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PRESIDENT TAFT DEMANDS ACTION ON PART OF MAJORITY BEFORE SESSION ENDS

Washington, Dec. 21.—There is much discussion in both the White House and at the capitol over the outlook for the administration's legislative program. President Taft, in a conference with senators and representatives, has indicated his strong desire that as many as possible of the measures he recommended in his annual message be pressed through congress, without delay, in view of the coming change in the political complexion of the house. It is in accordance with this policy that the appropriation bills have been rushed through unprecedently.

No conclusions have been reached as to the order in which the program will be brought up in congress, but the regular Republicans have warned the insurgent members of their party that they must accept the onus if they put any obstructions in the way of proposed Republican legislation. Mail steamship subsidy, tariff commission plan for collecting and assimilating tariff data, Panama canal fortifications and tolls, and the bill to regulate the issuing of injunctions in equity without notice are all matters upon which President Taft especially wants action.

NO VERDICT YET IN ACTION ON STRIKE MANERUD'S CASE AGAINST CITY MAY BE TAKEN DURING DAY

Judge Harris Gives Lengthy Instructions and Submits 16 Questions

Following are the questions that must be answered by the vote of nine members of the jury in the case of Manerud & Quinn vs. the city of Eugene to the court after they have deliberated. It is from these answers that the court will base its verdict:

1. Did the Milligan right-of-way question form any consideration in the contract? (To be answered yes or no.)
2. Were the plaintiffs delayed by fault of the defndants? (Yes or no.)
3. If you answer yes to this last, how much were plaintiffs delayed? (This must be answered in the actual time.)
4. Was work rendered impossible by the heavy floods or the rains? (Answer yes or no.)
5. If so, how long?
6. If the plaintiff was delayed by fault of defendant, or the floods or rains, what would have been a reasonable time to allow for this?
7. Did the mayor tell the plaintiff that he was permitted to stop work? (Yes or no.)
8. Did any of the fire or water committee tell the plaintiff that he was permitted to stop work at any time? (Yes or no.)
9. How much material was excavated by the plaintiff up to April 18, 1910? (This answer must be in the cubic yards and classified under the three heads: Earth, cemented gravel and solid rock.)
10. How much overhaul should be allowed?
11. How much remained after April 18, 1910, to be excavated?
12. How much over-haul would be necessary in removing the remaining material?
13. How much profit would there be for the plaintiff if he had removed the amount remaining?
14. How much excess of cost of removing the remainder of material is due the city as a result of the condition in which the ditch was left?
15. Did plaintiff abandon the contract?
16. Did the plaintiff intend to leave the work uncompleted?

Instructs the Jury

With the instruction that the jury was to base its verdict upon a set of questions which he read, and from the answers which the jury returned he would retur the verdict for or against the plaintiff, Judge Harris, in the circuit court at 11:40 o'clock this morning instructed the bailiff to remove the jury for deliberation, and the last chapter of the long case of Manerud & Quinn who are sueing the city of Eugene for $46,000, was begun.

At ten o'clock John E. Jenkins, attorney for the plaintiff, completed his rebuttal and the court commenced to deliver its instructions to the jury. These were legthy and covered the whole case. He summed up the case, reading the claims and the counter claims of each side, pointed counter claims on each side, pointed by both sides, and then brought out the points upon which the jury must decide. His instructions were delivered clearly and were to the point, covering practically every issue in the whole case.

Delay is the Question

From the instructions, Manerud's case depends upon whether or not he was entitled to a delay up to April 1, 1910. If the court finds this so, the verdict is to be in his favor, and the only question remaining is how much he wil be allowed. On the other hand, if the jury finds that the contractors removed the earth only from the top, and had no intentions of completing the work, and if they had no right to stop the work, the decision will be granted in favor of the defendants, and, furthermore, if this should be the case, and it should be found that the work had been left in such a condition that it would cost more to finish, the city will receive appropriate damages for this.

In case, however, that Manerud wins, it will be shown that the city had no right to assume control of the contract, Manerud & Quinn are to be granted damages that will include all profits that would have been made by them had they finished the work, and the city's claim is nil.

Committee Responsible

The whole matter, however, rests on the question of the delay. If the mayor or any member of the fire and water committee gave the contractors permission to stop work, according to the ruling of the court, thi sshall waive the terms of the contract. But the statement of the engineer and his leaving the field was no ground for the contractors to assume the matter of the contract.

In the question as to how much should be granted and in which the matter of classification of cement gravel figures, the court ruled that if this material was generally considered to be such that it could not be removed with a railroad plaw drawn by six horses, and that this understanding was held by both the parties when the contract was made, the word of the contract meant nothing.

The amount that Manerud claims the city owes him for work actually performed is $50,887.46, but of this 26,583 has been paid. The city claims that the sum for work actually completed is only $32,000, minus the sum already paid. It is the duty of the jury to decide whic his correct, or if neither, what is the correct sum.

May Get Uncarned Profits

The closing words of Judge Harris, in instructing the jury were: "If, however, the defendant had no right to take over the contract in April, then the plaintiff must be allowed profits that they could have made had they finished the work. But, if you find that the defendant had the right to take over and construct the canal, and because of work done by the plaintiff, damages are due the city, then you must determine this amount.

"The burden of the proof rests upon the plaintiff. If you find that the evidence exactly balances, then the case must be given to the defendant. In order that the plaintiff may win, the evidence must be stronger on his side."

Complaints Upon Which Delay Is Claimed

The following were the points summed up by Judge Harris as those on which the plaintiff's claim for delay rests:

1. The delay and failure of the city to secure the right of way and borrow pits.
2. Delay caused by neglect of defendant to provide sufficient plans and engineering marks.
3. The delay caused by failure of city to have engineer upon the ground.
4. The delay caused by the engineer of the city changing lyines and height of embankment.
5. Delay because of the failure of the engineer to make monthly estimates, that the estimates were arbitrary and grossly inaccurate, and delayed the work.
6. Delay because of the fact that there was no estimate for November.

City's Answer Summed Up

The summary of the city's reply as given by Judge Harris is:

First, a denial of all charges made by plaintiff, and then a claim for a counter claim based on the following facts:

That the contractors acted in an ignorant, unskillful and unbusinesslike manner.

That they made no efforts to follow the slope stakes, and that they willfully or neglectfully and carelessly lost slope stakes.

That they constructed the canal in such a manner that the banks would be damaged by the rains.

That the plaintiff never had sufficient help or equipment.

That the plaintiff neglectfully removed top dirt, and dumped the same where it made a great expense to the city later.

That he dug unnecessary holes that had to be drained at a great expense.

That the plaintiff never at any time intended to complete the canal, and intended only to cheat the defendant and remove only top dirt, which made greater after expense.

That plaintiff abandoned work, refused to complete, and for this reason the contract was broken.

That the cost of the completion of the canal has been $97,736.58, and that this is in excess of the contract cost by $16,000, and in addition to this there must be paid a forfeit of $50 a day, amounting to $5400.

That by reason of the methods of the plaintiff the defendant had the right to take possession of the canal, and that plaintiff has no claim for damages.

In the court room during the delivery of the judge's instructions, in addition to the attorneys concerned and the officers of the city, and the contractors, were the family of the contractor, the wife and friends of one of the city attorneys, and members of the local legal profession. There were few others in the court room.

Supreme Court, With Two New Members, Presided Over by Former Confederate Officer.

HUNDREDS OF LIVES LOST IN COAL MINE

Explosion Entombs Many With Little Hope of Their Rescue

Bolton, England, Dec. 21.—An explosion, folowed by fire, causing many fatilities, occurred in the Little Fulton colliery this morning after 290 miners had gone below the surface. Following the explosion smoke and gasses filled the mine.

At two o'clock this afternoon only eight of the imperiled had escaped, and the outlook for the rescue of the others is dubious. At that hour ten bodies had been recovered.

For a time the lives of seven hundred men were in jeopardy. The adjoining mine was damaged by the shock and it was some time before its 400 occupants could be reached and brought to the surface. The explosion was terrific.

IMPROVEMENT AND ENLARGEMENT OF S.P. YARDS

Engineers Connected With the Maintenance Dept. in Eugene With Blue Prints

Several improvements in the local depot yards of the Southern Pacific company, aside from the building of the turntable and an additional sidetrack for the accommodation of the new Eugene flyer, is presumed to be the plan of the company from the fact that H. A. Brandon, connected with the maintenance department of the company, and George D. Forsythe, also said to be connected with that department, have been in Eugene during the day and have looked over the local yards thoroughly, carrying a big roll of blue print plans with them. Just what these blue prints call for is not known by any one here, but it is rumored among the company employes today that they contain plans for extensive additions to the trackage to say the least, and possibly more.

Mr. Brandon was for a number of years with the O. R. & N. company in a similar capacity and was previous to entering the employ of the railway company engineer for the big railway contracting firm of Erickson & Peterson, who are building a part of the Natron-Klamath extension, working from Klamath Falls this way. While with the O. R. & N. company Mr. Brandon had charge of the location of round houses, the building of new trackage and similar work. It is said he has similar work with the company in this part of the state.

OIL KING IS TO PROVIDE FOR RELIGIOUS WORK

Chicago, Dec. 21.—President Harry Pratt Judson, of the University of Chicago, made public today a letter from John D. Rockefeller, in which the latter made suggestions as to how his last donation of ten millions to the University should be spent. Religious instruction, with a University chapel to cost $1,500,000, is the chief object the donor provides for.

LORIMER REPORT HOLDS SENATOR BLAMELESS

Committee Finds Corruption Fund Not Used in His Interest

Washington, Dec. 21.—The report of the senate committee on privileges and election in the Lorimer case was presented to the senate today by Senator Burrows, chairman.

The conclusion reached by the committee is as follows:

"That in their opinion the title of Mr. Lorimer to a seat in the senate has not been showed to be invalid by use or employment of corrupt methods or practices."

In relation to the charges that there was a corruption fund used in the Illinois legislature, the report says there was no evidence it was used for the benefit of Lorimer.

On the floor of the senate, Beveridge stated he was not able to confer with or dissent from the findings, because of the voluminous character of the testimony. He stated he would further investigate and digest the proceedings during the holidays.

ANNUL PORTION OF CONSTITUTION

Washington, Dec. 21.—In a special message to congress President Taft today advised the adoption of a joint resolution authorizing the annulment of that portion of the constitution of the state of New Mexico attempting to change the boundary lines between New Mexico and Texas.

NEW RECEIVER OF PUBLIC MONEYS

Washington, Dec. 21.—President Taft sent to the senate today the nomination of Benjamin C. Barber to be receiver of public moneys at Lewiston, Idaho.

FAIR WEATHER FOR TOMORROW

Oregon—Fair tonight and Thursday.

Man from Lebanon sold from 1¼ acres of melons in 1909, $299; in 1907, from 1¼ acres of melons, $478. Sold in 1909, from 1 4-5 acres of strawberries $490.75; also grew 2100 bushels of potatoes on six acres, and another year $1765 worth on eight eacres.

TWO MILLION DOLLAR BLAZE SWEEPS CINCINNATI'S NEW FACTORY DISTRICT TODAY

Cincinnati, Dec. 21.—Fire in the modern factory district of the city early today caused damage estimated at two million dollars, the death of two men and the injury of six firemen. At the time the fire broke out a high wind was blowing, and when the flames were finally brought under control ten firms had been burned out and eight large buildings destroyed.

An entire block from Ninth and Sycamore streets to Broadway was swept by the flames. The firms burned out were: Krippendorf & Oneal Shoe Co.; Taylor-Poole Leather Co.; Cahill Shew Co.; Twin Lock Co.; Sycamore Stable Co.; Griess-Pfleger Leather Co.; Victor Safe & Lock Co.; warehouse of A. & J. Nurre Co.; Duncan Paper Box Co. and Wildberg box factory.

The fire is believed to have started in the engine room of Krippendorf & Oneal.

LITTLE HOPE FOR PATRICK'S PARDON

Medico-Legal Society Will Hear Report of Its Committee This Evening

New York, Dec. 21.—The New York Medico-Legal society, which has been trying to get another trial for Albert Patrick, the lawyer serving a life term for the murder of Millionaire William H. Rice, in 1900, will hear the report of their committee selected to wait upon Governor White at a dinner this evening. It is not believed, however, that the report will be very encouraging, although none of the members of the committee will discuss the matter. The committee, which is headed by Clark Bell, the well-known lawyer, wants Governor White to commute Patrick's sentence, pending a scientific inquiry. This case is one of the most famous in the country, because of the number of distinguished men who are fighting both for and against the release of Patrick, who is a lawyer of eminent ability himself.

CONGRESS ADJOURNS FOR THE HOLIDAYS

Washington, Dec. 21.—Congress has adjourned for the holiday recess until January 5th.

The senate today quickly adopted a joint resolution authorizing annulment of the portion of the New Mexico constitution attempting to change the boundary line between Texas and New Mexico. It also provides for re-marking the boundary as established by the Clark survey made in 1859-60. The house has not acted on the resolution.

MEN OF ULSTER ARE READY TO FIGHT

London, Dec. 21.—A crisis in Ulster as a result of the return of the Liberal party to power is indicated in dispatches received from Ireland today. The opponents of home rule for Ireland as part of the Liberal program for the coming parliament have subscribed $50,000 for warlike measure. Bids for 20,000 rifles have already been asked and bids for 1,000,000 rounds of ammunition were sought today.

Even the most peaceful of Ulster men admit that armed resistence will follow if parliament should grant the home rule in Ireland.

BOSTON CONCERN INDICTED FOR FRAUD

Boston, Dec. 21.—Rev. Norman K. Piess, former president of the Redeemable Investment company; Chas. H. Brooks, manager, and John F. Trapheden, agent, were indicted today by the federal grand jury for using the mails in a scheme to defraud.

It was stated in the literature of the company that it controlled, as a holding company, mining, farm and timber properties in the Northwest and British Columbia.

MARKHAM SUCCEEDS PRESIDENT HARAHAN

New York, Dec. 21.—Charles H. Markham, recently identified with the oil interests of Pittsburg, was today elected president of the Illinois Central railroad by the directors to succeed James T. Harahan. Markham was formely vice-president and general traffic manager of the Southern Pacific.

STEAMER HORNET AT NEW ORLEANS

New Orleans, Dec. 21.—The Hornet, the alleged fillibustering steamer, started down the river today, but again dropped anchor, this time near Algiers Point.

ANNUAL REPORT OF COMMISSION IS FILED

Interstate Commerce Commission Affairs Reviewed for the Past Year

Washington, Dec. 21.—In its twenty-fourth annual report, submitted to congress today, the interstate commerce commission gives particular prominence to the consideration of the Eastern and Western freight rate cases which are now pending before the commission. The cases have been assigned for argument on January 11, 1911, and succeeding days.

Immediately following the passage of the Mann-Elkins law, the commission began to exercise the most far-reaching power conferred upon it, the authority to suspend proposed advances in rates pending investigation. In the first half of 1910 numerous carriers had given notice of general advances in rates.

As a result of the conferences between the government and carriers, the dates of the proposed advances were suspended pending the enactment of the law. Thereupon two general investigations were instituted one relating to the general advances proposed by Eastern and the other to those proposed by the Western carriers.

Since the last annual report, the commission has announced decisions of 692 proceedings and 125 cases have been disposed of. Thus 817 cases were removed from the commission's docket within the year, 660 complaints were filed and eleven proceedings were instituted by the commission. In addition, 25 proceedings involving suspensions of tariff were instituted.

The number of informal complaints taken up with the commission shows a considerable decrease, 3840 having been filed in 1910 as against 4938 the previous year. Within the year, 737 hearings and investigations respecting alleged violations of the law were held in Washington and various parts of the country.

In the twelve months ended November 30, 1910, 154,588 tariff publications were filed with the commission, approximately 30,000 less than the preceeding twelve months. The number of schedules filed was considerably increased by the filing of supplements postponing the effective dates of tariffs which contained advanced rates now under investigation by the commission. In the same period, the number of special permissions granted to make the tariff effective on less than statutory notice was 3,940, substantially the same as in the preceeding twelve months.

Special reference is made to the work of the commission for the establishment of a uniform freight classification. Practically all the rules and regulations of the separate classifications have been reviewed and revised.

The wisdom and urgent need of proper legislation for the control of railway capitalization are urged upon congress.

Inquiry into railway accidents within the year ended June 30, 1910, shows that the number of passengers killed in train accidents was 227 as compared with 131 the previous year. The number of employes killed in coupling accidents increased from 161 in 1909 to 207 in 1910, or 23 per cent.

It is pointed out that, notwithstanding increase in casualties, a marked improvement is noted in the practices of railroads in guarding against violations of the safety appliance law.

The Wheat Markets

Chicago, Dec. 21.—December, 91½; May, 95 5-8; July, 92 7-8.

Portland, Or., Dec. 21.—Unchanged.

Tacoma, Dec. 21.—Unchanged.