

COST OF RAILWAY CONSTRUCTION

Expert Gillette Stood the Cross Examination by Attorneys Wonderfully Well.

POINTS MADE AGAINST HIM.

Railroads Introduced Many Witnesses—Arguments Will be Heard in Washington at Future Day.

Portland, Or., April 18.—Though it was apparent in the interstate commerce commission hearing today that the railroad's legal army expected to gain much from the cross-examination of Expert Gillette, who gave exhaustive testimony yesterday bearing on estimates and cost of construction, the latter bore up bravely under the direct fire and while a few points were credited to his losses it was the general impression that he emerged with credit. The railroad interests made out a good case against him through testimony from contractors following the cross-examination, but while on the stand he clung to his original statements. The case was finished at 12:40 and will be set for argument when the commission meets.

W. W. Cotton was the first witness sworn and he testified as to the value of certain Spokane property owned by the Oregon Railroad & Navigation company, with reference to which W. G. Merriweather was questioned yesterday. Mr. Cotton recited the condemnation proceedings which preceded the building of the line on a 13-foot strip past the Dennison-Bradley addition, which was acquired by the Washington & Idaho, since joined with the Oregon Railroad & Navigation company. The damages were first assessed at \$155,000, and on the case being tried by a jury they were lowered to \$88,000, later being reduced to slightly over \$35,000. The witness said he hired lawyers to talk on street corners in favor of the entrance of the road into Spokane, while Mr. Hill changed his survey to the north and got three routes. In examining jurors he got lawyers on the other side questioning them as to whether they believed in giving rights of way to railroads.

Mr. Gillette, in taking the stand, allowed the Spokane property to be put for bank widening, placing the total cost of reproduction at \$27,000,000. In reply to a question from Mr. Gilman as to the extent of his railroad experience, the witness said he spent two years as a railroad engineer and contractor, one year as a builder in the capacity of assistant engineer on the Fairhaven & Southern, Washington. He acted as an expert in New York state in securing the cost of construction of the Delaware, Lackawanna & Western and on the Pennsylvania line.

Mr. Donnelly, for the Northern Pacific, said the witness had left \$537,000 out of his estimates, which represented the cost of snow fences which was admitted, also that \$7,000,000 representing the value of lines in Manitoba, were not included in the total, while the commission allowed Mr. Donnelly to add to the aggregate.

A. W. Berley, a locomotive engineer and expert, was sworn, to testify to the fact that three locomotives were required to haul the train of one engine on the Northern Pacific from Gaston to the summit, and two engines for one train east on the opposite side. He said he did not know about the Great Northern, but on the Northern Pacific an ordinary freight engine would haul 1,500 tons from Spokane to Pasco, and on the east side of the mountain pull 1,500 tons with one engine, and one engine would haul the train to Tacoma, and two engines would take 1,100 tons from the foot of the mountain on that side.

Mr. Adams was permitted to offer circulars, issued by the Northern Pacific and Great Northern on the last year, together with stock brokers' quotations at about the same time, Dec. 12, 1906, the day before the loans were announced, quoting the Northern Pacific at 21 1/2 to 21 3/4, and Great Northern at 23 to 23 1/4. A statement of the issue of stock of the Pennsylvania lines was not allowed to be admitted.

After listening to other witnesses as to the cost of construction work, the hearing of the rate case ended and Commissioner Pruett announced that arguments would be heard in Washington at a date to be announced later by the commission.

The attention was devoted to an adjourned hearing of the case of the Howard Milling company of Wichita, Kan., against the Atchison, Topeka & Santa Fe, the Chicago & Burlington, Quincy, the Chicago, Rock Island & Pacific, the Denver & Rio Grande, the Southern Pacific and Union Pacific railroads.

The complainants contend that there should be no differential on the freight rates on wheat and flour between Kansas and California points. J. P. Howard, president of the Howard mills, testified that the present rate on wheat is 55 cents per 100 pounds and on flour is 65 cents, and is a discrimination.

Charles A. Black and W. E. Kellner, California millers, testified that they brought large quantities of wheat from Kansas every year and ground it into flour. They asserted that the present differential is not enough.

S. M. Bristow, assistant general freight agent of the Southern Pacific, testified that the rate was fixed according to the rule to charge more for transporting a more valuable product.

The hearing was continued until a date later to be announced.

TEN CANDIDATES FOR SUCCESSOR TO SPOONER.

Madison, Wis., April 18.—A deadlock exists for the seat in the United States senate vacated by John C. Spooner. After several caucuses by the Republican members of the legislature and taking of two formal ballots in joint session, there were no indications of

an election. There are 10 candidates in the race, five of whom lead with about an equal number of votes. Isaac Stephenson, a wealthy lumberman of Marinette, and who has been a staunch supporter of United States Senator Robert M. La Follette, both on state and national issues, in today's joint ballot showed a strength of 19 votes, being tied by Congressman John J. Bach of LaCrosse. Irvine L. Lenroot of Superior, former speaker of the assembly, and also a strong adherent of La Follette, received 18 votes, as did also Congressman H. A. Cooper of Racine. William C. Hutton of New London came next with 15 votes. Emil Baensch of Manitowish, and F. C. Winkler of Milwaukee, both so-called stalwarts, received six and three votes, respectively, with the remaining Republican vote scattered. The 24 Democrats have thus far been voting for George W. Bird of Madison, while the Social Democrats have been supporting Assemblyman J. P. Rummel of Milwaukee.

Several conferences were held with Senator La Follette while he was in Madison at different times lately in the interest of Stephenson, but it appears not enough strength could be mustered to carry out the plan to seat the Marinette man. Friends of Congressman Bach and Congressman Cooper are standing by their candidates without any indication of a break.

While considerable gossip has connected Gov. James O. Davidson's name with the contest, he has as yet received no votes. Talk is heard of Davidson as a compromise candidate.

With the Democratic and Social Democratic votes eliminated, the Republican strength is shown to be 103 votes, thus requiring 52 necessary to elect.

REGIS H. POST INAUGURATED GOVERNOR OF PORTO RICO.

San Juan, P. R., April 18.—Regis H. Post was inaugurated governor of Porto Rico today in succession to Bertram Winthrop, who retired to become assistant secretary of the treasury at Washington.

Chief Justice Quilines of the supreme court of the island administered the oath of office. The members of the supreme court, the executive council and the house of delegates attended in a body. The foreign consuls also were present.

The occasion was brilliant and impressive and the inauguration was more elaborate than any previous induction into office. Mr. Post is the fourth civil governor of Porto Rico since 1899, when Charles H. Allen was inaugurated. He is the one hundred and twenty-fifth man to fill the governorship in the last 400 years.

Mr. Post has been active in the administration and political life of this island since his appointment to the position of auditor in 1902. He subsequently became secretary of Porto Rico and president of the legislative council. His appointment as governor is generally approved. He is the author of no less than 70 laws for the insular government, the most important being the election law, the municipal law and a law establishing a commission to study and take measures to prevent the tropical anemia.

In his inaugural address Gov. Post declared his intention of following the policies of his predecessors. He advocated strongly better transportation facilities from the interior to the coast to relieve the farmers of the present burdens from freight rates. He would strive to keep the judiciary fair and impartial.

ALBERT T. PATRICK.

Life Sentence Compels Him to Give up Law Practice.

New York, April 18.—Albert T. Patrick, the lawyer whose death sentence imposed upon his conviction for the murder of William Marsh Rice, a wealthy realtor, was suspended recently to imprisonment for life, has been compelled to drop his law practice since he was removed from the death house to begin his term as a life convict.

Patrick is learning the building trade and just now is hardening his muscles by carrying timber about the prison yards. His latest legal client in the death house was John Johnson, a convicted life murderer, whose case is now before the United States court. Johnson had about made up his mind that he would have to pay the death penalty in the electric chair when Patrick drew up an appeal to the United States court on behalf of Johnson. Patrick's regret was that he could not appear in court to argue the appeal and an outside lawyer has been called in.

HIGH PRICE FOR PICTURES.

New York, April 18.—High prices were obtained in the second day's sale of the collection of Edward Brandus in the Fifth avenue art gallery last night. Altogether \$193,085 was realized before the sale closed.

The highest prices were obtained for "The Rainstorm" of Corot, which brought \$16,000, and Sir Alma Tadema's "Bacchanalia," for which \$18,000 was paid.

DID SHE MURDER HIM?

Chicago, April 18.—Joseph Smalley, 40 years old, a blind newsman, was killed yesterday by a fall from the third story of the building in which he lives. Mrs. Margaret Smalley is under arrest on a charge of murdering her husband by throwing him from a window.

The woman is said to have been intoxicated at the time and to have been infuriated because her husband was ill and unable to earn money with which she could buy whiskey.

MARCHIONESS INSANE.

Milan, April 18.—The beautiful Marchioness Isola Rambaldi Masella, a member of the illustrious Italian family, suddenly became insane Wednesday and barricaded herself in the family palace. She then dressed herself in her robes of state and set fire to some furniture. When firemen arrived she shot at them with a revolver. There was a protracted siege which ended only when her ammunition was exhausted. The fireman on entering discovered a nephew of the marchioness there. He also was insane. Both are now in the asylum.

No woman's happiness can be complete without children; it is her nature to love and want them as much so as it is to love the beautiful and pure.

The critical ordeal through which the expectant mother must pass, however, is so fraught with dread, pain, suffering and danger, that the very thought of it fills her with apprehension and horror. There is no necessity for the reproduction of life to be either painful or dangerous. The use of Mother's Friend so prepares the system for the coming event that it is safely passed without any danger. This great and wonderful remedy is always applied externally, and has carried thousands of women through the trying crisis without suffering.

Each of these bottles contains a full supply of pills of proven value to all expectant mothers. The Bradford-Regulator Co., Atlanta, Ga.

Woman's Nightmare

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UNION PACIFIC LOSES PEAVY CASE

Commerce Commission Holds Arrangement Between Company and Elevators Illegal.

IN EXCESS OF ACTUAL COST.

Harlan Wrote the Decision, Clements and Lane Filing Dissenting Opinions.

Washington, April 18.—In what is known as the Peavy elevator case the interstate commerce commission today announced its decision against the Union Pacific Railroad company. The commission holds that the arrangement between the Union Pacific and the Peavy elevators was unlawful, as was in excess of the actual cost of the elevation of the grain, and therefore a rebate.

The decision was prepared by Commissioner Harlan and his opinion was concurred in by a majority of the commission. Commissioners Clements and Lane, however, filed dissenting opinions.

The proceeding was entitled "In the matter of allowances to elevators by the Union Pacific Railroad company." It was a subject of investigation by the commission on its own motion prior to June 25, 1904, on which date the commission, on the evidence then before it, decided that there had been no violation of law.

Subsequently, in July, 1905, on petition of certain railroads interested in the grain traffic in the northwest, the case was reopened and much additional testimony was taken. The case was then argued at great extent before the commission, and briefs were filed by counsel representing all parties in interest. Upon this record and the record of the previous proceeding the commission's decision is based. The opinion of Commissioner Harlan is summarized thus:

"Elevation is defined as unloading grain from cars or grain-carrying vessels into a grain elevator and loading it out again after a period of not to exceed 10 days; it does not include treatment or grading, cleaning and clipping of grain; and retention in an elevator beyond 10 days becomes storage and is not a part of the service of elevation as that word is used in the statute.

"The law clearly recognizes elevation as a facility which the carrier may provide, and this authorizes the carrier to grant grain elevation at destination or while the traffic is in transit, subject only to the restriction imposed by the act that elevation, like any other service offered by the carrier to shippers, must be open to all on equal and reasonable terms.

"Since carrier subject to the act to regulate commerce is entitled to provide elevation for grain shipments, such carrier may either construct and operate the elevator itself or furnish elevation by arrangement with an owner of an elevator; and the amount of compensation paid by the carrier to the owner of an elevator for such service is of no concern to shippers or to other carriers unless it operates to affect the rates charged by the carrier upon the grain traffic or by some device a portion of the payment is returned to shippers and thus becomes a rebate.

"An allowance made to a shipper of grain by the carrier for the service under an arrangement with a carrier is a rebate and an unlawful discrimination when it involves a profit over and above the actual cost to such shipper for the service rendered. It is not a rebate when the allowance does not so exceed the actual cost. The arrangement between the Union Pacific Railroad company and the Peavy elevators at Council Bluffs and Kansas City is not in itself unlawful. But the allowance of one and a quarter cents per 100 pounds paid by the railroad company to these elevators, controlled by the Peavy interests, who are large shippers of grain and own practically all the grain going into the elevators, is in excess of the actual cost of the service, and is a rebate, and therefore unlawful.

"The commission orders that the allowance by the Union Pacific Railroad company to the Peavy elevators shall be reduced and shall not exceed three-quarters of a cent per 100 pounds, the order taking effect on June 1, 1907.

Both Commissioners Clements and Lane take issue in their opinions with the opinion of the majority of the commission. Their opinions will be available in a day or two.

CONCEALED WEAPONS.

Law Against it in New York Will be Rigidly Enforced.

New York, April 18.—Influential Italians who feel the stigma placed upon their race in the arrest recently of their countrymen for carrying concealed weapons, are pledged to help to eradicate the evil. Congressman Peter B. Acland says that the legislature will be asked to pass a law making it a felony instead of a misdemeanor to carry a revolver without a permit. This will make the penalty not less than a year's imprisonment. Carrying a concealed dirk is a felony, and it is thought that it should be made to apply to revolvers as well.

An effort will also be made to have the immigration law amended so that it provides for the deportation of foreigners if they are convicted of crime within three years of landing here. Congressman Acland says that the law is now a dead letter and that if opposition is shown to the endeavor to have it revived they will carry the matter into the courts. There is no question, he says, that ex-convicts arrive here in large numbers and that they are a menace to the community.

The police are yet energetically arresting Italians for carrying concealed weapons, and the number of arrests is increasing owing to the accounts which have appeared in Italian and American papers about the severity shown toward offenders.

The courts are increasing the bail and the sentences in such cases and the grand jury is handing down indictments.

INSURANCE ELECTIONS.

It is Alleged That Forgery Was Committed in Them.

New York, April 18.—Abraham Benedict of the law firm of Guggenheim, Untermyer & Marshall, counsel to the international policyholders' committee, called on Acting Dist. Atty. Smyth at the district attorney's office today and laid before Mr. Smyth certain evidence by which it is alleged forgery had been committed in the elections held recently by the Mutual Life Insurance company and the New York Life Insurance company. The district attorney's office, it was stated, will investigate the matter.

EMPLOYEE CONFESSES TO THEFT OF \$10,000.

Wilmington, Del., April 18.—The mystery concerning the disappearance of a package containing \$10,000 in currency in transit by mail from the Atlantic National bank of this city to the Chemical National bank of New York, was cleared up today by the arrest and confession of Edward A. Nelson, an employee of the railway service. Most of the money was found buried under Nelson's house.

KEITH-O'BRIEN

Another Exceptional Saturday -- Every Department Enters Into the Spirit of the Occasion and Contributes Remarkable Reductions

An Elaborate Showing of New Cloth Suits SPECIAL SALE FOR FRIDAY AND SATURDAY.



We have featured several items for this occasion. Prominent among them are man-tailored coat suits in hip length, box coat styles as well as three-quarter length half fitted coat suits in English gray; also mannish mixtures, blouse and eton styles. Specially priced

\$14.75

This is an exceptional value.

Eton jacket suits in black and white checks. Plain colors handsomely tailored. Coat suits, fitted hip length in novelty stripes and mixtures. Plain Panamas are also shown. Special prices for Saturday

\$18.75

At the same special price we are showing cloth jumper styles in tan, blue and the leather shades—\$18.75.

Eton jacket suits, fitted coat suits and handsome novelty jacket suits—all at lowered prices for Saturday. This includes plain colors in tan and the new leather shades . . .

\$27.50

Alterations extra.

Last Saturday's Chocolate Sale was Fully up to Our Expectations. Seldom have we offered a Candy Special that Gave Equal Satisfaction.

Indeed our friends are asking for another big chocolate sale. The quality caught them. Who wouldn't enthrone over 50c chocolates at just half that price. Here is the reason we can offer them at 25 cents: They are machine dipped, otherwise they are the real 50 cent goods. ANY PORTION OF A POUND TO A CUSTOMER AT THE SAME REDUCTION.

Special Values in Popular-Priced Apparel for Boys and Girls.

Mothers are always interested in our Saturday Specials because we give them more than their usual money's worth.

Boys' Blouse Waists.

It is a very pretty blouse, and any boy from 2 1/2 to 16 years can be fitted. They are well made, the materials being heavy ginghams and percales. Laundered and unlaundried, 65c and upward.

The 65 cent ones are unlaundried. They have the soft collar so popular for school wear. Plain blue chambray, ginghams and black satens.

Boys' Suits in Mixtures.

All the new mixtures. Latest styles. Made to wear and hold their shapes. Reinforced and buttons sewed on to stay. There is a good deal of art and common sense required to make good clothes for boys. Boys' suits must be made with a view to style, they must be made to give long service to boys that romp and play. Our suits possess these features. As low as \$3.50; as much more as you want to go.

Boys' Trousers at 50c.

We have had such a nice run on these that another lot is offered Saturday, 6 to 14 years.

New White Dresses.

Lace and embroidery trimmed; low neck and short sleeves, 4 to 14 years, \$2.95 and upward.

Girls' Linen Tailored Suits.

Shown in colors and white. Very handsome. Just the idea for a growing girl, \$4.95 and \$7.00.

Girls' Colored Wash Dresses.

In dimities and ginghams. Embroidery and braid trimmed. These are sure to please mothers, \$2.95 to \$7.50.



Special Saturday Sale of White Goods, Wash Goods, Linens and Domestic.

5,000 yards 22 inch Persian lawn, sheer, imported fabric, 35c grade, for Saturday only 25c grade.

8,000 yards sheer imported dotted Swiss, 25c grade, for 15c grade.

No. 1000 bleached hemmed sheets, size 81-90, 75c grade, for 60c.

10,000 yards Egyptian Batiste 20 inches wide. A beautiful summer fabric, 30c grade, for 15c grade.

5,000 yards Swiss Tissues, 25c value, for 15c-20c grade.

All linen white suitings, 25c grade for 15c grade.

36 inch all linen sheeting, \$1.50 quality for \$1.00 yard.

450 Short Lengths of Table Linen from 1 1/2 to 3 yards long, 59c to \$3.50 each, limit of 2 to a customer.

50 dozen 24 inch bleached Napkins, values up to \$5.00. Choice for \$3.35 dozen.

100 dozen all linen Huck towels, size 16x38, 25c grade, for 25c each.

5,000 yards 36 inch Percale, 10 1/2c grade.

Satin Bed Spreads, hemmed or fringed, cut out corners \$5.00 grade, for \$3.35. Limit of 1 to a customer.

3,000 yards standard Apron Gingham, 5c yard.

DOMESTICS.

On Sale as long as they last Saturday.

5,000 yards Manchester Galatea Cloth, 12 1/2c yard. Limit of 10 yards to a customer.

10,000 yards fancy dress Gingham, 10c grade, for 5c grade.

3,000 yards standard Apron Gingham, 5c yard.

Saturday Shoe Business Big.

It has grown to be a great day.—We intend maintaining that popularity by giving better specials than ever, For Women—For Boys—For Children—For the Babies. Bargains that you cannot afford to miss today.

Women's Oxfords \$3.50.

Fifty styles of pretty snappy stylish Oxfords that are worth \$4.00 and \$5.00; EVERY leather and style made.

Women's Oxfords \$2.95

Twenty styles at this sale price today. Every pair worth \$3.50 to \$4.00.

Women's Strap Slippers \$2.35

About 100 pairs left of these slippers and French heel Oxfords. What nicer for house wear? Worth \$4.00 and \$5.00.

Infants' Shoes and Slippers 95c

A larger assortment than ever for Saturday purchasers—on bargain table.

Misses Shoes \$1.45

Heavy dougla—box calf or Vici Kid—in button, blucher or lace; worth \$1.75. Smaller sizes at equal reductions.

Children's Shoes and Slippers \$1.45

Great assortment of shoes and slippers at this price. Boys' Shoes, sizes 1 to 5 1/2, \$1.95. Boys' Shoes, sizes 8 to 13 1/2, \$1.25.