

# "WE BREAK LAW—CAN'T HELP IT," SAYS R. R. CO.

## Trains Supposed to Go at Six Miles Past Sandy Road at 55 Miles an Hour; Suburbanites Complain.

Openly admitting that passenger trains are run past the Sandy road crossing at the rate of 55 miles an hour and at the same time acknowledging that they are aware there is a law limiting the speed of such trains at this point to six miles an hour, officials of the O. W. R. & N. yesterday afternoon declared emphatically that the company could not comply with the slow speed ordinance.

"Why don't you pass some sensible law?" asked W. W. Cotton, attorney for the railway corporation, addressing Chairman Annand of the committee.

"What would you call a sensible ordinance?" asked the councilman.

General Superintendent M. J. Buckley of the company answered Mr. Annand's query by saying he thought a speed limit of 15 or 20 miles an hour would be a reasonable one.

"What would be the use of raising the limit?" demanded a property owner, who was listening to the speakers. "If the company violates the law now what assurance have we that it would not violate any other law the council might pass?"

Councilman Rushlight grew indignant at the unblushing statements of the railway officials that they could not obey the law. He moved that the committee recommend to the council an ordinance compelling westbound trains to come to a complete stop at the Sandy road crossing until such a time as the company should agree to build a viaduct over its track or to provide some other protection for human life, in response to the demand of citizens of the city who are obliged to cross this track every day.

Councilman Kubl seconded the motion and the committee voted unanimously in favor of it.

### Residents Raise the Point.

Property owners of Rose City Park, Laurelhurst and other districts in the vicinity of the crossing have petitioned the council to order the railway to care for their safety. One man has been killed already by the trains and only the other day 150 passengers on a Rose City street car missed death by a few feet when a railway train whirled suddenly into view and dashed past almost before the motorcar could see it.

Some of the residents want the railway company to build a viaduct, which would have to be 1000 feet long to be constructed at the proper grade. Others object to a viaduct because it would damage abutting property. Still others say the company should lower its tracks. In order to do this the railway grade would have to be changed for a mile on each side of the crossing.

"But we want the company to do something right away," said one man, "and we don't want to pay for it. Let the cost be \$5,000,000,000, we would still be in favor of the company spending that sum if it saved only one life."

This statement was drawn out when the railway officials made the affirmation that the charter does not authorize the council to order the company to change its grade, once a grade has been established.

If the council follows the recommendation of the committee and passes the ordinance the railway company will, it is predicted, lose no time in suggesting some life-saving device for the dangerous crossing. The committee, by adopting Councilman Rushlight's motion, puts the corporation on the defensive.

### CONDEMNATION OF POSTOFFICE SITE IS AT ONCE ORDERED

(Continued from Page One.)

The owners of the property do not delay the proceedings in court, the suit should come to trial within a month. This would necessitate the calling of a special jury panel to hear the case, as there will be no regular jury until spring.

Owners of the site have announced they would welcome condemnation proceedings, so it is not expected that technical objections will be made to delay the trial. They originally fixed the price at \$350,000, coming down to \$125,000 at the request of J. W. Roberts, the special representative of the treasury department, who inspected the various sites offered here. It is presumed Mr. Roberts will be a witness in the condemnation suit for the government in its attempt to show that \$325,000 is a high price to ask for the site desired.

### ANTI-TRUST LAW IS INTRODUCED

(Continued from Page One.)

ject the "stiffing of competition, either by raising or lowering prices or discrimination in sales, and it imposes a prison sentence, as well as fines, for violation of its provisions.

Joseph is also author of a bill making an appropriation of \$5000 for the Oregon apple show. This sum is to cover two years' time, providing premiums for exhibits. Supervision is to be placed in the hands of a commission of three to be named by the governor, selection to be made from a list of seven names submitted by the State Horticultural society.

Strengthening of the Oregon bird law is proposed in a bill introduced by Nottingham. It makes the possession of protected birds prima facie evidence of guilt. As the law stands convictions are difficult unless a person is caught killing or selling the birds.

Indorsement of the Klamath reclamation project and urging Oregon senators and congressmen to work for an allotment for completion of all approved units of the projects was introduced by Merryman.

# BRIDGE NEEDS NO DRAWS

## Tri-County Push Club Tells Why It Would Be the Cheapest.

Salem, Or., Jan. 20, 1911.—To the Editor of The Journal—Through your valuable paper we would like to explain to the public in general and to the senators and representatives of the Oregon state legislature, the meaning of the bill presented on January 19 by Senator Carson for the construction of a bridge across the Willamette river at Butteville.

"We do not wish the Oregon state legislature or the general public to confuse this project with another bridge project. The Tri-County Push club was organized a year ago for the express purpose of advocating this bridge and never have we let up on this project during all these days, for we were certain that a bridge could be constructed for less money at Butteville than at almost any other place along the river, for there are suitable banks to construct the bridge without the use of any draws, consequently there would be no expense in maintaining the bridge after once built.

Then, too, the expense of constructing the bridge would be borne by three counties, Yamhill, Marion and Clackamas, which are equally benefited. The west end of the bridge would rest in Clackamas and Yamhill counties, while the east end of the bridge would rest in Marion county. Now the cost of this bridge to these three counties would be so light that no one would feel the burden, as the assessed valuation of the three counties is \$84,000,000 and the estimated cost of the bridge is \$20,000, involving about a one mill tax on the assessable property of the three counties, one-half mill to be paid in 1912 and the other half to be paid in 1913.

Now, as to the other project, we will state that there is a law on the statute book where two counties can unite in building a bridge, but there is no law where three counties can join in the construction of a bridge, therefore we cannot have the only bridge project before the legislature at this time. While we are not opposing construction of a bridge at any point along the river at this time, we are working for the passage of this bill that we have introduced through Senator Carson for a bridge at Butteville, and we feel at this time that in the event our efforts fall through the cupidty of a few who are seeking to further their own interests we would not feel kindly disposed to their project.

TRI-COUNTY PUSH CLUB.

### CONSPIRACY WILL BE DEFENSE PLEA FOR MRS. SCHENK

(Continued from Page One.)

ing been called by the defense it would not be possible for Mrs. Schenk's lawyers to attack his credibility, he being their own witness.

Defense Relies on Conspiracy.

That the plea of conspiracy against the accused woman will be relied on in her defense, at least in part, was evident when Mrs. Jane Hedges was called. She testified that Albert Schenk had always shown animosity against his brother's wife and time and again had declared he would leave no stone unturned to "get her out of the family."

Mrs. Hedges continued, "I met Mrs. Albert Schenk came to my farm between April and June and said his brother John was going abroad and that he had bought Laura (the defendant) a \$6000 automobile. Albert said, 'I wish every time she rides in her machine that she may break her neck.'"

Cross examination of Mrs. Hedges produced nothing new, the witness simply sticking to her story of Albert Schenk's evidence of intense dislike for the defendant, but being able to throw no light on the alleged poisoning of Schenk.

Prosecutor Admits He Blundered.

District Attorney Handian today declared that the attorneys for the defense had threatened to call him to the stand. Handian declared he was willing to testify, but warned the defense he would tell all he knew and said pointedly that the defendant had made damaging admissions to him the night she was arrested.

"I blundered that night," said Handian. "I was so tired and exhausted that I delayed going into details with Mrs. Schenk and by the following morning she had consulted attorneys and would talk no more."

During the early part of today's hearing the testimony of a long line of experts was introduced to show that Schenk could have been suffering from her ailments, at least in part, these could have caused the symptoms which the prosecution ascribes to lead and arsenic poisoning.

Handian Attacks Mrs. Hedges.

Prosecutor Handian this afternoon bitterly attacked the credibility of Mrs. Hedges. He produced a note she was alleged to have written to Albert Schenk, brother of John Schenk, alleged head of a conspiracy against the packer's wife.

"No doubt you will be surprised when I take the stand against your sister-in-law," the note said.

Handian asked: "Did Albert bite?"

Witness: "What do you mean?"

Handian: "You know why you wrote that. You wanted to see if Albert wouldn't buy you off, didn't you?"

Mrs. Hedges bristled and shouted: "No, no."

### CENSUS BUREAU CREDITS PHOENIX WITH 11,134

(United Press Leased Wire.)

Washington, Jan. 21.—The census bureau today announced the population of Phoenix, Arizona, as 11,134.

Floods Abate at Medford.

Medford, Or., Jan. 21.—The Rogue river has receded to a six foot level and its tributary Bear creek, which runs through the city of Medford, is almost back to normal. All danger from floods is now passed unless the rains start again. The barometer is rising steadily and now reads 30.

# Churches Have Found Union a Success



Former Central Baptist church, at the top, and the former Second Baptist church, now united as the East Side Baptist church; also Rev. Albert Ehrhgart, their pastor.

An event of more than ordinary significance was the union of the former Second and Central Baptist churches into what is now the East Side Baptist church. For some time previous to this union both congregations had been growing more and more convinced of the wisdom of such a fraternal step.

Rev. H. S. Black, then pastor of the Second church, and Rev. Albert Ehrhgart, minister of the Central church, were both so heartily in favor of this tangible expression of fellowship that they were both prepared to subordinate their own interests to the achievement of this purpose.

Mr. Black was called to his present pastorate of the Immanuel Baptist church, Portland, where he has been doing effective work. The churches united in August, 1910, and without a dissenting vote elected Rev. Albert Ehrhgart as minister of the East Side church. This church has a flourishing graded Sunday school, of which W. K. Hall is the superintendent; a growing Young People's society, of which Charles J. Banks is president, and a well organized Women's society, of which Mrs. J. C. Werschkul is the presiding officer.

### PARK-MORRISON SITE GETS A 12 STORY BUILDING

(Continued from Page One.)

than 12 stories high, which is to be completed within 18 months.

Attorney E. A. Lundberg, who represented the Princeton Trust Company in the deal, said this morning that all arrangements had been made to finance the proposition and that work on the construction of the building would begin as soon as the plans could be drawn and the construction contract let.

The negotiations leading up to the final leasing of this property furnish one of the most interesting chapters in the real estate and building history of Portland.

About four months ago Mrs. A. L. Allen took a five year lease on the lot from M. W. Hunt and associates, who at that time owned it. At the same time Mrs. McAllen secured a 30 day option to buy the lot at \$210,000. She immediately left for Boston, where she interested Rev. Herbert S. Johnson in the option. The upshot of her trip to Boston was that the Rev. Johnson came on to Portland just before the holidays, and after looking over the situation purchased the lot through Mrs. McAllen, paying the price named in the option, \$210,000. He also bought Mrs. McAllen's five year lease, for which he paid a round sum. It was at this stage of the proceedings that the Princeton Trust company appeared, and after negotiations extending over several weeks, this company took a 50 year lease on the site and obligated itself to improve the lot with a 12 story class A building.

At the time Rev. Johnson purchased the property it was agreed that the title should be taken in the name of Amy C. Adams as trustee. This was done in order to facilitate the closing of the 50 year lease.

Washington, Jan. 21.—Charles D. Norton, "assistant president," whose official title is secretary to the president, today admitted that he would retire from that position, but not, he said, before March 4. It is reported that Gus Karger, the Washington representative of Charles P. Taft's Cincinnati newspaper, who is already a member of the White House "inner council," will succeed Norton.

A bill is pending in congress to increase the salary of the secretary to the president from \$5000 to \$10,000 annually. If this passes, it is understood, Karger will take the job.

Secretary Norton today denied that he would succeed Paul Morton as president of the Equitable Life, but declined to say anything further of his intentions after he returns to private life.

Washington, Jan. 21.—The fact that Charles D. Norton, secretary to the president, would retire from that position in the near future and return to private business in Chicago, became public in connection with the proposal to increase the salary of the position from \$5000 to \$10,000 a year. It is said that the White House staff had been reorganized on the basis of the new appropriation, he would be free to return to private business at such time as the president found convenient.

New York, Jan. 21.—Without pomp the funeral of the late head of the Equitable Life Assurance Society, Paul Morton, was held at St. Thomas Episcopal church this afternoon. Rev. Stires read the Episcopal ritual. He delivered no eulogy, performing only the formal service of the church. An immense crowd wedged itself into the building and many waited outside. Officials of the Equitable acted as pallbearers. The honorary pallbearers were: Theodore Shonts, Thomas F. Ryan, E. J. Berwind, J. F. Harris, Thomas Spratt, E. B. Thomas, P. S. Witherby, James McMahon and S. H. Zehander. Morton's fortune is estimated at \$1,200,000.

Speculation as to who will succeed Morton as president of the Equitable is heard. Among those most prominently mentioned are George Perkins, formerly with the Morgan interests; Charles D. Norton, present secretary to President Taft, and William Day, vice president of the Equitable.

### GOOD ROADS BOOSTERS

(Continued from Page One.)

Masses in Earnest.

The convention to form a state council of barbers' unions in Massachusetts, has been called to meet in Boston February 5 and 6.

# NO INVESTIGATION OF BAILEY'S OFFICE

## Legislators to Keep Hands Off Since Grand Jury Has Taken Matter Up.

(Special Dispatch to The Journal.)

Salem, Or., Jan. 21.—Investigation by a legislative committee of State Dairy and Food Commissioner Bailey's office was defeated in the state senate yesterday afternoon by the argument that nothing should be done along that line while the Multnomah grand jury is investigating.

Senator Patton of Marion voiced the only protest against this procedure. He intimated that he has little faith in any practical result from the grand jury inquiry, and sarcastically added:

"We might as well appoint this committee and give two coats of whitewash instead of one."

The resolution calling for the investigation, which had passed the house, came from the resolutions committee with a recommendation in its favor, and Chairman Kellaher moved its adoption. The roll call began without discussion, and the resolution had received 18 affirmative votes, two more than needed, when Sinnott's name was called. Sinnott, explaining his vote, said he did not believe in investigating while a grand jury is at work on the matter, and voted no. This started a stampede, and senators who had voted "aye" changed their votes, until only nine were left in favor.

In the senate there is also considerable sentiment against legislative committee investigations, on the ground that such inquiries are not thorough, and only provide an avenue for expenditure of money in hiring clerks and paying traveling expenses. Senator Albee and President Selling are among those taking this position.

Other senators expressed some indignation that investigation of Bailey was turned down, while another resolution, which will provide for junketing trips of "investigation" to such institutions as the Baby home, the Foundling asylum, the Patton home and the Rescue Home for Girls is on a fair way to passage.

The point is made that while the grand jury may "fall down" by reporting itself unable to secure enough evidence to come within the technical rules of law under an indictment, the legislature would not be limited by such rigid rules, and could bring out all the facts, showing incompetency and neglect of duty as indictable offenses.

The final vote on the Bailey resolution was as follows: Ayes—Barrett of Washington, Bowerman, Burgess, Joseph, Kellaher, Mackay, McCulloch, Miller, Patton—3.

Noes—Abrams, Albee, Bean, Calkins, Chase, Dimick, Hawley, Hoskins, Lester, Merryman, Norton, Oliver, Parish, Sinnott, Von der Hellen, Wood, President Selling—17.

Absent—C. A. Barrett, Carson, Cooke, Nottingham—4.

### TO AMEND RAILWAY COMMISSION LAWS

(Special Dispatch to The Journal.)

Medford, Or., Jan. 21.—Jackson county's legislative delegation has been requested by the Medford traffic bureau to amend a serious defect in the railroad commission law, which at present works greatly in favor of the railroads and against complainants.

The modification requested is one that will compel both parties to file their testimony at the opening hearing as is done in civil cases.

The move is the outcome of a recent case wherein the Medford bureau was complainant. It was forced to file all its evidence and then, by means of adjournments asked for by the railroads, was forced to figuratively sit back and let the railroad pick it to pieces.

# PENDLETON ALSO MAKES COMPLAINT

## Commercial Association Alleges Discrimination if Baker Is Given Rates.

(Special Dispatch to The Journal.)

Salem, Or., Jan. 21.—Pendleton is the latest community to object to the railroad commission establishing commodity rates for Baker without establishing similar rates for other points in eastern Oregon and in a complaint filed with the railroad commission this morning sets forth that the rates asked for by Baker cannot be established without rendering grave discrimination against Pendleton and other points in eastern Oregon. The complaint is filed by the Pendleton Commercial association.

La Grande had already filed an intervenor in the action brought by Baker for more favorable commodity rates between that point and Portland. The Oregon & Washington Railroad & Navigation company has answered the complaints of all the rival cities and advises that any of the cities are being discriminated against at present and objects to giving them any more or better commodity rates than each of them enjoys at present.

The Medford Traffic bureau had also filed a complaint with the railroad commission, similar to that of the Baker complaint, asking for more favorable commodity rates. The Portland chamber of commerce has filed in both actions as intervenor, alleging that if Baker and Medford receive the rates asked for an injustice will be done other points in Oregon on the line of the Southern Pacific and Oregon & Washington Railroad & Navigation company as well as to the city of Portland itself.

WOULD PAY RAILWAY FARE OF STUDENTS

(Special Dispatch to The Journal.)

Salem, Or., Jan. 21.—A bill which is intended to appease the friends of the Ashland and Weston normal schools by paying the traveling expenses of students living more than 100 miles from the Monmouth school was introduced in the senate yesterday by Nottingham of Multnomah.

Students from the Ashland and Weston territory, who will now be compelled to go to Monmouth, since the voters of the state abolished the normal schools, will be materially aided if Nottingham's bill goes through. In order to secure payment of their traveling expenses students living over 100 miles from Monmouth must graduate and teach for at least 10 months afterwards. Then their traveling expenses may be paid by authority of the board of regents of the normal school.

MONMOUTH NORMAL TO BE IN FRONT RANK

(Salem Bureau of The Journal.)

Salem, Or., Jan. 21.—President J. H. Ackerman of the Oregon State Normal school at Monmouth, announces that the board of regents is making the necessary arrangements to open the school in September. It proposes to select the strongest possible faculty, to place all buildings in the best of repair before the opening of school and to equip all departments with modern apparatus. The course of study will be materially strengthened and no effort spared to place the school in the front rank of normal schools.

To Make Hotel Guests Safe.

(United Press Leased Wire.)

Sacramento, Cal., Jan. 21.—Safety of guests at hotels through devices for escape in case of fire is provided for in a bill to be introduced Monday by Senator Campbell. The measure requires that all hotels over three stories in height shall be equipped with accessible fire escapes on every exposed side.

# MANAGEMENT OF ASYLUM CRITICISED

## Committee Charges Extravagance to Superintendent Steiner.

(Special Dispatch to The Journal.)

Salem, Or., Jan. 21.—The management of the state insane asylum and state school for feeble minded are criticized in the report made in the house and senate yesterday afternoon by the committee appointed at the last session to investigate the needs of the state institutions and the methods used.

Extravagance is charged to Superintendent Steiner of the asylum, and it is declared that funds of the school for the feeble minded have been diverted into channels for which the year intended. The request of Dr. Steiner for an appropriation of \$812,375 for the biennial period was cut to \$560,000, of which \$560,000 is recommended for maintenance. The request for \$141,750 for the completion of the new receiving ward is not favored.

The asylum farm appropriation is cut from \$85,177 to \$24,234.50.

A deficiency of \$28,000 in the funds of the school for feeble minded is reported and it is declared the farm of this institution has not been conducted in an economical manner. It is stated that there are a large number of patients in the school who should be in the asylum.

A deficiency of \$250 is shown at the blind school; \$17,783.70 at the penitentiary and \$35,000 at the asylum. The management of the school for mutes and school for blind is praised.

The per capita cost of maintaining inmates in the various institutions during the biennial period is given as follows:

Asylum	\$13.63
Feeble minded school	24.35
Blind school	28.75
Reform school	19.00
Penitentiary	14.99
Feeble minded school	24.75

Concerning the asylum, the report says: "The superintendent of the asylum, Dr. Steiner, requested from the committee on ways and means of the last session an appropriation for an automobile. This was refused by the committee. The elasticity with which appropriations have been used permitting a purchase of the same, notwithstanding the fact that the appropriation therefor was refused.


"The cost to the state in upkeep and the wisdom of this purchase can be judged by referring to the vouchers, copies of some of which are hereto attached. For the building and furnishing of two physicians' cottages there was appropriated \$7500. In the report we received there was expended for this item \$17,783.70 and some of the expensive furniture placed therein is also shown by the copies of the vouchers attached hereto. The \$100,000 appropriated for a new receiving ward has been expended on constructing what is planned to be the central, or main part, of such a building, and \$19,750 is now asked for, to complete the new wing and furnish the same. The construction is far costlier than to your committee seems prudent."

The report is signed by Senators Nottingham, Wood and Merryman and Representative J. D. Abbott. It was ordered printed and filed in both houses for future reference.

### EATON TALKS HIMSELF ALMOST OUT OF WORK

(Salem Bureau of The Journal.)

Salem, Or., Jan. 21.—Representative Eaton of Lane, with the assistance of the house, yesterday abolished the only committee of which he was chairman, leaving himself a member of but one other committee. Eaton and other members of the enrolled bills committee decided that the work could be taken care of better by the secretary of state and he introduced the resolution to abolish the committee. It was adopted by the house.



## THE KEYSTONE TO HEALTH IS HOSTETTER'S STOMACH BITTERS

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