

S. P. & S. OFFICERS TESTIFY IN BRIDGE RENTAL HEARING

Whether Hill Line Will Operate as Railroad or Merely Do Switching on Span Is Contention.

Whether a railroad is a railroad when it "switches" cars from an old terminal to a new one as the S. P. & S. desires to do over the O-W. R. & N. bridge, commonly known as the railroad or steel bridge, continued to be one of the main points in contention at today's hearing before the state railroad commission. It is sitting as an arbitration board of the petition of the Hill road to require the O-W. R. & N. to let it use the bridge on a common user basis.

Just before the noon adjournment, Charles H. Carey, chief counsel for the S. P. & S., rested his case. His witnesses this morning included W. H. Skinner, general traffic manager; J. Russell, general superintendent; G. R. Williams, in charge of the disbursement department; and L. R. Maxwell and George R. Funk, ex-chief deputy assessors and deputy assessors respectively, as experts in real estate values at the bridge approaches.

President J. H. Young, L. M. Luper, chief engineer, and C. H. George, statistician, had testified yesterday. Traffic Manager Skinner was the most important witness today.

Dispute Over Natural Use.

Mr. Skinner maintained that the business of the S. P. & S. road desires to do over the bridge would not be a "switching" business in its technical sense, but part of the through or interstate business of the railway handled by switching instead of main line crews.

The common user clause in the bridge franchise provides that "any other railway" may use the bridge on equal terms with the owning road on payment of reasonable compensation, and the O-W. R. & N. attorney, W. W. Cotton, is maintaining that in failing to petition for a passenger, mail and express service and in using the word "switching" in its petition for the bridge, the S. P. & S. is not a railway.

The other difference between the roads is in the "reasonable compensation" the S. P. & S. should pay for the bridge if it is a railroad. O-W. R. & N. officials declare it would be only fair to require the new line to pay a fixed charge of one third of the interest and depreciation charge on the bridge, regardless of the amount of service. This should be the case especially, they hold, inasmuch as the S. P. & S. in using the bridge would be saved the investment of building a bridge of its own. Maintenance and operating expenses, the O-W. R. & N. is willing to divide on a wheelage basis, or in proportion to the number of S. P. & S. cars using the bridge to the total number of cars using it.

Confronts Funk With Own Figures.

On the other hand, S. P. & S. officials ask that they be permitted to pay not only operating but maintenance expenses, but interest and depreciation on the wheelage basis. A minor point of dispute is whether both upper and lower decks, or only the lower deck should be figured in the bridge valuation.

L. R. Maxwell, former deputy assessor, testified that the value of the O-W. R. & N. west side track approaches as real estate was about \$200 a front foot and on the east side \$150. George Funk, present deputy, gave \$500 for the west side and \$500 to \$550 on the east side.

Mr. Cotton confronted Funk with his own testimony as an expert in the condemnation suit against the American Can company, in which a jury awarded \$219,000 and Mr. Funk had testified the land was worth \$219,000.

The S. P. & S. in introducing these witnesses was acting to set a valuation on the approaches. Their officials maintain that the O-W. R. & N. has overvalued the real estate in these approaches greatly.

JAPANESE COVET PHILIPPINES, REV. CLEMENS AVERS

American Teacher in Yokohama Government Schools Warns Against Change of Front Caused by Alien Law

(United Press Leased Wire.) San Francisco, May 13.—The old men of Japan think what the young men say, and the latter covet the Philippines and Hawaiian Islands.

This was the declaration here today of Rev. Milton H. Clemens, nephew of the late Samuel L. Clemens (Mark Twain), who arrived here today on the steamer Yerdia from Japan, where for three years he has been a teacher of English in the government schools at Yokohama and Kagoebashi.

California's attitude on the alien land bill, Clemens said, has caused a decided change of front in the Japanese feeling toward Americans, and this, coupled with the fact that he is not in sympathy with the educational propaganda of the orientals, caused his return to America.

"The war with Russia," said Clemens today, "has made Japan great in her own eyes. The boast of her people is that she is a nation of the first class, and the alien land movement in California is taken as an inference that she is not what she professes to be."

"Recently one of Japan's wise old men told me that sooner or later there would be a conflict of interests between the United States and Japan in the Pacific. This is also what the young men of the nation say."

"Japan has no ready money for war, but it has ready means for raising a war fund through its income tax system. She has plenty of soldiers, having the conscript system."

"I am constrained to believe that there will be no war between Japan and the United States, but if war should come, it will be disastrous to Japan, win or lose."

YOUNG WOMAN IS TAKEN INTO CUSTODY

A young woman, well dressed and said to be a milliner, was taken into custody shortly after last midnight as she came from a resort for colored people at 135 Twelfth street, north, where she claimed she had been taken without her consent. The name of the woman is withheld for the present as no charges have been placed against her.

According to her story, she attended a small party at the Multnomah hotel. When leaving there, a colored waiter assisted her into a taxicab, and got in himself. The young woman remarked at the time that she was slightly ill, and wanted a drink of wine. The colored waiter said he would take her to a place where she could get it. Arriving at the Twelfth street resort, she was taken inside, but left as soon as discovering the circumstances.

It was while leaving that a patrolman party at the Multnomah hotel. When leaving there, a colored waiter assisted her into a taxicab, and got in himself. The young woman remarked at the time that she was slightly ill, and wanted a drink of wine. The colored waiter said he would take her to a place where she could get it. Arriving at the Twelfth street resort, she was taken inside, but left as soon as discovering the circumstances.

It was first thought by the officers that the white girl had gone to the place of her own will, but her story changes this impression. Further investigation relative to the motives and conduct of the colored waiter toward the young woman are being investigated today. The case is to be heard Friday.

WHALING DEFENSE BRISONS OYSTERS

Owner of Beds Brings Suit for Injunction and Damages of \$30,000.

(Special to The Journal.) Aberdeen, Wash., May 13.—An important legal battle is being fought in the superior court at Montesano by the Grays Harbor Oyster company against the Pacific Whaling company which has a station in South bay near the entrance to the harbor.

The Grays Harbor Oyster company has its oyster beds near the whaling station. It is alleged by the oyster company that the refuse from the whaling station kills the oysters and damages the beds. The oyster company is seeking a permanent injunction against the dumping of this alleged refuse from the whaling station in the sum of \$30,000 in addition. The oyster company's first witness was A. J. Stone, from Willapa harbor, an expert. He said an oyster does not move about of its own volition but feeds on whatever food comes along. Consequently the refuse from the whaling station was the food it had to take and this food was poisonous to it.

SUBPENA GLEN MARTIN TO TELL OF WAR FLIER

Los Angeles, May 13.—Glen Martin, aviator and head of the Martin school for aviators, was subpoenaed today to appear before a federal grand jury to tell what he knows of the alleged attempts by American and Mexican agents of a Mexican revolutionary junta to ship aeroplanes to Mexico for use in battle.

Martin's factory here recently shipped an aeroplane to a small town near Tucson, Ariz., where it was seized by federal agents. Martin admitted that he sold the captured machine, but denied knowledge that it was for military use in Mexico.

LONDON PRESS IS BUSY WITH BRYAN

(United Press Leased Wire.) London, May 13.—Cynical amusement at and hearty praise for the efforts of Secretary of State Bryan in interfering in California's dispute with Japan, voiced here today by different London dailies. The Daily Mail refers to Bryan as a "highly inexperienced diplomatist."

It says Japan's proposal to refer the dispute to the Hague should be "accepted with effusive joy" by an enthusiastic international arbitration as Mr. Bryan. It concludes:

"With so many hard nuts to crack in his own particular department, it seems unnecessary for this eminent idealist to dissipate his energies in preparing for the millennium."

The Pall Mall Gazette takes a fling at the proposal that the Hague shall arbitrate between California and Japan. It says:

"If it be true that Japan wishes to carry the California land question to the Hague Tribunal we may shortly obtain a fruitful lesson in the practical limits of arbitration. If the Chinese and Japanese are to have free entry to the Pacific coast it means eventually the extirpation of white labor from that region. All the arbitration in the world will not persuade the people of the western states that it is their duty to give up their bread and butter to an alien race, and we can imagine how much likelihood there is of the government at Washington taking measures to enforce such an award against its own subjects. We should rather like to see the experiment for its usefulness in bringing dreamers back to hard facts."

Of the London papers which applaud Bryan, the Chronicle is an example. It says:

"Mr. Bryan always has been a great apostle of peace and now has a magnificent opportunity to do practical work."

EDDYVILLE, OR., HAS 300 AT COUNTY SCHOOL MEET

(Special to The Journal.) Eddyville, Or., May 13.—The first annual Lincoln county school picnic was held at Eddyville Saturday, May 10, and was well attended, in spite of a shower and occasional drizzle, there being about 300 present. A good program was rendered by the various schools of the county in the forenoon, followed at noon by an old fashioned basket dinner. The afternoon was spent in athletic sports, the ball game being the County and Toledo being won by the former. The score: County 11, Toledo 6. The picnic was a success in every way and will be made an annual event.

Johnson Defense Opens.

(United Press Leased Wire.) Chicago, May 13.—The defense of Jack Johnson, negro pugilist, on trial here for alleged violations of the Mann white slave act, began today. It was expected that Johnson would take the stand late this afternoon.

TEAL DISTRICT PLANS GREAT IRRIGATION

Umatilla County Gets 20,000 More Acres of Irrigated Lands as Result of Action Now Taken.

The plans and specifications recently filed by W. B. Hinkle, engineer in chief of the Teal Irrigation district, with State Engineer John H. Lewis, have been approved, and as a result, Umatilla county will add another 20,000 acres to its area of irrigated lands.

The district lies south of the old Umatilla meadows and across the Umatilla river from the United States government project and the Furnish ditch project.

Recommendations as to additional work deemed necessary for location of reservoir and power sites were made. The plans are complete in detail of permanent survey and location of main line, siphon, division dams and distributing system, and are sufficient for the purposes of bonding the district for construction.

Supply Is Bountiful.

The reservoir, especially essential to the maintenance of continuous power, will also insure water in plenty for the winter months.

The water supply is Camas creek and its tributaries, draining 150 square miles of the Blue mountain water shed now flowing into the John Day river.

These streams will be diverted at an elevation of 4000 feet and by a system of flume and pipe line construction brought out of the creek canyons to the level of Camas prairie, a fertile mountain valley some 12 miles in width in the western part of Umatilla county; thence by 12 miles of ditch across to the ridge dividing the water sheds of the Umatilla and the John Day rivers; thence by tunnel two miles in length through the ridge and into the canyon of the Butter creek; thence through the natural channel of Butter creek some 35 miles down to the arid lands comprised in the district.

Construction Plan Simple.

The plan of construction is simple ditch and flume building except the tunnel, which is considered the one big job. It is estimated that the tunnel work will cost from \$15 to \$20 per lineal foot. The distributing system is practically all ditch work in a deep sandy loam and presents no complications. The estimated cost exclusive of reservoirs, is \$40 per acre. The building of the reservoir will add an extra cost of \$15 per acre.

The reservoir site on Camas creek is located on what is known as the Bowman Meadows and comprises about 750 acres. The dam is located at the lowest point on the meadows where the canyon narrows to a bottom width of 200 feet, with bedrock contact on bottom and sides. The dam will be 105 feet high with a top width of 20 feet, an upper slope of three to one, and a lower slope of two to one. A reinforced concrete core runs from a bedrock contact to within two feet of the top of the dam. The core is designed to be six feet wide on the bottom and one foot wide on top.

Will Build Tunnel.

A heavily reinforced concrete tunnel six feet in diameter will be constructed the full bottom width of the dam, arranged with proper regulation gates. A reinforced concrete shaft four feet in diameter extends from the tunnel through the upper slope of the dam and to the same height. Through this shaft the gates in the tunnel will be operated. Wasteway 100 feet wide will be provided on the north side of the dam, with regulation gates so the water can be maintained at the 100 foot contour. The capacity of the reservoir will be 31,000 acre feet.

The district and its predecessor in interest, the Teal Ditch company, has maintained gauging stations on the Camas creek and its principal tributaries, Cable and Eldaway, for the past four years, making measurement records every week in the year. From these records is deduced the following run of totals in acre feet: 1909, 141,178; 1910, 141,914; 1911, 141,263; 1912, 395,772.

The maximum flow occurs in May and June, with an average for these months of about 40,000 acre feet. The minimum flow occurs in August and September, when the average runs as low as 1200 acre feet.

It is claimed that the water supply is sufficient for all practical purposes without the reservoir construction, inasmuch as the irrigation season is over for nearly all purposes before the canal would be operated at less than full capacity.

However, dropping from the end of the tunnel into a steep canyon leading down to Butler creek, there is a fall of 1200 feet in the first 1 1/2 miles and 1200 feet in the first five miles, making possible the development of an immense power sufficient to provide light and transportation facilities to the district and neighboring territory now under irrigation.

Insure Continuous Flow.

The building of the reservoir would insure a continuous flow of water during all months of the year.

The land to be irrigated was formerly held in large tracts for sheep range and small farming. A reinforced dam was formed under the irrigation district last August by the owners of the land.

In the outset it was agreed among the owners that the land must be subdivided into small tracts and sold at non-speculative prices, in order to insure the successful bonding and subsequent working of the land.

As a result, the holdings at present are in tracts of from 40 to 320 acres and over 100 individual land owners are represented in the district.

WOMAN TO FIGHT STUART ESTATE

Miss Dunham Claims Property Rights and Denies Engagement.

Declining to affirm or deny that she had been engaged to him, and declaring she had matched dollar for dollar in joint investments by which they came into possession of property of an estimated value of \$18,000, Margiana H. Dunham, a school teacher employed in one of the east side schools, today denied she had withheld property from Shepard C. Stuart, as charged in his will, filed for probate yesterday.

Stuart died last Friday, and in his will, dated the date of May 3, 1913, bequeathed one fourth of his estate, Mrs. Augusta S. Yehr, whom he named as executrix, and the remainder to his children, Edema Loue and Marshall Neil Stuart, of Davenport, Iowa, and Annie Laura Stuart Farr, whose address is not known here. The estate, mostly made up of real property, is valued at approximately \$3000.

Apparently anticipating legal action to recover the property, which Stuart in his will asserted belongs to the estate, Miss Dunham has employed John Logan, an attorney, to fight to retain it in such event. It is said she has two score letters, written in the last two months, in which Stuart acknowledges her right to property which he states in his will should be given to her.

She came into possession of the property, so it is alleged, while acting as his agent in the purchase of lands. These, she bought in her name and later by deed turned over one half of them to him, and the other half to her. His will declared all the property belonged to him, but she had refused to give it to him.

Regarding his written charge that he gave her a lot in Piedmont, with the understanding that she was to build a house in which he was to have half interest, Miss Dunham said she had nothing to say, explaining that she was acting under instructions of her attorney.

Miss Dunham and Stuart were friends for a number of years and their dealings were harmonious until a year ago. At that time they had a disagreement and a quarrel over a division of the property held jointly in their names began, which was only terminated by Stuart's sudden death from heart trouble last week.

Miss Dunham has been teaching school for eight or nine years. Stuart, who formerly was a traveling salesman, was much older than she and it is said she claimed he was her uncle.

LUCILLE AYERS IS GIVEN JAIL SENTENCE

Lucille Ayers, whose home at 319 North Twenty-eighth street, in a fashionable residence district, was raided several weeks ago, entered a plea of guilty through her attorney, John F. Logan, this morning to a charge of keeping a disorderly house, and was sentenced to three months in the county jail and to pay a fine of \$100 by Circuit Judge Morrow.

Ms. Ayers is at present in San Francisco and no effort will be made to have her brought back for the jail sentence though it will remain against her. In the raid made by the police another man and two women were arrested in the house. Her place caused a great deal of trouble, and was a source of annoyance in the neighborhood.

WELL, RAMONA BORDEN IS SAFE WITH MOTHER

(United Press Leased Wire.) Los Angeles, May 13.—A quiet summer in southern California, and after that at least two more years of school, is the program arranged today for Ramona Borden, 17-year-old daughter of Gall Borden, condensed milk millionaire, who has reached the home of her mother's parents at Alhambra after twice dropping from sight of relatives in New Jersey and New York.

In company with her mother, Miss Borden is at the home of her grandfather, L. B. Van Buren, who she and her mother are said to be in excellent health. They have made no definite plans for the summer.

highly of the project and particularly of the completeness and efficiency of survey shown by the plans and specifications submitted by the engineer-in-chief.

The plans and specifications represent about one year of constant work by Mr. Hinkle with from one to three surveying crews in the field. The cost of surveys to date is approximately \$12,000.

The building of this project will make an aggregate of 70,000 acres of contiguous irrigated land in the west end of Umatilla county, estimating 20,000 acres under irrigation in the government project, 10,000 in the Furnish project, 12,000 in the West Extension and 18,000 in the old Sturges ditch project, 7000 acres on the Butter creek bottom and some 6100 acres, comprised in the Allen, Courtney, Pioneer and Dillon ditch projects on the Umatilla meadows, making approximately a territory 20 miles long and 12 miles wide. To this will be added at an early date the West Extension of the government project of 30,000 or 40,000 acres. Also the Paradise irrigation district, comprising 40,000 acres, now working out the plan of the old Sturges ditch project of taking water from the Umatilla river above Pendleton and constructing a main canal 25 miles in length to reach a rich body of land now indifferently favored to wheat.

REGULARS DEFEND, MOOSERS DERIDE REORGANIZATION

"Pretense of Purity" and "Unwarranted Accusation" Are Among Names Hurlled at the National Capital.

(United Press Leased Wire.) Washington, May 13.—The two day conference at Chicago, at which Republican leaders outlined plans for reorganizing the party was defended by the Republicans here today and derided by house Progressives.

"The meeting at Chicago," said Representative Hinebaugh, of Illinois, a Progressive, "indicates the irreconcilable differences of the old party. The only course for Progressive Republicans is to enter this Progressive party. Eventually they will."

Representative Moore, of Pennsylvania, a regular Republican, said: "It is not time to attempt Republican reorganization. All the trouble in the party has resulted from pretenses of purity on one hand and unwarranted accusation on the other. The sifting process must come, to discover who the real Republicans are."

"Except for differences of party organization," said Senator Foldsater, "but little divides the Republicans who met at Chicago yesterday from the Progressives. Their illogical position in attempting to work with the regular Republicans is daily becoming more evident."

Goldendale to Have New P. O.

(Special to The Journal.) Goldendale, Wash., May 13.—Following an investigation by a postal inspector the government has advertised

for bids for a new postoffice at Goldendale. The building must be of brick or concrete and fitted with modern fixtures. The move will supply a long felt want at Goldendale. The present postoffice has been used since 1889, and is entirely too small to accommodate the business of the office. The new office will have double the amount of lock boxes now in use and greatly increased space for rural mail carriers. There is plenty of local capital ready to build and equip a new postoffice as soon as terms can be agreed upon with the postoffice department.

WOMEN CALLED FIRST TIME ON SHERMAN JURY

(Special to The Journal.) Moro, Or., May 13.—Circuit Court convenes next Monday with Judge D. R. Parker presiding. This term will be the first in Sherman county that has women jurors, three being summoned by the sheriff to attend court and report for duty.

AMUSEMENTS

Special Musical Program AT THE Majestic Theatre

Today and Tomorrow MADAM OTTHICK WILL SING The Cry of Rachel BY MARY TURNER SALTER. MR. ALLAN MOORE will sing Mother O'Mine POEM BY RUDYARD KIPLING; MUSIC BY TOURS.

HEILIG THEATRE All This Week. Afternoon at 3, Evening at 8:30. Famous Madam Pinner—Packed houses every performance. PAUL J. RAINY'S AFRICAN HUNT Popular prices, 50c, 25c. SCHOOL CHILDREN 50c ANY PLACE IN AFTERNOONS SECURE SEATS IN ADVANCE

BAKER THEATRE Main 2, A-5500. THE BAKER PLAYERS. Tonight—All Week—Matinee Wednesday and Saturday. Greater than ever—Packed houses every performance. The elaborate revival of "EAST LYNN".

LYRIC WEEK MAY 13 — The New Comic Opera Company in "Cinderella". Gorgeous costumes, beautiful stage setting. Tuesday night, athletic contest. Friday night, chorus girls' contest. Prices: night 15c, 25c; matinee, any seat 15c.

QUANTAGES WEEK MAY 13 EA Merrill, Carl and Lillian Mueller, Heaves and Werner, Seranada Trio, Dainty June Roberts and Co., Shaw's Comedy Circus, Pastagoscope, Orchestra. Popular prices. Matinee daily. Boxes and first row balcony reserved. See advertisement from 10 a. m. to 10 p. m. Phones A-2226, main 4976. Curcio, 2:30, 7:15, 9.

BASEBALL! RECREATION PARK Corner Vaughn and 24th Sts. VICTORIA vs. PORTLAND May 12, 13, 14, 15, 16, 17, 18. Games begin week days 3:00 p. m. Sundays, 2:30 p. m.

LADIES' DAY FRIDAY Boys under 12 free to bleachers Wednesday.

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