was made, could not complete the contract without his consent. In case he should have a disagreement with the company, as he did with the Lewis & Kitchen company, which secured the crematory contract once before but afterwards withdrew its bid on account of trouble with Smith, he would be able to dictate to the contractors and in case his terms were not met with might delay the construction of the plant.

Smith is one of the members of the contracting company and it is thought that he manipulated the contract so that he would be able to protect his patent rights in the plant which is to be built for the city.

SWINDLER OPERATES WITH IMMUNITY; POLICE ASLEEP

San Francisco, April 21.—It has been established beyond a doubt that a gang of swindlers operating along lines similar to those used by the notorious Moyhar gang are working in San Francisco, Los Angeles, Portland and Seattle.

Within the past two weeks strangers have reported to the police that they have been swindled of sums ranging from $100 to $10,000 on fake wiretapping and fixed horse races.

The latest intended victim was Leonard Abel of Lander, Wyo., who yesterday put up $30 in cash and a certified check for $1750 on a race on which the steerer assured Abel that the steerer's friends had advance information on the outcome.

Owing to police interference Abel saved his check of $1700, though he is out the cash he put up.

Part of this gang originated in Seattle and later made headquarters in Portland, Or. They were driven from the latter city but still have agents there.

One of the gang is Watson or "Jimmy" Hill, and he is in this city and has been frequently seen on the streets. There is a warrant out for his arrest held by Portland police. The police here could arrest him if they wanted to.

SPEAKER OF HOUSE MAY BE STRIPPED OF ALL HIS POWER

Representative Fowler Introduces Resolution as Final Step in Absolute Freedom of House.

COMMITTEES FROM BOTH MAJORITY AND MINORITY

Would Establish Just Representation From Population and Other Standpoints.

(United Press Leased Wire.)

Washington, April 21.—Introducing a resolution which, if adopted, will strip the speaker of all power except that of a mere presiding officer, Representative Charles N. Fowler of New Jersey today acknowledged Cannon's challenge to follow up the rules victory.

"It is the final step to insure the absolute freedom of the house," Fowler declared.

The resolution creates two committees of the members of the house, one from the minority and one from the majority, empowered to select all members of the standing committees. The resolution directs the census bureau to draw six parallel lines running north and south and dividing the country as far as practicable into seven sections, with populations approximately equal.

The house members within each section will select one of their number as a member of the committee on committees.

Just Representation.

Seven Democratic congressmen will thus select the Democratic members of the standing committees and seven Republicans will select the Republican members of these committees. The two sections of the committee on committees, the resolution provides, are to act separately.

"The dissolution of the speaker's power, an arrogantly abused," said Fowler, "is absolutely essential to the restoration of free, representative government.

One Job for Speaker.

"We have already eliminated the speaker in the rules committee. It is now time that we should strip the speaker's office of the power to appoint committees and should limit his functions to the single duty of presiding over deliberations here.

"The resolution will establish the principle of just representation from the standpoints of population, geography and the peculiar business interests of each section. It will secure for the majority and the minority separate

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FORTY MINERS ARE ENTOMBED IN PIT; FEARED ALL DEAD

Rescuers Work All Night to Reach Prisoners—Gases Fill Mine and It Is Thought No One Can Be Alive.

Birmingham, Ala., April 21.—The Tennessee Mining company's hospital car today took a number of gas helmets to Mulga, where preparations are being made to send men into the mine, in which 15 white men and 25 negroes were entombed by an explosion late yesterday.

The mine is badly wrecked and the work of rescue is proving difficult. It is believed none of those imprisoned survived.

The rescuers who worked frantically all night attempting to remove the twisted iron cages which block the shaft, declare that the gases permeate every crevice of the mine and it is hardly possible for a human being to exist in the death pit.

Soon after the explosion large forces of men were put to work in an effort to reach the men imprisoned in the shaft. Various means were employed without success.

Several parties of rescuers attempted to enter the mine today but each time were driven out by the gas fumes before a trace of the entombed miners could be found. As a result of the futile attempts, the rescuers have decided that the only thing possible to be done will be to set machinery to work so as to clear the shaft of gas, after which it will be possible to enter and remove the bodies from the death pit.

ALBERTA DISTRICT ASKS FOR NEW FIRE STATION

A petition from several hundred taxpayers of the Alberta district, asking for a new fire station, was filed with the city auditor this morning. The petition recites the fact that the Alberta section, consisting of a territory one and a half miles square, is without fire protection, except for a single alarm box. It further states that 10,000 people live in the district and that there are 40 business houses located within its confines.

Mark Twain Rests Easier, But Grows Steadily Weaker

Mark Twain on his return to New York from Bermuda on April 14. The picture shows how weak he was after the ocean trip.

(United Press Leased Wire.)

Redding, Conn., April 21.—A physician's bulletin issued at 8 o'clock today announces that Mark Twain is weaker than he was at midnight. The bulletin states that probably he will become weaker during the day. The patient was resting comfortably this morning.

Twain's only daughter, her husband, the doctors and nurses are the only ones allowed to enter the sick room.

Albert Bigelow Payne, the author's literary assistant, for years, has been refused permission to see him.

There are conflicting tales regarding the humorist and his lifelong friend—the cigar.

The oxygen treatment has been abandoned for milder forms of heart stimulation.

THINGS TO EAT WILL COST LESS AFTER THIS DATE

Flour at Wholesale Down 20 to 60 Cents and Retailer Will Follow—Will Also Be Cheaper to Keep a Horse.

You needn't ask for that raise in salary in order to make both ends meet, for present indications are that the price of foodstuffs is coming to meet the wage check.

There was a drop of from 20 to 40c a barrel or from 5c to 10c a sack in the price of flour at wholesale today. This same cut will be made in the retail list.

Even horses are going to have cheaper feed, for today there was a cut of $1.50 a ton in bran and shorts.

Man and beast are both helped by today's reduction in market prices.

(United Press Leased Wire.)

Seattle, April 21.—An investigation today of local food prices, following the receipt of New York dispatches announcing a drop in the cost of living, showed a surprising falling off in prices on food stuffs. Flour has dropped 60 cents on the barrel at wholesale and from 10 to 15 cents on the sack. There was a 40-cent drop three weeks ago, and dealers announced a 20-cent cut today. Rice has dropped a quarter of a cent on the pound, barley has slumped 6 cents on the bushel, oats show a 50 per cent decrease and wheat a 50 per cent decrease. Lard is off a cent a pound and meat shows an average reduction of a cent a pound.

Los Angeles, April 21.—The reported reduction of wholesale and retail prices of produce, meat and canned goods will not affect Los Angeles and Southern California, according to local wholesalers and packers. A local wholesale grocer and produce dealer declared today that no reductions in wholesale or jobbing prices had been noted here. Consequently prices to retailers, and consumers are unchanged.

EX-CONVICT BACK FOR REVENGE, GETS WORST OF BATTLE

San Quentin Official Beats Senseless a Prowling Thug Who Attacks Woman in House—Befriended Intruder.

(United Press Leased Wire.)

San Quentin, Cal., April 21.—Aroused by the screams of his sister-in-law, Miss Kate Moolmann, who was fighting for her life with Roy Fitch, an ex-convict who had broken into the house early today, H. C. Halverson, general superintendent of construction at San Quentin penitentiary, rushed to her aid and after a desperate fight succeeded in making the thug a prisoner.

Before he could subdue Fitch, Halverson was compelled to beat him into unconsciousness with his bare fists. Fitch was taken to the county jail at San Rafael this forenoon.

Halverson's house is within a stone's throw of the prison walls, and is within the gates of the penitentiary grounds.

Fitch was released from San Quentin in February, after serving a three years' sentence for grand larceny committed at San Diego.

Just previous to his release Fitch was detailed as a cook in Halverson's house. He was trusted, and when given his freedom Halverson gave him a quantity of clothing and some money to start life anew.

Halverson said he believed Fitch had returned to San Quentin for the purpose of "getting him" for some fancied wrong. Fitch says he broke into the house for the purpose of getting something to eat.

Miss Moolmann arrived recently to visit with Mrs. Halverson. She was sleeping in the front room. Shortly before daylight she was awakened by the feeling that someone was in the room. The next moment the intruder pounced out of the darkness and seized her by the throat. She managed to break his grip and screamed for help.

Halverson, who was in the next room, ran into the apartments and saw Fitch. The ex-convict pointed a jimmy at him and told Halverson he would shoot him if he approached. Notwithstanding that he believed the man held a gun, Halverson closed in and the two fought savagely. Halverson had beaten Fitch terribly before the prison guards arrived.

WILL STRENGTHEN MURDER CHARGE AGAINST PEPOON

Attorney General of Washington Will Give Prosecutor Kirkpatrick Assistance in Trial of Man Accused.

DECISION RESULT OF EFFORTS MRS. WOLCOTT

Assistant Prosecutor of Spokane Instructed to Give His Service to the Case.

(Special Dispatch to The Journal.)

Olympia, Wash., April 21.—The legal department of the state of Washington will assist Prosecuting Attorney H. G. Kirkpatrick of Stevens county, in the trial of George L. Pepoon, who is now in jail at Colville, Wash., charged with the murder of his first wife, Edith.

Decision to aid the prosecutor of the northern county was reached by Attorney General W. P. Bell upon his return to Olympia Tuesday. He found an urgent request awaiting him from Mr. Kirkpatrick that help be given in the prosecution. The trial is set for May 9, and Mr. Bell has directed Assistant Attorney General Lee of Spokane, Wash., to give his service in the case.

Conviction of Pepoon, if he is proved guilty, would be another illustration of the potentiality of mother love, this time directed toward avenging the murder of a beloved daughter.

Mother Collected Evidence.

The mother is Mrs. D. W. Wolcott of 111 East Forty-seventh street, Portland, Or., and she has been assisted in bringing the accused murderer to trial by her daughter, Mrs. Earl Pugh, of Forty-sixth and East Belmont streets, Portland. When Mrs. Wolcott and her daughter, Mrs. Pugh, went to Northport, Wash., near where Mrs. Edith Pepoon was murdered, to attend the funeral of

(Continued on Page Fourteen.)

MUKILTEANS SAY JAPS MUST GO

Demonstration Against Mill Hands Follows Anti-Asiatic Mass Meeting.

(United Press Leased Wire.)

Everett, Wash., April 21.—Residents of the little town of Mukilteo will appeal to the main offices of the Crown Lumber company in San Francisco for the discharge of all Japanese labor employed in the company mill at Mukilteo. The appeal follows a noisy anti-Japanese demonstration here last evening. Beating drums and singing patriotic songs, 100 men and women paraded the streets and marched to the mill to protest to Manager Scott. They found he had gone to Everett and waited at the station for his return. He did not put in an appearance and the crowd dispersed.

The outburst was a result of a mass meeting held Tuesday evening, at which speakers of the Japanese Exclusion league aroused sentiment against the orientals to a high pitch.

HORACE M'KINLEY AND OTHERS PAID TO GET ENTRYMEN

Dan Tarpley Forced to Confess at Land Fraud Trial That He, Puter and McKinley Did Soliciting for A. Kribs.

COULD NOT RECALL PRICE TO BE PAID

Took 18 Men to Roseburg to File on Claims Designated by McKinley and Puter.

After grilling Dan W. Tarpley with a fire of questions, United States District Attorney John McCourt today, in the hearing of the charges of illegally obtaining government land against C. A. Smith, millionaire lumberman of Minneapolis, and a score of others, succeeded in bringing out the startling fact that Horace McKinley, S. A. D. Puter and Tarpley were financed in soliciting entrymen by Frederick A. Kribs.

Tarpley made the admission after Mr. McCourt had battered down his testimony with a series of cyclonic questions. Finally, the witness, after denying he had knowledge of negotiations for the sale of the claims taken by the entrymen whom he got, said he understood Kribs financed McKinley and

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SECOND RULING AGAINST HYDE

Demand of Defense for Production of Toxicologists' Letters Denied.

(United Press Leased Wire.)

Kansas City, Mo., April 21.—Judge Latshaw again ruled in favor of the prosecution today when he decided that attorneys for Dr. B. C. Hyde were not entitled to have produced in court certain letters written by Chicago toxicologists to Attorney Paxton, administrator of the estate of Colonel Thomas H. Swope, for whose alleged murder Dr. Hyde is on trial.

Attorney Walsh had demanded that Attorney Paxton produce letters from Drs. Haines and Hektoen in which they are alleged to have expressed the opinion that no poison was in the ejecta of Margaret Swope or in the capsule tops found by Tom Swope.

Pearl Kellar, Colonel Swope's nurse, was again on the witness stand and testified concerning the death of Colonel Moss Hunton, one time named as executor by Colonel Swope.

She continued her description of the bleeding operation performed on Hunton by Dr. Hyde said Dr. Twyman, the Swope family physician, had warned Hyde that he was drawing too much blood and that he knew of a man who had bled to death from similar treatment.

Prosecutor Conkling announced today that he had set detectives at work to discover how a record of the grand jury proceedings came to be in the hands of the defense.

COMMERCIAL BODIES AND TAXPAYERS' LEAGUE JOIN FORCES ON DOCK MATTER

The commercial bodies and the Taxpayers' league will join forces to induce the city council to take action upon the ordinance which authorizes the sale of $500,000 public dock bonds. It is believed that the ordinance, buried in committee since last November, should be resurrected, and the general opinion is that the council will pass the ordinance when given the opportunity.

Mayor Simon said this morning that he will not oppose public docks, provided a sufficient amount is appropriated to acquire a site upon which to build immediately.

"I do not wish anything I have said to be construed as opposition to public docks, or as denial of their necessity," said the mayor. "But it is not my policy to buy property and let it lie idle. If we are to have public docks, let us have first class docks, that will serve the purpose for which they are intended. We cannot do more than buy a limited site for $500,000, and I shall not approve any plan that does not include the immediate construction of docks."

"Mayor Simon, I still contend, is in the wrong about this public dock business," said William MacMaster, president of the chamber of commerce. "If the mayor is willing to obey the voice of the people in large figures, he should obey the same voice speaking in lesser amounts. The council should act upon and approve the ordinance. The mayor, to get in line with the business interests, should sell in the sale of the bonds and the securing of the sites. It is unreasonable to suppose that the matter of public docks is so unimportant that the site having been secured, we will be content to rest without further action. This is a big and important matter thoroughly favored by the business interests of the city."

Early Action Imperative.

"This is a matter of self preservation that Portland should acquire public docks now," said R. L. Glisan of the Taxpayers' league. "If we had one good dock it would be a starter. It would illustrate and emphasize the necessity for more complete equipment while demonstrating the advantages of the initial investment."

"The matter of public docks is past debate," declared J. N. Teal, who has been leading the fight to secure for Portland municipally owned docks. "The council should act upon the ordinance. The council will approve the ordinance I am sure."

"The council and the mayor should do something to show their sincere desire to obey the voice of the voters," said Frederick W. Mulkey, chairman of the committee from the Taxpayers' league which yesterday demanded of Mayor Simon and the council that delay in securing public docks should no longer be tolerated. "There is no sense in passing the initial effort. Our forefathers are constantly passing away, and we, to act quick, ought to release now. We will be dead and gone, so why not have one?"